

By Senator Jones

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1 A bill to be entitled
2 An act relating to licenses to carry concealed weapons
3 or firearms; amending s. 790.06, F.S.; reducing the
4 term and fee of a license to carry a concealed weapon
5 or firearm; specifying that experience with a firearm
6 through military service in the United States Armed
7 Forces meets the requirement of demonstrating
8 competence with a firearm; requiring the retention of
9 fingerprints in specified systems; revising the
10 required notice by the department to licensees before
11 the expiration date of their licenses to include
12 electronic notice; requiring renewing licensees to
13 submit a full set of fingerprints and the personal
14 identifying information required by federal law;
15 requiring a licensee, upon each renewal, to provide
16 proof of completion of a firearms training or safety
17 course or class meeting specified requirements;
18 requiring instructors to maintain certain records;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Subsections (1) and (2), paragraphs (b) and (c)
24 of subsection (5), and subsection (11) of section 790.06,
25 Florida Statutes, are amended to read:

26 790.06 License to carry concealed weapon or firearm.—

27 (1) The Department of Agriculture and Consumer Services is
28 authorized to issue licenses to carry concealed weapons or
29 concealed firearms to persons qualified as provided in this

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30 section. Each such license must bear a color photograph of the
31 licensee. For the purposes of this section, concealed weapons or
32 concealed firearms are defined as a handgun, electronic weapon
33 or device, tear gas gun, knife, or billie, but the term does not
34 include a machine gun as defined in s. 790.001(9). Such licenses
35 shall be valid throughout the state for a period of 5 7 years
36 from the date of issuance. Any person in compliance with the
37 terms of such license may carry a concealed weapon or concealed
38 firearm notwithstanding the provisions of s. 790.01. The
39 licensee must carry the license, together with valid
40 identification, at all times in which the licensee is in actual
41 possession of a concealed weapon or firearm and must display
42 both the license and proper identification upon demand by a law
43 enforcement officer. Violations of the provisions of this
44 subsection shall constitute a noncriminal violation with a
45 penalty of \$25, payable to the clerk of the court.

46 (2) The Department of Agriculture and Consumer Services
47 shall issue a license if the applicant:

48 (a) Is a resident of the United States and a citizen of the
49 United States or a permanent resident alien of the United
50 States, as determined by the United States Bureau of Citizenship
51 and Immigration Services, or is a consular security official of
52 a foreign government that maintains diplomatic relations and
53 treaties of commerce, friendship, and navigation with the United
54 States and is certified as such by the foreign government and by
55 the appropriate embassy in this country;

56 (b) Is 21 years of age or older;

57 (c) Does not suffer from a physical infirmity which
58 prevents the safe handling of a weapon or firearm;

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59 (d) Is not ineligible to possess a firearm pursuant to s.
60 790.23 by virtue of having been convicted of a felony;

61 (e) Has not been:

62 1. Found guilty of a crime under the provisions of chapter
63 893 or similar laws of any other state relating to controlled
64 substances within a 3-year period immediately preceding the date
65 on which the application is submitted; or

66 2. Committed for the abuse of a controlled substance under
67 chapter 397 or under the provisions of former chapter 396 or
68 similar laws of any other state. An applicant who has been
69 granted relief from firearms disabilities pursuant to s.
70 790.065(2)(a)4.d. or pursuant to the law of the state in which
71 the commitment occurred is deemed not to be committed for the
72 abuse of a controlled substance under this subparagraph;

73 (f) Does not chronically and habitually use alcoholic
74 beverages or other substances to the extent that his or her
75 normal faculties are impaired. It shall be presumed that an
76 applicant chronically and habitually uses alcoholic beverages or
77 other substances to the extent that his or her normal faculties
78 are impaired if the applicant has been convicted under s.
79 790.151 or has been deemed a habitual offender under s.
80 856.011(3), or has had two or more convictions under s. 316.193
81 or similar laws of any other state, within the 3-year period
82 immediately preceding the date on which the application is
83 submitted;

84 (g) Desires a legal means to carry a concealed weapon or
85 firearm for lawful self-defense;

86 (h) Demonstrates competence with a firearm by any one of
87 the following:

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88 1. Completion of any hunter education or hunter safety
89 course approved by the Fish and Wildlife Conservation Commission
90 or a similar agency of another state;

91 2. Completion of any National Rifle Association firearms
92 safety or training course;

