



Written by [Bob Adelman](#) on February 21, 2023

Florida to Become 26th Permitless-carry State

Matching “permitless concealed carry” bills [are progressing through Florida’s legislature](#). With Republican supermajorities in both the state House and Senate, passage into law with Governor Ron DeSantis’ signature is a foregone conclusion. This will make Florida the 26th state to remove the infringement of requiring a permit to carry a concealed firearm.



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Celebrations, however, are muted. Nothing in either bill addresses Florida’s rule that prohibits open carrying of a firearm, even for those with permits. And that’s highly annoying to Second Amendment purists such as Dudley Brown, head of the National Association for Gun Rights (NAGR). Back in late January, when the House bill was first introduced, Brown said:

While this bill does allow for most adults to carry a concealed handgun without a permit, we’d love to see it also include open carry as well.

Gov. Ron DeSantis is already on the record supporting Constitutional Carry and [with majority] Republican control [of] the state legislature — amending the legislation to include open carry would be an even greater win for the Constitutional Carry movement.

I hope the bill sponsors are willing to amend the bill and make it stronger.

They didn’t listen, and the bills are generating lackluster support from some Republicans and delighting anti-gun Democrats who have little chance to stall either bill due to those Republican supermajorities in both houses.

Constitutional Carry isn’t synonymous with “permitless” carry. Constitutional Carry is defined as the Second Amendment defines it: “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”

Historians accede that, at the time the amendment was added to the Constitution, the Militia was a reference to able-bodied citizens in each state. Therefore, any requirement attached to the exercise of that right is an infringement.

As the NAGR explains:

Constitutional Carry is the basic principle that if you are legally eligible to possess a firearm, you should be able to carry that weapon, open or concealed, for self-defense without government permission.



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Said Brown: “Florida is one of the most populous states in America and passing Constitutional Carry into law — especially a Constitutional Carry bill which applies to all law-abiding adults — would be a major victory for the gun rights movement nationwide.”

Once the new Florida bills are passed into law, Florida residents may carry concealed without first obtaining permission, or taking a gun class, or submitting to other infringements. But carrying a firearm openly comes with a \$500 fine. And the bills also limit permitless concealed carry to citizens aged 21 and over, neatly prohibiting those aged 18 through 20 from enjoying the same rights.

One therefore must be careful when parsing the language of politicians such as Florida House Speaker Paul Renner when he announced that the bills were being introduced on January 30:

Florida led the nation in allowing for concealed carry, and that extends today as we remove the government permission slip to exercise a constitutional right.

The Florida Sheriffs Association and the Florida Police Chiefs are on board with the bills as written (and likely to be signed into law). Said Pinellas County Sheriff Bob Gualtieri, “This concealed carry permit requirement serves nothing for Florida, and the reason it serves nothing for Florida is because it has no bearing on who goes and buys a gun.”

The Senate version includes school-safety measures, such as expanding the school-guardian program to allow private school staff to be armed, in addition to public- and charter-school guardians.

Floridians who want to enjoy reciprocity rights in other states that don’t have permitless carry laws may still obtain a permit if they wish.



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