

Out-of-state gun permits, carrying weapons in state

Number: INFORMAL

Date: January 29, 1997

Ms. Carol Callaway
Senior Assistant Attorney General
Georgia Attorney General's Office
40 Capitol Square Southwest
Atlanta, Georgia 30334-1300

Dear Ms. Callaway:

Attorney General Bowers has asked this office whether Florida law recognizes gun permits issued in another state and will honor such permits in Florida. Attorney General Butterworth has asked me to respond to Attorney General Bowers' letter.

Section 790.053, Florida Statutes, specifically prohibits the open carrying of weapons:

"Except as otherwise provided by law, it shall be unlawful for any person to openly carry on or about his person any firearm or electric weapon or device; provided, however, that a person may openly carry a stun gun or nonlethal electric weapon or device designed solely for defensive purposes, which weapon does not fire a dart or projectile. Any person violating this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083."

Thus, in the absence of a statute specifically authorizing such conduct, it is unlawful for any person to openly carry a firearm.

Carrying concealed weapons is also made unlawful by Florida law. Section 790.01(1), Florida Statutes, provides that "[w]hoever shall carry a concealed weapon or electric weapon or device on or about his person shall be guilty of a misdemeanor of the first degree[.]" However, the provisions of this statute do not apply to persons licensed in s. 790.06, Florida Statutes, to carry concealed weapons or firearms.[1] Pursuant to section 790.06, Florida Statutes, the Department of State is authorized to issue licenses to carry concealed weapons or concealed firearms to persons who meet the statutory requirements.[2]

Exceptions to the prohibitions of sections 790.053 and 790.06, Florida Statutes, are provided in section 790.25(3), Florida Statutes. Thus, when using a firearm lawfully, as set forth in section 790.25(3), a person does not need a license when engaged in the activities prescribed therein.

I am, however, not aware of any provision in Florida law which provides that a handgun permit issued by another state will be honored in Florida as if it were a permit issued by this state.

I am enclosing a copy of Chapter 790, Florida Statutes, for your information and review. I trust that the above informal comments may be of some assistance.

Sincerely,

Joslyn Wilson
Director, Division of Opinions
Assistant Attorney General

JW/tgk

Enclosure

[1] See s. 790.01(3), Fla. Stat.

[2] See s. 790.06(2), Fla. Stat., for a complete list of the qualifications an applicant must meet for licensure.