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ORDINANCE NO. 86-04

STATE OF FLORIDA  
County of Liberty  
Filed for record this 9th day of  
October 1986 at 2:10 P.M. and duly  
recorded in O. R. Book 49, Page 391-395  
by *[Signature]* Clerk of Circuit Court  
*[Signature]* Deputy Clerk

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF LICENSES TO CARRY CONCEALED PISTOLS, PROVIDING TO WHOM LICENSES SHALL NOT BE ISSUED, PROVIDING FOR APPLICATION PROCEDURES, APPLICATION FORMS FOR LICENSES AND BOND, PROHIBITED FOR CONTENTS OF LICENSES, PROVIDING THAT LICENSES TO BE PUBLIC RECORD, PROVIDING FOR EXPIRATION OF LICENSE, RENEWAL AND REPLACEMENT OF LICENSE, PROVIDING THAT LICENSES TO BE CARRIED, PROHIBITING CARRYING PISTOL LICENSED TO ANOTHER, PROVIDING FOR SUSPENSION AND/OR SURRENDER OF LICENSE UPON ARREST AND CONVICTION FOR CERTAIN VIOLATIONS, PROVIDING FOR PENALTIES, AND EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA:

Section 1. Authority; purpose.

This article is enacted pursuant to the authority granted by Section 790.06, Florida Statutes, as amended for the purpose of setting forth a uniform policy and procedure for the issuance by the board of county commissioners of licenses to citizens to carry concealed pistols on their persons.

Section 2. To whom licenses shall not be issued.

No such license shall be issued to any person who:

(a) Is an unlawful user of, or is addicted to, or has been convicted of use, possession or sale of any controlled substance as defined by Chapter 893, Florida Statutes.

(b) Has been convicted of a violation of Section 790.07, Florida Statutes, or the equivalent offenses under any federal or other state's law, unless two (2) years have elapsed since the person has been restored to his or her civil liberties.

(c) Has been adjudicated a mental incompetent, or has been committed to a mental institution as being dangerous to himself or others, unless he or she possesses a certificate of a medical doctor, licensed in this state or an order from a court of competent jurisdiction, that he or she (the applicant) no longer suffers from such disability, or is suffering from a mental disorder, disability or infirmity to such a degree that being licensed to carry a concealed pistol would pose a threat of danger to themselves or others.

(d) Is under the age of eighteen (18) years.

(e) In the judgment of the board of county commissioners fails to prove that he or she is of good moral character. Proof of "good moral character"

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as used in this subsection shall be satisfied upon proof of a reputation for peaceful and lawful conduct, and a prior history indicating a respect for the laws of this state and nation.

(f) Shall fail to fully and truthfully comply with the procedure set forth hereinafter for making and processing application for such license.

(g) In the judgment of the board, lacks the maturity of judgment and temperament necessary in the public interest, to be in responsible possession of a firearm.

(h) Is not a citizen of the United States of America.

(i) Has not demonstrated to the satisfaction of the board of county commissioners that the person is competent in the use of the licensed weapon.

(j) Cannot demonstrate that the carrying of a concealed pistol:

(1) Is necessary to alleviate a danger of great bodily harm, or

(2) Is necessary to protect the licensee's peace or property as a result of dangers associated with the licensee's occupation, in which case, this application must be accompanied by a letter from the employer stating such need, or

(3) Is clearly necessary and is associated with a specific activity or occupation which would normally require all persons participating in such activity or occupation to be armed with a concealed pistol or firearm.

Section 3. Application procedure.

The procedure for making and processing applications for such licenses shall be as follows:

(a) The applicant for a license shall:

(1) Obtain application and bond forms approved by the board of county commissioners from the office of the clerk to the board.

(2) Fully complete the application form and familiarize himself with the provisions of the ordinance from which this article derives.

(3) Deliver the completed application, together with an application fee of \$1.00, to the office of the Sheriff of Liberty County, and submit himself to fingerprinting by the office.

(b) The Sheriff of Liberty County shall:

(1) Receive the application and conduct an investigation of the applicant to an extent determined by the board of county commissioners.

(2) File with the clerk to the board of county commissioners a written report of the results of his investigation.

(c) Upon receiving the sheriff's report, the clerk to the board of

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county commissioners shall:

(1) Present the report, together with the application, to the board of county commissioners for consideration.

