

ORDINANCE NO. 84-3

AN ORDINANCE RELATING TO HERNANDO COUNTY PROVIDING UNIFORM POLICY AND PROCEDURE FOR THE ISSUANCE OF A LICENSE TO CARRY A CONCEALED FIREARM UNDER SECTION 790.06, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR SHORT TITLE; PROVIDING STATEMENT OF INTENT; PROVIDING DEFINITIONS; PROVIDING ELIGIBILITY REQUIREMENTS; PROVIDING FOR THE DETERMINATION OF SUFFICIENT NEED; PROVIDING FOR THE DETERMINATION OF GOOD MORAL CHARACTER; PROVIDING APPLICATION PROCEDURE; PROVIDING FOR ISSUANCE AND RENEWAL; PROVIDING FOR EXPIRATION, SUSPENSION AND REVOCATION; PROVIDING FOR FEES; PROVIDING FOR REPEAL OF POLICY NO. 01-17; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR EFFECT ON LICENSES CURRENTLY OUTSTANDING.

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CLERK OF COUNTY COMMISSIONERS

WHEREAS, Chapter 790.05 Florida Statutes prohibits with few exceptions the carrying about or having in ones' manual possession, any concealed firearm without a license from the County Commissioners; and

WHEREAS, Chapter 790.05 Florida Statutes prohibits the carrying on or about ones' person a concealed firearm without a license from the County Commissioners pursuant to Chapter 790.05 Florida Statutes or Chapter 790.06, Florida Statutes; and

WHEREAS, Chapter 790.25 Florida Statutes provides certain exceptions to the prohibitions of Chapter 790.05, Florida Statutes, but does not relieve individuals of the prohibitions of Chapter 790.01, with the sole exception of the newly enacted subsection (5) wherein a concealed firearm is not to be carried on the person; and

WHEREAS, the Board of County Commissioners is authorized by Chapter 790.06, Florida Statutes to adopt by Ordinance a uniform policy and procedure for the issuance of license to carry concealed firearms on the person.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. SHORT TITLE:

This Ordinance shall be known as the "Hernando County Concealed Firearm Ordinance".

SECTION 2. STATEMENT OF INTENT:

A. It is the intent of the Hernando County Board of County Commissioners to issue a license to carry a concealed firearm only to those persons within Hernando County whose occupation is the protection and defense of other person's lives

or property or to any other person who can demonstrate sufficient need as provided herein to carry a concealed firearm.

B. It is also the intent of the Hernando County Board of County Commissioners that the issuance of a license to carry a concealed firearm, as provided herein, authorizes the licensee to carry about, or have in his manual possession, a firearm which would otherwise be prohibited under Chapter 790.05, Florida Statutes or Chapter 790.01 Florida Statutes.

C. It is further the intent of the Hernando County Board of County Commissioners that possession of a statewide Class "G" permit shall authorize the carrying of an unconcealed firearm within Hernando County under Chapter 790.05, Florida Statutes, but that compliance with this ordinance is necessary to lawfully carry a concealed firearm in Hernando County.

SECTION 3. DEFINITIONS:

The following words and phrases shall have for the purposes of this ordinance, the meanings here set forth except where the context requires otherwise:

1. Firearm---A firearm or antique firearm as defined in Chapter 790 Florida Statutes, which is designed or intended for hand operation, whether by one or two hands and regardless of whether its construction includes a revolving or fixed chamber.

2. Approved Surety---Person, organization or legal entity duly authorized by the Florida Department of Insurance, pursuant to a current certificate of authority, to issue surety insurance bonds within the State of Florida.

3. Qualified Firearm Safety Course---Organized instruction by a person authorized by the Florida Department of State to train applicants for a statewide "Class G" license and comprising a minimum of eight (8) hours of classroom instruction on firearm safety and the legal use of firearms by civilians and of range practice with the particular firearm to which the license will apply.

4. Certificate of Proficiency---A notarized statement from the instructor of a qualified firearm safety course certifying the applicant's successful completion of the course using the

particular firearm to which the license will apply. A current, valid statewide Class "G" license for the subject firearm may be used for certification.

