**SB 234 – 43rd UCF Senate GAC Research Document**

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**Summary:** Amends s. 790.06 FS to allow a person with a valid concealed weapons license to *openly* carry a firearm in locations where they now must keep them concealed. The most relevant part of the bill from a university standpoint is summarized on lines 8-13: “*limiting a prohibition on carrying a concealed weapon or firearm into an elementary or secondary school facility, career center, or college or university facility to include only a public elementary or secondary school facility or administration building*”. Also seeks to repeal s. 790.28 FS and amend s. 790.065 FS with the intent of allowing Floridians to purchase firearms from any state under the condition that they submit to a National Instant Criminal Background Check System check.

**Amendments to Previous Legislation:**

(CODING: Words ~~stricken~~ are deletions; words underlined are additions. All text in the Courier New font are passages from the legislation.)

* Section 1. Subsection (1), paragraph (c) of subsection (5),

and subsection (12) of section 790.06, of Florida Statutes.

* *40 …Any person in compliance with the terms of*

*41 such license may carry a concealed weapon or concealed firearm*

*42 notwithstanding ~~the provisions of~~ s. 790.01 or may carry openly*

*43 notwithstanding s. 790.053…*

These lines amend Florida Statutes to allow individuals with concealed weapons licenses to also carry their weapons openly.

* *47 …A*

*48 violation ~~Violations of the provisions~~ of this subsection shall*

*49 constitute a noncriminal violation with a penalty of $25,*

*50 payable to the clerk of the court.*

Simple grammatical change to match the change made on line 42.

* *53 (c) A full set of fingerprints of the applicant*

*54 administered by a law enforcement agency or the Division of*

*55 Licensing of the Department of Agriculture and Consumer*

*56 Services.*

These lines allow the Division of Licensing of the Department of Agriculture and Consumer Services to take fingerprints as well as local law enforcement offices. Apparently there was a period after President Obama’s election in which the skyrocketing rates of people seeking concealed weapons licenses caused the Department of Agriculture to take fingerprint records themselves, outside of the powers allotted in law. This bill seeks to grant the DoA this ability.

73 10. Any public elementary or secondary school facility or

74 administration building;

75 11. Any portion of an establishment licensed to dispense

76 alcoholic beverages for consumption on the premises, which

77 portion of the establishment is primarily devoted to such

78 purpose; ~~any elementary or secondary school facility; any career~~

79 ~~center; any college or university facility unless the licensee~~

80 ~~is a registered student, employee, or faculty member of such~~

81 ~~college or university and the weapon is a stun gun or nonlethal~~

82 ~~electric weapon or device designed solely for defensive purposes~~

83 ~~and the weapon does not fire a dart or projectile;~~

This is the most relevant part of the bill from the UCF GAC standpoint. The change on line 73 to stipulate *public elementary or secondary* schools ensure that this bill will maintain restrictions on firearms in secondary schools already present within s. 790.06 FS (see lines 57-59 of s. 790.06 FS, within Appendix B of this document, for context pertaining to this section). The removal of the clauses stipulating that only non-lethal weapons could be covered under a concealed carry license within a career center or college/university would allow certain individuals with proper permits to carry firearms regardless of their affiliation to these institutions.

It should be noted that this change is not superseding a federal law. The discussion brought up in the GAC meeting while previously discussing this law appears to reference [Title 18 U.S.C §922](http://codes.lp.findlaw.com/uscode/18/I/44/922) in which Title 18 U.S.C. §921(25) defines the term “school zone” to mean— (A) in, or on the grounds of, a public, parochial or private school; or (B) within a distance of 1,000 feet from the grounds of a public, parochial or private school. (26) The term “school” means a school which provides elementary or secondary education, as determined under State law. Thus the bill’s specific mentioning of excluding elementary and secondary schools.

91 (b) A person licensed under this section shall not be

92 prohibited from carrying or storing a firearm in a vehicle for

93 lawful purposes.

94 (c) Any person who knowingly and willfully violates any

95 provision of this subsection commits a misdemeanor of the second

96 degree, punishable as provided in s. 775.082 or s. 775.083.