93 3. Completion of any firearms safety or training course or
94 class available to the general public offered by a law
95 enforcement agency, junior college, college, or private or
96 public institution or organization or firearms training school,
97 using instructors certified by the National Rifle Association,
98 Criminal Justice Standards and Training Commission, or the
99 Department of Agriculture and Consumer Services;

100 4. Completion of any law enforcement firearms safety or
101 training course or class offered for security guards,
102 investigators, special deputies, or any division or subdivision
103 of a law enforcement agency or security enforcement;

104 5. Presents evidence of equivalent experience with a
105 firearm through participation in organized shooting competition
106 or military service in the United States Armed Forces;

107 6. Is licensed or has been licensed to carry a firearm in
108 this state or a county or municipality of this state, unless
109 such license has been revoked for cause; or

110 7. Completion of any firearms training or safety course or
111 class conducted by a state-certified or National Rifle
112 Association certified firearms instructor;

113
114 A photocopy of a certificate of completion of any of the courses
115 or classes; an affidavit from the instructor, school, club,
116 organization, or group that conducted or taught such course or

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117 class attesting to the completion of the course or class by the
118 applicant; or a copy of any document that shows completion of
119 the course or class or evidences participation in firearms
120 competition shall constitute evidence of qualification under
121 this paragraph. A person who conducts a course pursuant to
122 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
123 an instructor, attests to the completion of such courses, must
124 maintain records certifying that he or she observed the student
125 safely handle and discharge the firearm in his or her physical
126 presence and that the discharge of the firearm included live
127 fire using a firearm and ammunition as defined in s. 790.001;

128 (i) Has not been adjudicated an incapacitated person under
129 s. 744.331, or similar laws of any other state. An applicant who
130 has been granted relief from firearms disabilities pursuant to
131 s. 790.065(2)(a)4.d. or pursuant to the law of the state in
132 which the adjudication occurred is deemed not to have been
133 adjudicated an incapacitated person under this paragraph;

134 (j) Has not been committed to a mental institution under
135 chapter 394, or similar laws of any other state. An applicant
136 who has been granted relief from firearms disabilities pursuant
137 to s. 790.065(2)(a)4.d. or pursuant to the law of the state in
138 which the commitment occurred is deemed not to have been
139 committed in a mental institution under this paragraph;

140 (k) Has not had adjudication of guilt withheld or
141 imposition of sentence suspended on any felony unless 3 years
142 have elapsed since probation or any other conditions set by the
143 court have been fulfilled, or expunction has occurred;

144 (l) Has not had adjudication of guilt withheld or
145 imposition of sentence suspended on any misdemeanor crime of

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146 domestic violence unless 3 years have elapsed since probation or
147 any other conditions set by the court have been fulfilled, or
148 the record has been expunged;

149 (m) Has not been issued an injunction that is currently in
150 force and effect and that restrains the applicant from
151 committing acts of domestic violence or acts of repeat violence;
152 and

153 (n) Is not prohibited from purchasing or possessing a
154 firearm by any other provision of Florida or federal law.

155 (5) The applicant shall submit to the Department of
156 Agriculture and Consumer Services or an approved tax collector
157 pursuant to s. 790.0625:

158 (b) A nonrefundable license fee of up to \$40 ~~\$55~~ if he or
159 she has not previously been issued a statewide license or of up
160 to \$35 ~~\$45~~ for renewal of a statewide license. The cost of
161 processing fingerprints as required in paragraph (c) shall be
162 borne by the applicant. However, an individual holding an active
163 certification from the Criminal Justice Standards and Training
164 Commission as a law enforcement officer, correctional officer,
165 or correctional probation officer as defined in s. 943.10(1),
166 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
167 requirements of this section. If such individual wishes to
168 receive a concealed weapon or firearm license, he or she is
169 exempt from the background investigation and all background
170 investigation fees but must pay the current license fees
171 regularly required to be paid by nonexempt applicants. Further,
172 a law enforcement officer, a correctional officer, or a
173 correctional probation officer as defined in s. 943.10(1), (2),
174 or (3) is exempt from the required fees and background

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175 investigation for 1 year after his or her retirement.

176 (c) A full set of fingerprints of the applicant
177 administered by a law enforcement agency or the Division of
178 Licensing of the Department of Agriculture and Consumer Services
179 or an approved tax collector pursuant to s. 790.0625 together
180 with any personal identifying information required by federal
181 law to process fingerprints. Fingerprints must be retained by
182 the statewide automated biometric identification system under s.
183 943.05(2)(b) and by the federal fingerprint retention system
184 under s. 943.05(4) once the program is in effect. Charges for
185 fingerprint services under this paragraph are not subject to the
186 sales tax on fingerprint services imposed in s. 212.05(1)(i).

