

The Division of Licensing publishes an accompanying brochure titled "The Use of Deadly Force for Lawful Self-defense" that provides some guidance and insight into these matters. A copy of this brochure is provided with every original and renewal license application.

**For additional copies or more information:**

**WRITE TO:**

Concealed Weapon Service Representative  
Florida Department of Agriculture and  
Consumer Services  
Division of Licensing  
Post Office Box 6687  
Tallahassee, Florida 32314-6687

**CALL:** 850-245-5691

**Internet Address:**

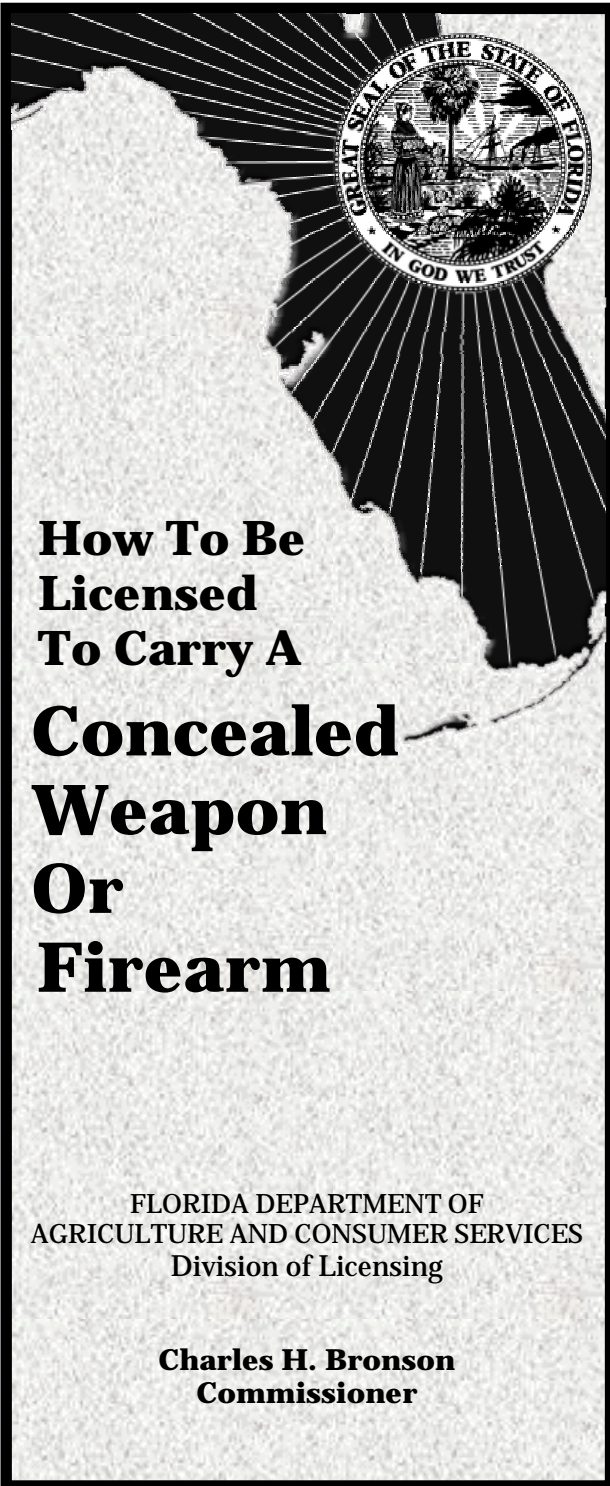
<http://www.licgweb.doacs.state.fl.us>



**A Message from the Commissioner  
Of Agriculture**

The right to bear arms is a fundamental right guaranteed by the Constitution of the United States. In 1987, this right was extended under Florida law to allow citizens to carry a concealed weapon or firearm for lawful self-defense. I hope that citizens who elect to carry a concealed weapon or firearm will take the time to learn and understand the law. The burden of responsibility that an armed citizen has cannot be overestimated. It is my sincere hope that you will exercise your lawful right to carry a concealed weapon or firearm responsibly, properly, and safely.

*Charles H. Bronson*



# How To Be Licensed To Carry A Concealed Weapon Or Firearm

FLORIDA DEPARTMENT OF  
AGRICULTURE AND CONSUMER SERVICES  
Division of Licensing

**Charles H. Bronson**  
Commissioner

In 1987, Florida became the first state to begin issuing concealed weapons/firearms licenses, thus allowing citizens to arm themselves in a concealed manner for lawful self-defense.

This brochure provides basic information regarding the qualifications for licensure and the procedures for applying for a concealed weapon/firearm license. The pamphlet also includes the answers to some commonly asked questions. For complete details and a full explanation of all the requirements, please refer to the Application for the Concealed Weapon/Firearm License and Section 790.06, Florida Statutes.