Regardless of whether lines 78-83 would make it through the amending process, lines 91-93 would allow individuals with a concealed carry license to store firearms in their vehicles and should also be considered in any response to this legislation. There is also a question as to whether the addition of “knowingly” to line 94 would hinder the enforcement of violations to s 790.06 FS.

97 Section 2. Section 790.28, Florida Statutes, is repealed.

Removes the following from Chapter 790 of Title XLVI: [790.28](http://www.flsenate.gov/Laws/Statutes/2010/790.28) Purchase of rifles and shotguns in contiguous states.—A resident of this state may purchase a rifle or shotgun in any state contiguous to this state if he or she conforms to applicable laws and regulations of the United States, of the state where the purchase is made, and of this state.

This change is made to comply with the following amendment to s. 790.06 FS:

151 (b) However, if the person purchasing, or receiving

152 delivery of, the firearm is a holder of a valid concealed

153 weapons or firearms license pursuant to the provisions of s.

154 790.06 or holds an active certification from the Criminal

155 Justice Standards and Training Commission as a “law enforcement

156 officer,” a “correctional officer,” or a “correctional probation

157 officer” as defined in s. 943.10(1), (2), (3), (6), (7), (8), or

158 (9), ~~the provisions of~~ this subsection does ~~do~~ not apply.

159 (c) This section does not apply to the purchase, trade, or

160 transfer of firearms by a resident of this state when the

161 resident makes such purchase, trade, or transfer in another

162 state, in which case the laws and regulations of that state and

163 the United States governing the purchase, trade, or transfer of

164 firearms shall apply. A National Instant Criminal Background

165 Check System check shall be performed prior to such purchase,

166 trade, or transfer of firearms by a resident of this state.

Essentially this would make it so that rifles and shotguns will no longer need to purchase said firearm within Florida or in a state contiguous, and in the latter case, will no longer need to abide by Florida regulations as well as that of the state in question and the United States federal government. Also requires a National Instant Background Check System check to purchase trade or transfer firearms to another state by a Floridian.

**GAC Chair’s Suggested Response:** I suggest that the senate pass a resolution specifically rejecting the alteration of s. 790.06 FS lines 78-83 and lines 91-93. The rest of the bill pertains to obtaining a permit or purchasing firearms and neither provision significantly affects students at Florida universities. The main thing to note is that what they are attempting to do is not, as previously thought in this committee, superseding a federal law. Also given its very low bill number, we should introduce a resolution against this bill as soon as possible.

**Appendix A – Text of Yet Unnamed SB 234:**

**Florida Senate** - **2011** **SB 234**

**By** Senator Evers

2-00372-11 2011234\_\_

1 A bill to be entitled

2 An act relating to firearms; amending s. 790.06, F.S.;

3 providing that a person in compliance with the terms

4 of a concealed carry license may carry openly

5 notwithstanding specified provisions; allowing the

6 Division of Licensing of the Department of Agriculture

7 and Consumer Services to take fingerprints from

8 concealed carry license applicants; limiting a

9 prohibition on carrying a concealed weapon or firearm

10 into an elementary or secondary school facility,

11 career center, or college or university facility to

12 include only a public elementary or secondary school

13 facility or administration building; providing that

14 concealed carry licensees shall not be prohibited from

15 carrying or storing a firearm in a vehicle for lawful

16 purposes; repealing s. 790.28, F.S., relating to the

17 purchase of rifles and shotguns in contiguous states;

18 amending s. 790.065, F.S.; providing that specified

19 provisions do not apply to certain firearms

20 transactions by a resident of this state which take

21 place in another state; providing applicable law;

22 requiring a specified background check for such

23 transactions; providing an effective date.

