

ORDINANCE NO. 86-5

AN ORDINANCE RELATING TO HERNANDO COUNTY PROVIDING UNIFORM POLICY AND PROCEDURE FOR THE ISSUANCE OF A LICENSE TO CARRY A CONCEALED FIREARM PURSUANT TO SECTION 790.06, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR SHORT TITLE; PROVIDING STATEMENT OF INTENT; PROVIDING FOR ELIGIBILITY REQUIREMENTS; PROVIDING FOR THE DETERMINATION OF PRIMARY OCCUPATION OR SUFFICIENT NEED; PROVIDING FOR THE DETERMINATION OF GOOD MORAL CHARACTER; PROVIDING APPLICATION PROCEDURE; PROVIDING FOR ISSUANCE, AMENDMENT AND RENEWAL; PROVIDING FOR EXPIRATION, SUSPENSION AND REVOCATION; PROVIDING FOR FEES; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF POLICY NO. 01-17; PROVIDING FOR REPEAL OF ORDINANCE NO. 84-3; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR EFFECT ON LICENSES CURRENTLY OUTSTANDING.

WHEREAS, Sections 790.01 and 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 Board of County Commissioners; and

WHEREAS, Section 790.05, Florida Statutes, prohibits the carrying on or about one's person a concealed firearm without a license from the Board of County Commissioners pursuant to Section 790.05, Florida Statutes or Section 790.06, Florida Statutes; and

WHEREAS, Section 790.25, Florida Statutes, provides certain exceptions to the prohibitions of Section 790.05, Florida Statutes, but does not relieve individuals of the prohibitions of Section 790.01, Florida Statutes; and

WHEREAS, the Board of County Commissioners is authorized by Section 790.06, Florida Statutes, to adopt by Ordinance a uniform policy and procedure for the issuance of a 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 I. SHORT TITLE:

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

SECTION II. STATEMENT OF INTENT:

A. It is the intent of the 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 to any other person who can demonstrate sufficient need as provided herein.

B. It is also the intent of the 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 Section 790.05 or Section 790.01, Florida Statutes.

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

SECTION III. DEFINITIONS:

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

1. 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.

2. Board of County Commissioners - The Board of County Commissioners of Hernando County, Florida.

3. 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 particular firearm shall also be acceptable.

4. County - Hernando County, Florida.

5. Firearm - A firearm, antique firearm, or electric weapon or device 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.

6. 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 to include classroom instruction on firearm safety and the legal use of firearms by civilians as well as range practice with the particular firearm to which the license will apply.

SECTION IV. 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 eighteen (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 VI of this Ordinance.

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

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

5. The applicant has not been convicted of a felony unless two (2) years have elapsed since the applicant has had his civil rights restored.

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 document from a medical doctor or psychologist licensed to practice in this state certifying that the applicant no longer suffers from any mental disability.

7. The applicant's occupation is the protection and defense of other person's lives or the applicant has demonstrated a sufficient need to carry a concealed firearm upon his person according to the criteria set forth in Section V.

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 (\$100.00) Dollars 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 V. DETERMINATION OF PRIMARY OCCUPATION OR SUFFICIENT NEED:**

1. The applicant shall have the burden either of showing that his occupation is the protection and defense of other person's lives 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 the applicant must carry a concealed firearm; or

(b). Evidence of an established place of business and a statement of the reason the applicant must carry a concealed firearm.

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, family or property of the applicant based upon demonstrated circumstances different in kind and degree from that generally experienced by the public; and

(b) Whether or not there is available to the applicant a practical alternative to carrying a concealed firearm, such as the employment of an escort or other protective services.

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

SECTION VI. 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; and

(b) Whether or not applicant has an arrest record within the preceding ten (10) years; and

(c) Statements and references attesting to the applicant's character 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.

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

SECTION VII. APPLICATION PROCEDURE:

1. Application forms, obtained from the County Administrator's Office shall, upon completion, be filed in person with the same office. The County Administrator shall prepare the necessary forms as well as an instruction sheet.

2. All applications shall be accompanied by the appropriate fee.

3. All applicants shall be fingerprinted by the Sheriff's Department and a report shall be made 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 of County Commissioners, shall be referred to the Sheriff for his investigation and report.

5. Each applicant shall appear in person before the Board of County Commissioners on the date and at the time the application is scheduled for public hearing and may present such additional evidence as he deems necessary to show his eligibility for the license sought.

