

Changes to [Chapter 776, Florida Statutes](#),  
The Part of the Law Pertaining to  
Justifiable Use of Force

On October 1, 2005, changes to Chapter 776, Florida Statutes, 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.

Concealed weapon licensees should be advised that matters pertaining to the lawful use of deadly force do not fall within the purview of the Division of Licensing; therefore, the Division cannot comment or provide specific guidance as to any particular set of circumstances in which this law would apply.

The Division strongly recommends that you read Chapter 776, Florida Statutes. 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.



## How to Obtain a License to Carry a Concealed Weapon or Firearm

**FLORIDA  
DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES  
Division of Licensing**

**Adam H. Putnam  
Commissioner**

In 1987, Florida became the first state to begin issuing Concealed Weapon or Firearm licenses, thus allowing qualified individuals 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 or Firearm license. The pamphlet also includes the answers to some commonly asked questions. For further information regarding the requirements, please refer to the Application for the Concealed Weapon or Firearm License and Section 790.06, Florida Statutes (F. S.).

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

### What Is a Concealed Weapon or Firearm?

*Section 790.001, F. S., defines "concealed" to mean the weapon or firearm is carried on or about a person in such a manner as to conceal it from the ordinary sight of another person. For the purposes of licensure under Section 790.06, F. S., Florida law defines a concealed weapon or firearm as a handgun, electronic weapon or device, tear gas gun, knife, or billie.*

### Who Is Eligible To Be Licensed?

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

- *You must be a United States citizen or a permanent legal resident alien.*
- *You must currently reside in the United States.*
- *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.*
- *Renunciation of U.S. citizenship.*
- *A dishonorable discharge from the armed forces.*
- *Being a fugitive from justice.*

If you would like to determine your eligibility for a license before you apply, search for the [Preliminary Eligibility Determination](#) link under the program area for "Concealed Weapon or Firearm License" on our web site's home page [www.mylicensessite.com](http://www.mylicensessite.com).

### How Do I Apply for a Concealed Weapon License?

*You can submit your application for a Florida Concealed Weapon or Firearm license at one of the Division of Licensing's eight Regional Offices located throughout the State of Florida. The Regional Office application intake service is designed to allow applicants to complete the entire application process quickly and conveniently. You simply have to call for an appointment. At the time of your appointment, you will be directed to a computer station where you will complete an electronic version of the application form. Our Regional Office staff will preview your application, scan your fingerprints, take your photograph, and process your payment. To learn more about the fast-track services, search for the link [Applying for Your License at a Regional Office](#) under the program area for "Concealed Weapon or Firearm License" on our web site's home page.*

Alternatively, you can mail your application to Tallahassee. To request an application package or download the application with a copy of Chapter 790, F. S., from our web site, go to [www.mylensesite.com](http://www.mylensesite.com) and look for the [Concealed Weapon or Firearm License Application](#) download link.

### **How Long Will It Be Before I Receive My License?**

Processing time depends on the Division's workload at the time you submit your application. Generally, an application mailed to the Division's headquarters in Tallahassee will be processed in about 90 days. The processing times for applications submitted using the fast-track process offered in our Regional Offices will be significantly shorter, provided that law enforcement authorities do not furnish us with criminal or mental health history information that must be reviewed in order to confirm your eligibility. Regardless of how you choose to submit an application, processing time may take longer than 90 days if we must ask you to submit additional documentation regarding a criminal background or mental health history.

### **How Long Is The License Valid? How Do I Renew My License?**

The license is valid for a period of 7 years. The Division will mail a renewal application to the mailing address we have on file for you about 150 days before your license expires. There is a six-month grace period after the expiration of your license during which you may renew. Applicable license fees and a \$15 late fee will apply. If your renewal application is not submitted during the grace period, you will be required by law to reapply.

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

Yes. Florida has established mutual recognition agreements with many other states. To ensure you have the most up-to-date information, the Division strongly recommends that Florida licensees verify the current status of reciprocity states prior to traveling. [Reciprocity information](#) is available on our web site, [www.mylensesite.com](http://www.mylensesite.com), under the program area for "Concealed Weapon or Firearm License." Alternatively, you can call our Public Inquiry Section at 850-245-5691.

### **Do I Need A Concealed Weapon Or Firearm**

### **License To Carry A Weapon Or Firearm In My Car?**

No. Florida law gives individuals 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 section 790.001 (17), F. S., 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."

### **Are There Places Where I Cannot Carry A Concealed Weapon Or Firearm?**

Yes. Section 790.06 (12), F. S., lists several places where carrying a concealed weapon or firearm is prohibited.

### **May A Person Licensed To Carry A Concealed Weapon Or Firearm Legally Carry Or Wear A Firearm On The Outside Of His Or Her Clothing?**

While Florida law allows individuals who obtain a license the right to carry a concealed firearm, section 790.053, F. S., specifically prohibits the open carrying of any firearm or electric weapon or device EXCEPT in those instances prescribed therein. This section of law was amended by the Legislature in 2011, however, to provide that a person who is licensed to carry a concealed firearm is not in violation of the law if the firearm is "briefly and openly" displayed to the ordinary sight of another person, "unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense."

Other instances of the lawful ownership, possession, and use of firearms and other weapons are set forth in section 790.25, F. S.

### **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 firearms dealer to call the 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 by statute [section 790.065(1)(b), F. S.]

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

Florida law imposes a mandatory 3-day waiting period, excluding weekends and legal holidays, between the purchase and retail delivery of any handgun [section 790.0655(1)(a), F. S.]. Because of a 1998 revision to our state constitution, counties have the option of imposing a 5-DAY waiting period. However, waiting periods do not apply to concealed weapon license holders.

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

No. Regardless of whether a person chooses to obtain a concealed weapon or firearm license, that person does not have to register any weapons or firearms. There is no weapon or firearm registration requirement in Florida.

### **A WORD OF CAUTION TO LICENSEES**

The Division of Licensing is authorized by Florida Statute to issue concealed weapon or firearm licenses to qualified individuals 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, F. S. 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.

ISSUE 1: Carrying A Concealed Weapon Or Firearm To One's Place Of Business Or Employment

On its face, Chapter 790 appears to allow persons who are licensed to carry a concealed weapon or firearm to carry concealed at their places of employment. This is one of those provisions in the law, however, that could create problems. An employer has every right to establish policies that restrict employees from carrying weapons or firearms while on the job. And, the employer can enforce policy through an execution of disciplinary action against employees who fail to comply. Although 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, it is a possibility that the employer could pursue criminal trespass charges against the employee.

Licensees should be aware that the Legislature created section 790.251, F. S., in 2008, creating the "Preservation and Protection of the Right to Keep and Bear Arms and Motor Vehicles Act of 2008." Under this law, persons who are licensed to carry a concealed weapon or firearm can, with some restrictions, keep firearms in their vehicles while parked on their employer's property. The Division urges licensees to read section 790.251, F. S.

### **ISSUE 2: 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.

### **ISSUE 3: 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.