24

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

26

27 Section 1. Subsection (1), paragraph (c) of subsection (5),

28 and subsection (12) of section 790.06, Florida Statutes, are

29 amended to read:

30 790.06 License to carry concealed weapon or firearm.—

31 (1) The Department of Agriculture and Consumer Services is

32 authorized to issue licenses to carry concealed weapons or

33 concealed firearms to persons qualified as provided in this

34 section. Each such license must bear a color photograph of the

35 licensee. For the purposes of this section, concealed weapons or

36 concealed firearms are defined as a handgun, electronic weapon

37 or device, tear gas gun, knife, or billie, but the term does not

38 include a machine gun as defined in s. 790.001(9). Such licenses

39 shall be valid throughout the state for a period of 7 years from

40 the date of issuance. Any person in compliance with the terms of

41 such license may carry a concealed weapon or concealed firearm

42 notwithstanding ~~the provisions of~~ s. 790.01 or may carry openly

43 notwithstanding s. 790.053. The licensee must carry the license,

44 together with valid identification, at all times in which the

45 licensee is in actual possession of a concealed weapon or

46 firearm and must display both the license and proper

47 identification upon demand by a law enforcement officer. A

48 violation ~~Violations of the provisions~~ of this subsection shall

49 constitute a noncriminal violation with a penalty of $25,

50 payable to the clerk of the court.

51 (5) The applicant shall submit to the Department of

52 Agriculture and Consumer Services:

53 (c) A full set of fingerprints of the applicant

54 administered by a law enforcement agency or the Division of

55 Licensing of the Department of Agriculture and Consumer

56 Services.

57 (12)(a) A ~~No~~ license issued under ~~pursuant to~~ this section

58 does not ~~shall~~ authorize any person to carry a concealed weapon

59 or firearm into:

60 1. Any place of nuisance as defined in s. 823.05;

61 2. Any police, sheriff, or highway patrol station;

62 3. Any detention facility, prison, or jail;

63 4. Any courthouse;

64 5. Any courtroom, except that nothing in this section would

65 preclude a judge from carrying a concealed weapon or determining

66 who will carry a concealed weapon in his or her courtroom;

67 6. Any polling place;

68 7. Any meeting of the governing body of a county, public

69 school district, municipality, or special district;

70 8. Any meeting of the Legislature or a committee thereof;

71 9. Any school, college, or professional athletic event not

72 related to firearms;

73 10. Any public elementary or secondary school facility or

74 administration building;

75 11. Any portion of an establishment licensed to dispense

76 alcoholic beverages for consumption on the premises, which

77 portion of the establishment is primarily devoted to such

78 purpose; ~~any elementary or secondary school facility; any career~~

79 ~~center; any college or university facility unless the licensee~~

80 ~~is a registered student, employee, or faculty member of such~~

81 ~~college or university and the weapon is a stun gun or nonlethal~~

82 ~~electric weapon or device designed solely for defensive purposes~~

83 ~~and the weapon does not fire a dart or projectile;~~

84 12. The inside of the passenger terminal and sterile area

85 of any airport, provided that no person shall be prohibited from

86 carrying any legal firearm into the terminal, which firearm is

87 encased for shipment for purposes of checking such firearm as

88 baggage to be lawfully transported on any aircraft; or

89 13. Any place where the carrying of firearms is prohibited

90 by federal law.

91 (b) A person licensed under this section shall not be

92 prohibited from carrying or storing a firearm in a vehicle for

93 lawful purposes.

94 (c) Any person who knowingly and willfully violates any

95 provision of this subsection commits a misdemeanor of the second

96 degree, punishable as provided in s. 775.082 or s. 775.083.

97 Section 2. Section 790.28, Florida Statutes, is repealed.

98 Section 3. Subsection (1) of section 790.065, Florida

99 Statutes, is amended to read:

100 790.065 Sale and delivery of firearms.—

101 (1)(a) A licensed importer, licensed manufacturer, or

102 licensed dealer may not sell or deliver from her or his

103 inventory at her or his licensed premises any firearm to another

104 person, other than a licensed importer, licensed manufacturer,

105 licensed dealer, or licensed collector, until she or he has:

106 1.~~(a)~~ Obtained a completed form from the potential buyer or

107 transferee, which form shall have been promulgated by the

108 Department of Law Enforcement and provided by the licensed

109 importer, licensed manufacturer, or licensed dealer, which shall

110 include the name, date of birth, gender, race, and social

111 security number or other identification number of such potential

112 buyer or transferee and has inspected proper identification

113 including an identification containing a photograph of the

114 potential buyer or transferee.

