

HB 213

2021

1 A bill to be entitled

2 An act relating to regulation of concealed weapons and
3 firearms; amending s. 790.06, F.S.; providing that
4 certain actions creating restrictions on issuance of
5 licenses are subject to penalties under specified
6 provisions; amending s. 790.33, F.S.; providing that a
7 member of the Cabinet may not make any administrative
8 regulations concerning the regulation of firearms and
9 ammunition except as expressly provided by the State
10 Constitution or general law; requiring the Department
11 of Agriculture and Consumer Services to enforce state
12 firearms laws; providing for injunctions and penalties
13 concerning the issuance of prohibited regulations by a
14 Cabinet member; providing an effective date.

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

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18 Section 1. Subsection (15) of section 790.06, Florida
19 Statutes, is amended to read:

20 790.06 License to carry concealed weapon or firearm.—

21 (15) The Legislature finds as a matter of public policy
22 and fact that it is necessary to provide statewide uniform
23 standards for issuing licenses to carry concealed weapons and
24 firearms for self-defense and finds it necessary to occupy the
25 field of regulation of the bearing of concealed weapons or

26 | firearms for self-defense to ensure that no honest, law-abiding
27 | person who qualifies under the provisions of this section is
28 | subjectively or arbitrarily denied his or her rights. The
29 | Department of Agriculture and Consumer Services shall implement
30 | and administer the provisions of this section. The Legislature
31 | does not delegate to the Department of Agriculture and Consumer
32 | Services the authority to regulate or restrict the issuing of
33 | licenses provided for in this section, beyond those provisions
34 | contained in this section. Subjective or arbitrary actions or
35 | rules which encumber the issuing process by placing burdens on
36 | the applicant beyond those sworn statements and specified
37 | documents detailed in this section or which create restrictions
38 | beyond those specified in this section are prohibited and in
39 | conflict with the intent of this section and such actions are
40 | subject to injunctions and penalties as provided in s. 790.33
41 | ~~prohibited~~. This section shall be liberally construed to carry
42 | out the constitutional right to bear arms for self-defense. This
43 | section is supplemental and additional to existing rights to
44 | bear arms, and nothing in this section shall impair or diminish
45 | such rights.

46 | Section 2. Subsection (1), paragraph (a) of subsection
47 | (2), and paragraphs (b) and (c) of subsection (3) of section
48 | 790.33, Florida Statutes, are amended to read:

49 | 790.33 Field of regulation of firearms and ammunition
50 | preempted.—

51 (1) PREEMPTION.—Except as expressly provided by the State
52 Constitution or general law, the Legislature hereby declares
53 that it is occupying the whole field of regulation of firearms
54 and ammunition, including the purchase, sale, transfer,
55 taxation, manufacture, ownership, possession, storage, and
56 transportation thereof, to the exclusion of all existing and
57 future county, city, town, or municipal ordinances, or any
58 administrative regulations or rules adopted by local or state
59 government, including Cabinet members, relating thereto. Any
60 such existing ordinances, rules, or regulations are hereby
61 declared null and void.

62 (2) POLICY AND INTENT.—

63 (a) It is the intent of this section to provide uniform
64 firearms laws in the state; to declare all ordinances and
65 regulations null and void which have been enacted by any
66 jurisdictions other than state and federal, which regulate
67 firearms, ammunition, or components thereof; to prohibit the
68 enactment of any future agency rules, ordinances, or regulations
69 relating to firearms, ammunition, or components thereof unless
70 specifically authorized by this section or general law; and to
71 require the Department of Agriculture and Consumer Services and
72 local jurisdictions to enforce state firearms laws.

73 (3) PROHIBITIONS; PENALTIES.—

74 (b) If any member of the Cabinet, county, city, town, or
75 other local government violates this section, the court shall

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76 declare the improper ordinance, regulation, or rule invalid and
77 issue a permanent injunction against the person or entity ~~local~~
78 ~~government~~ prohibiting it from enforcing such ordinance,
79 regulation, or rule. It is no defense that in enacting the
80 ordinance, regulation, or rule the person or entity ~~local~~
81 ~~government~~ was acting in good faith or upon advice of counsel.

82 (c) If the court determines that a violation was knowing
83 and willful, the court shall assess a civil fine of up to \$5,000
84 against the elected or appointed local government official or
85 officials or administrative agency head under whose jurisdiction
86 the violation occurred.

87 Section 3. This act shall take effect July 1, 2021.