

By Senator Rodrigues

27-01690-21

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1 A bill to be entitled
2 An act relating to issuance of licenses to carry
3 concealed weapons or firearms; amending s. 790.06,
4 F.S.; requiring the Department of Agriculture and
5 Consumer Services to continually maintain an online
6 application process for the issuance of licenses;
7 prohibiting the department from arbitrarily or
8 subjectively restricting access to the online
9 application process; providing for an award of
10 reasonable costs and attorney fees in successful
11 actions against the department to enforce specified
12 provisions; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (15) of section 790.06, Florida
17 Statutes, is amended to read:

18 790.06 License to carry concealed weapon or firearm.—

19 (15) (a) The Legislature finds as a matter of public policy
20 and fact that it is necessary to provide statewide uniform
21 standards for issuing licenses to carry concealed weapons and
22 firearms for self-defense and finds it necessary to occupy the
23 field of regulation of the bearing of concealed weapons or
24 firearms for self-defense to ensure that no honest, law-abiding
25 person who qualifies under the provisions of this section is
26 subjectively or arbitrarily denied his or her rights.

27 (b) The Department of Agriculture and Consumer Services
28 shall implement and administer ~~the provisions of~~ this section.
29 The Department of Agriculture and Consumer Services must

27-01690-21

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30 continually maintain an online application process for the
31 issuance of licenses provided for in this section and may not
32 arbitrarily or subjectively restrict access to the online
33 application process. The Legislature does not delegate to the
34 Department of Agriculture and Consumer Services the authority to
35 regulate or restrict the issuing of licenses provided for in
36 this section, beyond those provisions contained in this section.
37 Subjective or arbitrary actions or rules which encumber the
38 issuing process by placing burdens on the applicant beyond those
39 sworn statements and specified documents detailed in this
40 section or which create restrictions beyond those specified in
41 this section are in conflict with the intent of this section and
42 are prohibited.

43 (c) In a civil action to enforce any provision of this
44 subsection, upon a finding of a violation by the Department of
45 Agriculture and Consumer Services, the court shall award the
46 prevailing party reasonable attorney fees and costs in addition
47 to any other relief.

48 (d) This section shall be liberally construed to carry out
49 the constitutional right to bear arms for self-defense. This
50 section is supplemental and additional to existing rights to
51 bear arms, and nothing in this section shall impair or diminish
52 such rights.

53 Section 2. This act shall take effect July 1, 2021.