115 2.~~(b)~~ Collected a fee from the potential buyer for

116 processing the criminal history check of the potential buyer.

117 The fee shall be established by the Department of Law

118 Enforcement and may not exceed $8 per transaction. The

119 Department of Law Enforcement may reduce, or suspend collection

120 of, the fee to reflect payment received from the Federal

121 Government applied to the cost of maintaining the criminal

122 history check system established by this section as a means of

123 facilitating or supplementing the National Instant Criminal

124 Background Check System. The Department of Law Enforcement

125 shall, by rule, establish procedures for the fees to be

126 transmitted by the licensee to the Department of Law

127 Enforcement. All such fees shall be deposited into the

128 Department of Law Enforcement Operating Trust Fund, but shall be

129 segregated from all other funds deposited into such trust fund

130 and must be accounted for separately. Such segregated funds must

131 not be used for any purpose other than the operation of the

132 criminal history checks required by this section. The Department

133 of Law Enforcement, each year prior to February 1, shall make a

134 full accounting of all receipts and expenditures of such funds

135 to the President of the Senate, the Speaker of the House of

136 Representatives, the majority and minority leaders of each house

137 of the Legislature, and the chairs of the appropriations

138 committees of each house of the Legislature. In the event that

139 the cumulative amount of funds collected exceeds the cumulative

140 amount of expenditures by more than $2.5 million, excess funds

141 may be used for the purpose of purchasing soft body armor for

142 law enforcement officers.

143 3.~~(c)~~ Requested, by means of a toll-free telephone call,

144 the Department of Law Enforcement to conduct a check of the

145 information as reported and reflected in the Florida Crime

146 Information Center and National Crime Information Center systems

147 as of the date of the request.

148 4.~~(d)~~ Received a unique approval number for that inquiry

149 from the Department of Law Enforcement, and recorded the date

150 and such number on the consent form.

151 (b) However, if the person purchasing, or receiving

152 delivery of, the firearm is a holder of a valid concealed

153 weapons or firearms license pursuant to the provisions of s.

154 790.06 or holds an active certification from the Criminal

155 Justice Standards and Training Commission as a “law enforcement

156 officer,” a “correctional officer,” or a “correctional probation

157 officer” as defined in s. 943.10(1), (2), (3), (6), (7), (8), or

158 (9), ~~the provisions of~~ this subsection does ~~do~~ not apply.

159 (c) This section does not apply to the purchase, trade, or

160 transfer of firearms by a resident of this state when the

161 resident makes such purchase, trade, or transfer in another

162 state, in which case the laws and regulations of that state and

163 the United States governing the purchase, trade, or transfer of

164 firearms shall apply. A National Instant Criminal Background

165 Check System check shall be performed prior to such purchase,

166 trade, or transfer of firearms by a resident of this state.

167 Section 4. This act shall take effect July 1, 2011.

**Appendix B – Title XLVI – s. 790.06 FS**

[790.06](http://www.flsenate.gov/Laws/Statutes/2010/790.06) License to carry concealed weapon or firearm.—

(1) The Department of Agriculture and Consumer Services is authorized to issue licenses to carry concealed weapons or concealed firearms to persons qualified as provided in this section. Each such license must bear a color photograph of the licensee. For the purposes of this section, concealed weapons or concealed firearms are defined as a handgun, electronic weapon or device, tear gas gun, knife, or billie, but the term does not include a machine gun as defined in s. [790.001](http://www.flsenate.gov/Laws/Statutes/2010/790.001)(9). Such licenses shall be valid throughout the state for a period of 7 years from the date of issuance. Any person in compliance with the terms of such license may carry a concealed weapon or concealed firearm notwithstanding the provisions of s.[790.01](http://www.flsenate.gov/Laws/Statutes/2010/790.01). The licensee must carry the license, together with valid identification, at all times in which the licensee is in actual possession of a concealed weapon or firearm and must display both the license and proper identification upon demand by a law enforcement officer. Violations of the provisions of this subsection shall constitute a noncriminal violation with a penalty of $25, payable to the clerk of the court.