5. Full-Carry---authorized carrying of a firearm during off-duty hours or twenty-four hours per day.
6. Partial-Carry---authorized carrying of a firearm during on-duty hours of work or special duty hours of work

SECTION 4. ELIGIBILITY REQUIREMENTS:

No license to carry a concealed firearm shall be issued to anyone pursuant to this ordinance who does not fulfill the following requirements of eligibility:

1. The applicant shall be 18 years of age or older and have been a resident of Florida for at least one (1) year prior to the application.

2. The applicant shall be of good moral character according to the criteria set forth in Section 6 of this ordinance.

3. The applicant is not an unlawful user of, or addicted to, any controlled substance defined in Chapter 893 Florida Statutes.

4. The applicant has not been convicted of a violation of Chapter 790.07, Florida Statutes, or an equivalent offense under federal or state law, unless two (2) years have elapsed since the applicant has been restored to his civil rights.

5. The applicant has not been convicted of a felony unless two years have elapsed since the applicant has been restored to his civil rights.

6. The applicant has not been adjudicated as mentally incompetent or has not been committed to a mental institution as being dangerous to himself or others, unless he possesses a certificate of a medical doctor licensed in this state that he no longer suffers from the disability.

7. The applicant's occupation is the protection and defense of other person's lives or property or the applicant has demonstrated a sufficient need to carry a concealed firearm upon

his person according to the criteria set forth in Part 5 of this ordinance.

8. The applicant has successfully completed a qualified firearm safety course within the twelve (12) months prior to the issuance of the license applied for and has obtained a valid statewide Class "G" license.

9. The applicant shall obtain a bond in the amount of one hundred dollars (\$100.00) from an approved surety payable to the Governor of the State of Florida and conditioned on the proper and legitimate use of the particular firearm to which the license will apply once the application is approved.

SECTION 5. DETERMINATION OF PRIMARY OCCUPATION OR SUFFICIENT NEED:

1. The applicant shall have the burden of showing that his occupation is the protection and defense of other person's lives or property or of showing sufficient need to carry a concealed firearm.

2. The determination of occupation shall be based upon a consideration of:

- a. a written request from the applicant's employer stating the reason why the applicant must be armed, or
- b. evidence of an established place of business and a statement of the reason why the applicant must be armed.

3. The determination of sufficient need shall be based upon a consideration of the following factors:

- a. Whether or not there exists an imminent and continuing threat of serious bodily harm to the person or family of the applicant based upon the individual circumstances of the applicant that are different in kind and degree from that of the general public;
- b. Whether or not there is available to the applicant a practical alternative to the need for carrying a concealed firearm, such as the

employment of an escort or other protective service for persons or property.

4. The applicant's primary occupation and sufficient need shall be determined by the Board of County Commissioners at the time the application is before it for consideration.

SECTION 6. DETERMINATION OF GOOD MORAL CHARACTER:

1. The applicant shall have the burden of establishing good moral character.

2. The determination of good moral character shall be based upon a consideration of the following factors:

- a. Report of the Hernando County Sheriff's Department following a complete background investigation of the applicant's character.
- b. Whether or not applicant has an arrest record within the preceding ten (10) years.
- c. Statements and references given by six (6) persons unrelated by blood or marriage to the applicant and who have known the applicant for at least five (5) years, attesting to the applicant's character.

3. Good moral character shall be determined by the Board of County Commissioners and may be supported or contradicted by evidence presented before the Board at the time the application is before them for consideration.

SECTION 7. APPLICATION PROCEDURE:

1. Application forms, obtained from the County Administrator's Office must, upon completion, be filed in person with the same office. The County Administrator shall prepare the necessary forms plus an instruction sheet to carry out the requirements of this ordinance.

2. All applications must be accompanied with the appropriate fee.

3. All applicants must be fingerprinted by the Sheriff's Department who will report directly to the Sheriff as to

the existence of a criminal record, if any, against the applicant.

4. All applications, prior to consideration by the Board, will be referred to the Sheriff for investigation and report.

5. Each applicant or prospective licensee shall appear in person before the Board of County Commissioners on the date the application is scheduled for consideration and may present such additional evidence as necessary to show his eligibility for the license sought.

SECTION 8: ISSUANCE/RENEWAL:

1. Upon payment of appropriate fees and upon satisfactory evidence of eligibility according to Part 4, as determined by the Board of County Commissioners, license to carry a concealed Firearm shall be issued to the individual applicant.