SECTION VIII. ISSUANCE, AMENDMENT AND RENEWAL:

1. Upon payment of the appropriate fee and upon satisfactory evidence of eligibility specified in Section IV, as determined by the Board of County Commissioners, a license to carry a concealed firearm shall be issued to the individual applicant.

2. The County Administrator shall keep a record of the name of each person taking out a license to carry a concealed firearm, the name of the maker of the firearm so licensed to be carried and the caliber and number of the same.

3. No concealed firearm license, either original, amended or renewed, shall be issued unless it:

(a) Specifies the type (automatic, semi-automatic or revolver), caliber and serial number of the firearm or firearms for which it is valid; and

(b) Specifies the date of expiration, which shall in no case exceed two (2) years. Licenses may be issued for a shorter period; and

(c) Contains the statement "This license is valid only in Hernando County, Florida".

4. Valid concealed firearm licenses issued pursuant to this Ordinance may be amended:

(a) By any person licensed under this Ordinance who may at any time apply for an amendment to his license to include or delete authorized firearms from the license; and

(b) So long as such application is accompanied by the appropriate fee and a certificate of proficiency.

Such amended license shall be issued upon completion of the requirements of this sub-section and shall expire on the date set for expiration of the currently valid license.

5. A concealed firearm license which is renewable shall be issued for periods of time not to exceed that of the original license and then only if:

(a) Written application is filed and payment of the appropriate fee is made prior to the expiration of the original license; and

(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 V; and

(c) Evidence is submitted of a new or extended surety bond from an approved surety.

6. Prior to issuance of a renewal license, the current licensee shall furnish proof of re-certification for any currently licensed firearm, and a certificate of proficiency shall be required for additional firearms. A new background investigation may be required. A renewal license shall clearly state that it is a renewal license. However, a license held for either ten (10) years or five (5) renewal periods, whichever occurs first, shall not be renewable. Filing a new application, payment of the appropriate fee and a complete investigation shall be required.

**SECTION IX. EXPIRATION, SUSPENSION AND REVOCATION:**

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 shall expire automatically upon termination of such occupation and shall be surrendered immediately to the County. Employers who requested licenses for their employees shall obtain and return said license upon termination of that employee's employment.

3. All licenses shall be revoked automatically upon the conviction of the licensee of any misdemeanor and/or felony. It is the duty of the licensee to report the filing of any such charge, information or indictment against him within seventy-two (72) hours of filing. The failure to timely report such filing to the County Administrator's office shall result in the revocation of the license.

4. All licenses shall be suspended automatically upon:

(a) The filing of a charge, information or indictment of a misdemeanor and/or felony against the licensee, until such time as the charge is dismissed, withdrawn or the licensee is adjudged not guilty; or

(b) Notification of the licensee, by certified 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 Section IV, except as provided in paragraph 2, 3, and 4 above, the Board of County Commissioners shall:

(a) Notify the licensee of its intention to revoke his license, stating the reasons therefor and the date set for public hearing before the Board of County Commissioners; and

(b) Give the licensee an opportunity to appear in person before the Board of County Commissioners and to submit evidence to establish the licensee's continuing eligibility to hold a license to carry a concealed firearm; and

(c) Determine at the hearing, following the presentation of evidence, whether the licensee is still eligible according to Section IV and order revocation of his license or reinstatement if appropriate.



6. A concealed firearm license shall be revoked without further action upon the concurring vote of a majority of the members of the Board of County Commissioners at a hearing conducted as set out in Section IX, 5, above.

SECTION X. FEES:

1. Both original and renewal applications shall be accompanied by a non-refundable fee as set from time to time by Resolution adopted by the Board of County Commissioners.

SECTION XI. VIOLATION AND PENALTIES:

Violations of any provision of this Ordinance shall be a misdemeanor of the second degree as defined and punishable by general law.

SECTION XII. INCLUSION IN THE CODE:

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION XIII. SEVERABILITY:

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence or phrase of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION XIV. REPEAL:

Policy No. 01-17 and Ordinance No. 84-3 of Hernando County are hereby repealed in their entirety as of the effective date of this Ordinance. All licenses issued pursuant to Policy No. 01-17 and Ordinance No. 84-3 and currently outstanding shall remain effective until they expire, unless suspended or revoked according to Section IX of this Ordinance.

SECTION XV. EFFECTIVE DATE: A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners and this Ordinance shall take effect upon receipt of official acknowledgement from that office that the same has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 15<sup>th</sup> day of April, 1986.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

(SEAL)

Attest:

Harold William Brown  
Clerk

By:

William T. Koenig III  
Chairman