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

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

(b) Is 21 years of age or older;

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

(d) Is not ineligible to possess a firearm pursuant to s. [790.23](http://www.flsenate.gov/Laws/Statutes/2010/790.23) by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under chapter 397 or under the provisions of former chapter 396 or has been convicted under s. [790.151](http://www.flsenate.gov/Laws/Statutes/2010/790.151) or has been deemed a habitual offender under s. [856.011](http://www.flsenate.gov/Laws/Statutes/2010/856.011)(3), or has had two or more convictions under s. [316.193](http://www.flsenate.gov/Laws/Statutes/2010/316.193) or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

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

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

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

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

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

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

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

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

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

A photocopy of a certificate of completion of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph; any person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm;

(i) Has not been adjudicated an incapacitated person under s. [744.331](http://www.flsenate.gov/Laws/Statutes/2010/744.331), or similar laws of any other state, unless 5 years have elapsed since the applicant’s restoration to capacity by court order;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;

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

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

(3) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case. The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.

(4) The application shall be completed, under oath, on a form promulgated by the Department of Agriculture and Consumer Services and shall include:

(a) The name, address, place and date of birth, race, and occupation of the applicant;

(b) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3);

(c) A statement that the applicant has been furnished a copy of this chapter and is knowledgeable of its provisions;

(d) A conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under s. [837.06](http://www.flsenate.gov/Laws/Statutes/2010/837.06); and

(e) A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense.

(5) The applicant shall submit to the Department of Agriculture and Consumer Services:

(a) A completed application as described in subsection (4).

(b) A nonrefundable license fee not to exceed $85, if he or she has not previously been issued a statewide license, or a nonrefundable license fee not to exceed $70 for renewal of a statewide license. Costs for processing the set of fingerprints as required in paragraph (c) shall be borne by the applicant. However, an individual holding an active certification from the Criminal Justice Standards and Training Commission as a “law enforcement officer,” “correctional officer,” or “correctional probation officer” as defined in s. [943.10](http://www.flsenate.gov/Laws/Statutes/2010/943.10)(1), (2), (3), (6), (7), (8), or (9) is exempt from the licensing requirements of this section. If any individual holding an active certification from the Criminal Justice Standards and Training Commission as a “law enforcement officer,” a “correctional officer,” or a “correctional probation officer” as defined in s. [943.10](http://www.flsenate.gov/Laws/Statutes/2010/943.10)(1), (2), (3), (6), (7), (8), or (9) wishes to receive a concealed weapons or firearms license, such person is exempt from the background investigation and all background investigation fees, but shall pay the current license fees regularly required to be paid by nonexempt applicants. Further, a law enforcement officer, a correctional officer, or a correctional probation officer as defined in s. [943.10](http://www.flsenate.gov/Laws/Statutes/2010/943.10)(1), (2), or (3) is exempt from the required fees and background investigation for a period of 1 year subsequent to the date of retirement of said officer as a law enforcement officer, a correctional officer, or a correctional probation officer.

(c) A full set of fingerprints of the applicant administered by a law enforcement agency.

(d) A photocopy of a certificate or an affidavit or document as described in paragraph (2)(h).

(e) A full frontal view color photograph of the applicant taken within the preceding 30 days, in which the head, including hair, measures 7/8 of an inch wide and 11/8 inches high.

(6)(a) The Department of Agriculture and Consumer Services, upon receipt of the items listed in subsection (5), shall forward the full set of fingerprints of the applicant to the Department of Law Enforcement for state and federal processing, provided the federal service is available, to be processed for any criminal justice information as defined in s. [943.045](http://www.flsenate.gov/Laws/Statutes/2010/943.045). The cost of processing such fingerprints shall be payable to the Department of Law Enforcement by the Department of Agriculture and Consumer Services.