(2) Notify the applicant of the date and place at which the application will be presented to the board.

(d) When presented with an application, the board of county

commissioners shall:

(1) Promptly act to approve or disapprove the application for a license; however, prior to moving to approve or disapprove the application, the board may require the applicant to appear before the board at public meeting for a personal interview with the board.

(2) Advise the applicant and the sheriff's office of the action taken.

(e) Disapproval of any application shall be without prejudice to the applicant to submit other application or applications thereafter.

Section 4. Application forms for license and bond.

The board of county commissioners shall provide, in a form approved by it, applications for such licenses and also, surety bond forms as required by law.

Section 5. Contents of license.

All pistols for which the licensee desires authority to carry upon his or her person under this article shall be described in the application and stated on the license and such license shall contain the following:

(a) The name of the maker of pistol(s) licensed to be carried, and the caliber and serial number of said pistol(s).

(b) The sex, race, color of hair, color of eyes, weight and height of the licensee.

(c) The date of birth of the licensee.

(d) Such other information deemed appropriate by the board of county commissioners.

Section 6. License to be public record.

The board of county commissioners shall keep a record of the names of the persons issued a license hereunder, the name of the maker of the pistol so licensed to be carried, and the caliber and number of same. Said record shall be kept in the office of the clerk of the circuit court as a public record.

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Section 7. Expiration of license.

All licenses issued hereunder shall expire two (2) years from date of issuance.

Section 8. Renewal.

Licenses may be renewed automatically upon:

- (a) Presentation of an updated record check by the sheriff;
- (b) Presentation of an affidavit stating that all criteria and requirements of this article have been complied with; and
- (c) Payment of a renewal fee of \$ 1.00 .

Section 9. Replacement of license.

Upon satisfactory proof that a currently valid original license has been despoiled, lost or otherwise removed from the possession of the licensee, and upon application, together with a replacement fee of \$ 5.00 , the clerk to the board of county commissioners shall issue a duplicate license.

Section 10. License to be carried.

The licensee shall, at all times when carrying a licensed pistol upon his person, have upon his person the license issued by the board of county commissioners for such pistol.

Section 11. Carrying weapon licensed to another.

No licensee shall allow any other person to carry upon his person any pistol licensed by the board of county commissioners to be carried by the licensee while such person shall have upon his person the license or licenses issued by the board of county commissioners to such licensee.

Section 12. Suspension and/or surrender of license upon arrest and conviction for certain violations.

Upon arrest of any licensee for violation of this article, or upon arrest of any licensee for violation of any felony under the laws of the State of Florida, or any misdemeanor under the laws of the State of Florida, which misdemeanor involves a breach of the public peace, all licenses to carry pistols issued by the board of county commissioners of Leon County, Florida, to such licensee, and the privileges attaching thereto shall forthwith be suspended; and upon conviction of the licensee of violation of this article or upon conviction of any felony, or upon conviction of any misdemeanor involving breach of the

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public peace, all such licenses shall stand revoked and shall be surrendered by the licensee to the board of county commissioners.

Section 13. Penalties.

Any licensee who shall violate the provisions of this article shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment. Further, upon a lawful finding of guilt, the court having jurisdiction of said charge shall adjudicate the accused guilty, and such adjudication shall not be withheld.

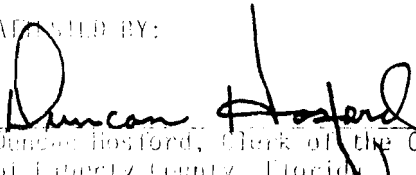
Section 14. Effective date.

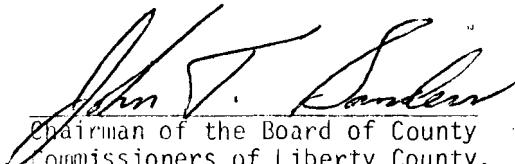
This Ordinance shall take effect upon its passage and publication as provided by law.

Introduced in open session of the Board of County Commissioners of Liberty County, Florida, on the 5th day of August, 1986.

Passed in open session of the Board of the County Commissioners of Liberty County, Florida, on the 7th day of October, 1986.

ATTEST BY:

  
Duncan Hosford, Clerk of the Circuit Court,  
of Liberty County, Florida

  
Chairman of the Board of County  
Commissioners of Liberty County,  
Florida