187 (11)(a) At least 90 days before the expiration date of the
188 license, the Department of Agriculture and Consumer Services
189 shall provide mail to each licensee ~~a written~~ notice of the
190 expiration electronically or in writing and the appropriate a
191 renewal form prescribed by the department of Agriculture and
192 Consumer Services. The licensee must renew his or her license on
193 or before the expiration date by submitting to filing with the
194 ~~department of Agriculture and Consumer Services~~ the renewal form
195 containing an affidavit submitted under oath and under penalty
196 of perjury stating that the licensee remains qualified pursuant
197 to the criteria specified in subsections (2) and (3), a color
198 photograph as specified in paragraph (5)(e), a complete set of
199 fingerprints, and the required renewal fee. A renewing licensee
200 whose fingerprints are not currently retained in the statewide
201 automated biometric identification system under s. 943.05(2)(b)
202 must submit a full set of fingerprints administered by a law
203 enforcement agency or the Division of Licensing of the

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204 Department of Agriculture and Consumer Services or an approved
205 tax collector pursuant to s. 790.0625, together with any
206 personal identifying information required by federal law ~~Out-of-~~
207 ~~state residents must also submit a complete set of fingerprints~~
208 ~~and fingerprint processing fee.~~ The license shall be renewed
209 upon receipt of the completed renewal form, color photograph,
210 fingerprints, and appropriate payment of fees, and, if
211 ~~applicable, fingerprints.~~ Additionally, a licensee who fails to
212 file a renewal application on or before its expiration date must
213 renew his or her license by paying a late fee of \$15. A license
214 may not be renewed 180 days or more after its expiration date,
215 and such a license is deemed to be permanently expired. A person
216 whose license has been permanently expired may reapply for
217 licensure; however, an application for licensure and fees under
218 subsection (5) must be submitted, and a background investigation
219 shall be conducted pursuant to this section. A person who
220 knowingly files false information under this subsection is
221 subject to criminal prosecution under s. 837.06.

222 (b)1. Upon each renewal, a licensee must provide proof of
223 completion of a firearms training or safety course or class at
224 least 8 hours in length taught by a state, county, or municipal
225 law enforcement agency or a nationally recognized organization
226 that promotes gun safety. Completion of the training, course, or
227 class must occur during the 6 months immediately before the
228 license expiration date and must include:

229 a. Information on the statutory and case law of this state
230 relating to handguns and to the use of deadly force.

231 b. Information on handgun use and safety.

232 c. Information on the proper storage practices for handguns

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233 with an emphasis on storage practices that reduce the
234 possibility of accidental injury to a child.

235 d. The actual firing of the handgun with ammunition, as
236 defined in s. 790.001(19), by the licensee in the presence of
237 the instructor.

238 2. A photocopy of a certificate of completion with an
239 affidavit from the instructor who conducted or taught such
240 course or class attesting to the completion by the renewing
241 licensee and the length of the course or class shall constitute
242 evidence of qualification under this paragraph.

243
244 An instructor who conducts a course or class and attests to its
245 completion must maintain records certifying that all the
246 requirements for hours and training components in this paragraph
247 were met and that the instructor observed the licensee safely
248 handle and discharge the firearm in the instructor's physical
249 presence and that the discharge of the firearm included live
250 fire using a handgun and ammunition as defined in s.
251 790.001(19).

252 (c) ~~(b)~~ A license issued to a servicemember, as defined in
253 s. 250.01, is subject to paragraph (a); however, such a license
254 does not expire while the servicemember is serving on military
255 orders that have taken him or her over 35 miles from his or her
256 residence and shall be extended, as provided in this paragraph,
257 for up to 180 days after his or her return to such residence. If
258 the license renewal requirements in paragraph (a) are met within
259 the 180-day extension period, the servicemember may not be
260 charged any additional costs, such as, but not limited to, late
261 fees or delinquency fees, above the normal license fees. The

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262 servicemember must present to the Department of Agriculture and
263 Consumer Services a copy of his or her official military orders
264 or a written verification from the member's commanding officer
265 before the end of the 180-day period in order to qualify for the
266 extension.

267 Section 2. This act shall take effect January 1, 2022.