(b) The sheriff’s office shall provide fingerprinting service if requested by the applicant and may charge a fee not to exceed $5 for this service.

(c) The Department of Agriculture and Consumer Services shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or

2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of Agriculture and Consumer Services denies the application, it shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to a hearing pursuant to chapter 120.

3. In the event the department receives criminal history information with no final disposition on a crime which may disqualify the applicant, the time limitation prescribed by this paragraph may be suspended until receipt of the final disposition or proof of restoration of civil and firearm rights.

(d) In the event a legible set of fingerprints, as determined by the Department of Agriculture and Consumer Services or the Federal Bureau of Investigation, cannot be obtained after two attempts, the Department of Agriculture and Consumer Services shall determine eligibility based upon the name checks conducted by the Florida Department of Law Enforcement.

(e) A consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country must be issued a license within 20 days after the date of the receipt of a completed application, certification document, color photograph as specified in paragraph (5)(e), and a nonrefundable license fee of $300. Consular security official licenses shall be valid for 1 year and may be renewed upon completion of the application process as provided in this section.

(7) The Department of Agriculture and Consumer Services shall maintain an automated listing of licenseholders and pertinent information, and such information shall be available online, upon request, at all times to all law enforcement agencies through the Florida Crime Information Center.

(8) Within 30 days after the changing of a permanent address, or within 30 days after having a license lost or destroyed, the licensee shall notify the Department of Agriculture and Consumer Services of such change. Failure to notify the Department of Agriculture and Consumer Services pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of $25.

(9) In the event that a concealed weapon or firearm license is lost or destroyed, the license shall be automatically invalid, and the person to whom the same was issued may, upon payment of $15 to the Department of Agriculture and Consumer Services, obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the Department of Agriculture and Consumer Services that such license has been lost or destroyed.

(10) A license issued under this section shall be suspended or revoked pursuant to chapter 120 if the licensee:

(a) Is found to be ineligible under the criteria set forth in subsection (2);

(b) Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. [790.23](http://www.flsenate.gov/Laws/Statutes/2010/790.23);

(d) Is found guilty of a crime under the provisions of chapter 893, or similar laws of any other state, relating to controlled substances;

(e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. [856.011](http://www.flsenate.gov/Laws/Statutes/2010/856.011)(3), or similar laws of any other state;

(f) Is convicted of a second violation of s. [316.193](http://www.flsenate.gov/Laws/Statutes/2010/316.193), or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. [744.331](http://www.flsenate.gov/Laws/Statutes/2010/744.331), or similar laws of any other state; or

(h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

(11)(a) No less than 90 days before the expiration date of the license, the Department of Agriculture and Consumer Services shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Department of Agriculture and Consumer Services. The licensee must renew his or her license on or before the expiration date by filing with the Department of Agriculture and Consumer Services the renewal form containing a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3), a color photograph as specified in paragraph (5)(e), and the required renewal fee. Out-of-state residents must also submit a completed fingerprint card and fingerprint processing fee. The license shall be renewed upon receipt of the completed renewal form, color photograph, appropriate payment of fees, and, if applicable, a completed fingerprint card. Additionally, a licensee who fails to file a renewal application on or before its expiration date must renew his or her license by paying a late fee of $15. A license may not be renewed 180 days or more after its expiration date, and such a license is deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees under subsection (5) must be submitted, and a background investigation shall be conducted pursuant to this section. A person who knowingly files false information under this subsection is subject to criminal prosecution under s. [837.06](http://www.flsenate.gov/Laws/Statutes/2010/837.06).

(b) A license issued to a servicemember, as defined in s. [250.01](http://www.flsenate.gov/Laws/Statutes/2010/250.01), is subject to paragraph (a); however, such a license does not expire while the servicemember is serving on military orders that have taken him or her over 35 miles from his or her residence and shall be extended, as provided in this paragraph, for up to 180 days after his or her return to such residence. If the license renewal requirements in paragraph (a) are met within the 180-day extension period, the servicemember may not be charged any additional costs, such as, but not limited to, late fees or delinquency fees, above the normal license fees. The servicemember must present to the Department of Agriculture and Consumer Services a copy of his or her official military orders or a written verification from the member’s commanding officer before the end of the 180-day period in order to qualify for the extension.