2. No concealed firearm license, original or renewed, shall be issued unless it:

- a. Specifies the type (automatic or revolver), caliber, and Serial Number of the firearm or firearms for which it is valid.
- b. Specifies the date of expiration, which shall in no case exceed two years. Special license can and may be issued for a shorter period under special circumstances.
- c. Contains the statement "This license is valid only in Hernando County".
- d. Specifies whether or not it is a full-carry or partial-carry permit and the hours of employment if it is a partial-carry permit. However, the permit does not have to include special hours of work such as those for individuals on call.

3. A concealed firearm license is renewable only if:

- a. Written application and payment of appropriate fees is made prior to the expiration of the original license.

- b. Evidence is submitted that the licensee's occupation has not changed since issuance of the original license or evidence is submitted that shows continuing sufficient need as set forth in Section 5; and
 - c. Evidence is submitted of a new or extended surety bond from an approved surety.
4. A renewed license will require re-certification for a currently licensed firearm, and a certificate of proficiency will be required for additional firearms. A new background investigation will not be required. A renewed license shall clearly state that it is a renewal license and the application fee will be required. However, after a license is held for ten (10) years (five renewals) no more renewals will be approved. Filing of a new application will be required with a complete investigation after ten years.
5. Application for renewal filed after expiration of the last concealed firearm license held by the applicant shall be treated in all respects as an original application. Therefore, the investigation fee will be required as well as the application fee.

SECTION 9. EXPIRATION/SUSPENSION/REVOCAATION:

1. All licenses shall expire automatically no later than two (2) years from the date of issuance.

2. Licenses issued because an applicant's occupation is the protection and defense of other person's lives or property shall expire automatically upon termination of such occupation. Employers who requested and obtained licenses for their employees must obtain and return said license upon termination of that employee's employment. Failure to do so shall disqualify the employer from obtaining subsequent licenses.

3. All licenses shall expire automatically upon the conviction of the licensee of a misdemeanor and/or felony.

4. All licenses shall be suspended automatically upon:

- a. The filing of a charge of a misdemeanor and/or felony against the licensee, until such time as the charge is dismissed or withdrawn, or upon
- b. Notification of the licensee, by mail, of the intention of the Board of County Commissioners to revoke a license previously issued.

5. In the event it appears that a licensee no longer meets the eligibility requirements as established in Part 4, except as provided in paragraphs 2, 3 and 4 above, the Board of County Commissioners shall:

- a. Notify the licensee of the Board's intention to revoke its license, stating the reasons therefor and the date set for public hearing before the Board.
- b. Give the licensee an opportunity to appear in person before the Board and to submit evidence or testimony to establish the licensee's continuing eligibility to hold a license to carry a concealed firearm.
- c. Determine at the hearing and following the presentation of evidence and testimony, whether the licensee is still eligible according to Part 4 of this ordinance and order revocation of his license or reinstatement as appropriate.

6. A concealed firearm license shall be revoked without further action upon the concurring vote of a majority of the County Commissioners at the hearing.

SECTION 10. FEES:

1. Original applications shall be accompanied by a non-refundable fee of One Hundred and Seventy Nine (\$179.00) dollars upon filing. This fee shall be applied toward administrative and investigative costs and shall not be applied toward the cost of attending a qualified firearm safety course, said cost being solely an additional expense to be borne by the applicant.

2. Applicants who are authorized to receive a concealed firearm license or renewal license shall pay a fee of Six Dollars (\$6.00) upon issuance of said license.

3. A renewal application shall be accompanied by a non-refundable fee of Eighty Dollars (\$80.00).

SECTION 11. REPEAL OF POLICY AND EFFECTIVE DATE:

1. Policy No. 01-17 of Hernando County is hereby repealed in its entirety as of the effective date of this ordinance, which shall be immediately upon receipt of official acknowledgement of filing with the Department of State.

2. All licenses issued pursuant to Policy No. 01-17 and currently outstanding shall remain effective until they expire, unless suspended or revoked according to Section 9 of this Ordinance.

3. This Ordinance shall become effective as provided by law.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By Henry D. Webbeter
HENRY D. WEBBETER, CHAIRMAN

Attest H. W. Brown
HAROLD WILLIAM BROWN, CLERK

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MAR 15 2 11 PM '04
DEPARTMENT OF STATE