A citizen who makes the decision to carry a concealed weapon or firearm assumes a tremendous responsibility. An armed citizen should also be armed with a comprehensive understanding of the law.

**What Is A Concealed Weapon/Firearm?**

Florida law defines concealed weapons or firearms as those weapons that are carried in a manner that conceals them from the ordinary sight of another person. The law allows any of the following weapons to be carried in a concealed fashion:

- handguns
- electronic weapons or devices (stun guns)
- knives
- tear gas guns
- billy clubs

**Who Is Eligible To Be Licensed?**

Any person who meets the following minimum eligibility requirements can obtain a license:

- You must be a legal U.S. resident.
- You must be 21 years of age or older.
- You must be able to demonstrate competency with a firearm.

**Who Is NOT Eligible?**

There are several disqualifying conditions that will result in the ineligibility of the applicant and the denial of the application. Possible reasons for denial include the following:

- The physical inability to handle a firearm safely.
- A felony conviction (unless civil and firearm rights have been restored by the convicting authority).
- Having adjudication withheld or sentence suspended on a felony or misdemeanor crime of violence unless three years have elapsed since probation or other conditions set by the court have been fulfilled.

- A conviction for a violent crime in the last three years, either misdemeanor or felony.
- A conviction for violation of controlled substance laws or multiple arrests for such offenses.
- A record of drug or alcohol abuse.
- Two or more DUI convictions within the previous 3 years.
- Being committed to a mental institution or adjudged incompetent or mentally defective.
- Failing to provide proof of proficiency with a firearm.
- Having been issued a domestic violence injunction or an injunction against repeat violence that is currently in force.
- Renouncement of U.S. citizenship.
- A dishonorable discharge from the armed forces.
- Being a fugitive from justice.

Detailed explanations of these various disqualifying conditions are provided in the Application for the Concealed Weapon/Firearm License.

**How Does One Apply For A Concealed  
Weapon/Firearm License?**

Application packets can be obtained by calling the Division of Licensing's Public Inquiry Section at 850-245-5691. You can also submit a request for an application packet via the Internet at our Web page at <http://licgweb.doacs.state.fl.us/license/forms.html>. The application packet will include an application form, a copy of Chapter 790, Florida Statutes, a fingerprint card, and a return envelope.

**How Long Will It Take To Process The  
Application?**

It will take the Division about 90 days after receipt of a COMPLETE application to process it and notify the applicant of the outcome. Much of this time is devoted to conducting criminal history background checks and fingerprint processing. Application processing may take longer than 90 days if additional information regarding criminal records is required.

**How Long Is The License Valid?**

The license is valid for a period of 5 years. Ninety days before your license expires, the Division will mail a renewal application to your last known mailing address. There is a six-month grace period after your license expires during which you may renew. Applicable license fees and a \$15 late fee will apply. If your renewal application is not submitted during the six-month grace period, you will have to apply as a new applicant.

### **Are There Any Places Where Concealed Weapons/Firearms Cannot Be Carried By A Licensee?**

Yes. Florida law specifies a number of places where carrying any concealed weapon or firearm is prohibited. A complete listing of these places can be found at Section 790.06(12), Florida Statutes. Some of the places appearing on this list are police, sheriff, and Highway Patrol stations, courtrooms, elementary and secondary school facilities, school administration buildings, bars, the sterile areas of airports, etc.

### **Is The Florida License Valid In Other States?**

Yes. At the time of publication of this brochure, Florida had established mutual recognition agreements with 28 other states. The Division strongly recommends that Florida licensees verify the current status of reciprocity states prior to traveling. Please refer to the Division's "Concealed Carry" Web page at <http://licgweb.doacs.state.fl.us/newsconcealed/carry.html> or you can call our Public Inquiry Section at 850-245-5691.

### **Do I Need A Concealed Weapon License To Carry A Firearm Or Weapon In My Car?**

No. Florida law gives citizens the right to possess and transport a firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use. The phrase "securely encased" is defined in statute as "in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container which requires a lid or cover to be opened for access."

### **How Does The Florida Department of Law Enforcement's Firearm Purchase Work?**

The Firearm Purchase Program (FPP), implemented in 1991, is an instant record check system that requires a licensed firearm dealer to call Florida Department of Law Enforcement (FDLE) before transferring a firearm through sale or trade to another individual. Whenever a person purchases a firearm, the firearms dealer notifies FDLE of the purchase. FDLE then checks criminal history records, warrants, and domestic violence injunctions to determine if the prospective buyer is eligible to purchase the firearm under the requirements dictated by federal and state law. The fee for this background check may not exceed \$8.00 by statute [Section 790.065(1)(b), F.S.].