(12) No license issued pursuant to this section shall authorize any person to carry a concealed weapon or firearm into any place of nuisance as defined in s. [823.05](http://www.flsenate.gov/Laws/Statutes/2010/823.05); any police, sheriff, or highway patrol station; any detention facility, prison, or jail; any courthouse; any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom; any polling place; any meeting of the governing body of a county, public school district, municipality, or special district; any meeting of the Legislature or a committee thereof; any school, college, or professional athletic event not related to firearms; any school administration building; any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose; any elementary or secondary school facility; any career center; any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile; inside the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or any place where the carrying of firearms is prohibited by federal law. Any person who willfully violates any provision of this subsection commits a misdemeanor of the second degree, punishable as provided in s. [775.082](http://www.flsenate.gov/Laws/Statutes/2010/775.082) or s. [775.083](http://www.flsenate.gov/Laws/Statutes/2010/775.083).

(13) All moneys collected by the department pursuant to this section shall be deposited in the Division of Licensing Trust Fund, and the Legislature shall appropriate from the fund those amounts deemed necessary to administer the provisions of this section. All revenues collected, less those costs determined by the Department of Agriculture and Consumer Services to be nonrecurring or one-time costs, shall be deferred over the 7-year licensure period. Notwithstanding the provisions of s. [493.6117](http://www.flsenate.gov/Laws/Statutes/2010/493.6117), all moneys collected pursuant to this section shall not revert to the General Revenue Fund; however, this shall not abrogate the requirement for payment of the service charge imposed pursuant to chapter 215.

(14) All funds received by the sheriff pursuant to the provisions of this section shall be deposited into the general revenue fund of the county and shall be budgeted to the sheriff.

(15) The Legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed weapons and firearms for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed weapons or firearms for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this section is subjectively or arbitrarily denied his or her rights. The Department of Agriculture and Consumer Services shall implement and administer the provisions of this section. The Legislature does not delegate to the Department of Agriculture and Consumer Services the authority to regulate or restrict the issuing of licenses provided for in this section, beyond those provisions contained in this section. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this section or which create restrictions beyond those specified in this section are in conflict with the intent of this section and are prohibited. This section shall be liberally construed to carry out the constitutional right to bear arms for self-defense. This section is supplemental and additional to existing rights to bear arms, and nothing in this section shall impair or diminish such rights.

(16) The Department of Agriculture and Consumer Services shall maintain statistical information on the number of licenses issued, revoked, suspended, and denied.

(17) As amended by chapter 87-24, Laws of Florida, this section shall be known and may be cited as the “Jack Hagler Self Defense Act.”

History.—s. 2, ch. 4147, 1893; s. 1, ch. 5139, 1903; GS 3268; RGS 5101; CGL 7203; s. 2, ch. 76-165; s. 67, ch. 77-121; s. 1, ch. 77-302; s. 176, ch. 79-164; ss. 1, 2, ch. 87-24; s. 4, ch. 88-183; s. 2, ch. 89-60; s. 110, ch. 89-96; s. 3, ch. 90-311; s. 2, ch. 90-316; ss. 1, 7, ch. 90-364; s. 1, ch. 92-52; s. 1, ch. 92-183; s. 38, ch. 93-39; s. 52, ch. 95-196; s. 1, ch. 95-229; s. 10, ch. 95-430; s. 17, ch. 97-94; s. 1206, ch. 97-102; s. 5, ch. 98-284; s. 3, ch. 98-335; s. 228, ch. 99-245; s. 61, ch. 2000-258; s. 10, ch. 2002-295; s. 108, ch. 2003-1; s. 60, ch. 2004-357; s. 1, ch. 2006-90; s. 1, ch. 2008-105.