### **Are There Any Requirements For Weapon Registration In Florida?**

No. Whether or not a citizen chooses to obtain a concealed weapon/firearm license, that citizen does not have to register a firearm. There is no firearm registration in Florida.

### **What Is The Law Regarding Mandatory Waiting Periods For Purchasing Handguns?**

Florida law requires a mandatory three-day waiting period, (excluding weekends and legal holidays) between the purchase and delivery at retail of any handgun [Section 790.0655(1)(a), F.S.]. However, the law exempts Florida concealed weapon/firearm license holders from this waiting period.

### **May A Holder Of A Concealed Firearms License Legally Carry Or Wear The Firearm Unconcealed (I.E., On The Outside Of His Or Her Clothing)?**

Florida law does allow citizens who obtain a license the right to carry a concealed firearm, BUT it strictly prohibits any person from carrying a firearm openly EXCEPT in those instances prescribed by law. For example, a person may carry any of the following openly: a self-defense chemical spray, a non-lethal stun gun, or other non-lethal electric weapon that does not fire a projectile. Other exceptions are elaborated on in Section 790.25, Florida Statutes.

### **A Word of Caution to Licensees**

The Division of Licensing is authorized by Florida Statute to issue concealed weapon/firearm licenses to qualified citizens for the purpose of lawful self-defense. The Division is **NOT** authorized to enforce criminal laws relating to weapons and firearms. Florida's State Attorneys are responsible for prosecuting violations of Chapter 790, Florida Statutes.

The following issues pertain to legal matters that fall outside the jurisdiction of the Division. All involve areas of the law that are open to interpretation, and various interpretations have indeed been offered by different courts.

The information provided here is intended to inform licensees about these gray areas of the law and inform them of potential criminal violations. **It is not intended as legal advice or guidance.** We urge licensees to exercise proper judgment and due caution on these matters and all other questionable circumstances involving carrying a concealed weapon or firearm.

### **Carrying A Concealed Weapon/Firearm To One's Place Of Business Or Employment**

On its face, Chapter 790 does appear to allow concealed weapon/firearm licensees to carry weapons/firearms to their places of employment. However, this is one of those provisions in the law that creates problems.

An employer has every right to establish policies that restrict employees from carrying weapons or firearms while on the job. The employer could not make a criminal complaint about a violation of Chapter 790 against an employee who carried a weapon or firearm on the job; however, the employer can enforce policy through an execution of disciplinary action against employees who fail to comply. It is also a possibility that the employer could pursue criminal trespass charges against the offending employee.

### **Carrying A Concealed Weapon Or Firearm Inside A Business Establishment**

A private business owner may post a "No Weapons or Firearms" sign outside a business establishment, even though that establishment does not fall in the category of "places of nuisance" defined in statute where weapons or firearms are prohibited. That business owner is within his or her right to post that sign and could probably file a complaint of criminal trespass against a person who did not comply.

### **Carrying A Concealed Weapon Or Firearm In A Restaurant That Serves Alcoholic Beverages**

Florida law prohibits carrying a concealed weapon or firearm into any portion of a business establishment licensed to dispense alcoholic beverages for consumption on the premises. This usually means bars or taverns. However, many restaurants today serve such beverages. These establishments are not "primarily devoted" to the sale of alcoholic beverages. Licensees may carry a weapon or firearm into such a restaurant as long as they do not enter the lounge area, if the restaurant does have a separate space so designated.

### **Changes to Chapter 776, Florida Statutes**

On October 1, 2005 changes to Chapter 776, Florida Statutes (Justifiable Use of Force) became effective. The changes relate to: the protection of persons and property; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; the justification in using deadly force under certain circumstances; the lack of a duty to retreat and a person's right to stand his or her ground and meet force with force if that person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating immunity from criminal prosecution or civil action for using deadly force; the definition of the term "criminal prosecution"; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that there is probable cause that the force the person used was unlawful; providing for the award of attorney fees, court costs, compensation for loss of income, and other expenses to a defendant in a civil suit who is immune from prosecution under this section. *See Chapter 2005-27, Laws of Florida.*

The effects of the changes to Chapter 776, Florida Statutes have not been determined as of the date of this publication, and accordingly the Division of Licensing cannot comment on any particular set of circumstances in which this law would apply.

The Division strongly recommends that you read Chapter 776, Florida Statutes at [www.leg.state.fl.us](http://www.leg.state.fl.us). If you have specific concerns regarding this law, you should direct them to your attorney or speak with your local law enforcement agency to determine how this law will be implemented within a particular jurisdiction in Florida.