

By Senator Braynon

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1 A bill to be entitled
2 An act relating to licensure to carry a concealed
3 weapon or firearm; amending s. 790.06, F.S.; revising
4 conditions precedent to the issuance of a license to
5 carry a concealed weapon or firearm; revising
6 conditions under which a license to carry a concealed
7 weapon or firearm is suspended or revoked and the
8 conditions under which an application for such license
9 is denied or the processing thereof suspended;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsections (2), (3), (10), and (13) of section
15 790.06, Florida Statutes, are amended to read:

16 790.06 License to carry concealed weapon or firearm.—

17 (2) The Department of Agriculture and Consumer Services
18 shall issue a license if the applicant:

19 (a) Is a resident of the United States and a citizen of the
20 United States or a permanent resident alien of the United
21 States, as determined by the United States Bureau of Citizenship
22 and Immigration Services, or is a consular security official of
23 a foreign government that maintains diplomatic relations and
24 treaties of commerce, friendship, and navigation with the United
25 States and is certified as such by the foreign government and by
26 the appropriate embassy in this country;

27 (b) Is 21 years of age or older;

28 (c) Does not suffer from a physical infirmity which
29 prevents the safe handling of a weapon or firearm;

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30 (d) Is not ineligible to possess a firearm pursuant to s.
31 790.23 by virtue of having been convicted of a felony;

32 (e) Has not been committed for the abuse of a controlled
33 substance or been found guilty of a crime under the provisions
34 of chapter 893 or similar laws of any other state relating to
35 controlled substances within a 5-year ~~3-year~~ period immediately
36 preceding the date on which the application is submitted;

37 (f) Does not chronically and habitually use alcoholic
38 beverages or other substances to the extent that his or her
39 normal faculties are impaired. It shall be presumed that an
40 applicant chronically and habitually uses alcoholic beverages or
41 other substances to the extent that his or her normal faculties
42 are impaired if the applicant has been committed under chapter
43 397 or under the provisions of former chapter 396 or has been
44 convicted under s. 790.151 or has been deemed a habitual
45 offender under s. 856.011(3), or has had two or more convictions
46 under s. 316.193 or similar laws of any other state, within the
47 5-year ~~3-year~~ period immediately preceding the date on which the
48 application is submitted;

49 (g) Desires a legal means to carry a concealed weapon or
50 firearm for lawful self-defense;

51 (h) Demonstrates competence with a firearm by any one of
52 the following:

53 1. Completion of any hunter education or hunter safety
54 course approved by the Fish and Wildlife Conservation Commission
55 or a similar agency of another state;

56 2. Completion of any National Rifle Association firearms
57 safety or training course;

58 3. Completion of any firearms safety or training course or

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59 class available to the general public offered by a law
60 enforcement, junior college, college, or private or public
61 institution or organization or firearms training school,
62 utilizing instructors certified by the National Rifle
63 Association, Criminal Justice Standards and Training Commission,
64 or the Department of Agriculture and Consumer Services;

65 4. Completion of any law enforcement firearms safety or
66 training course or class offered for security guards,
67 investigators, special deputies, or any division or subdivision
68 of law enforcement or security enforcement;

69 5. Presents evidence of equivalent experience with a
70 firearm through participation in organized shooting competition
71 or military service;

72 6. Is licensed or has been licensed to carry a firearm in
73 this state or a county or municipality of this state, unless the
74 ~~such~~ license has been revoked for cause; or

75 7. Completion of any firearms training or safety course or
76 class conducted by a state-certified or National Rifle
77 Association certified firearms instructor;

78
79 A photocopy of a certificate of completion of any of the courses
80 or classes; or an affidavit from the instructor, school, club,
81 organization, or group that conducted or taught the ~~said~~ course
82 or class attesting to the completion of the course or class by
83 the applicant; or a copy of any document that ~~which~~ shows
84 completion of the course or class or evidences participation in
85 firearms competition constitutes ~~shall constitute~~ evidence of
86 qualification under this paragraph; any person who conducts a
87 course pursuant to subparagraph 2., subparagraph 3., or

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88 subparagraph 7., or who, as an instructor, attests to the
89 completion of such courses, must maintain records certifying
90 that he or she observed the student safely handle and discharge
91 the firearm;

92 (i) Has not been adjudicated an incapacitated person under
93 s. 744.331, or similar laws of any other state, unless 5 years
94 have elapsed since the applicant's restoration to capacity by
95 court order;

96 (j) Has not been committed to a mental institution under
97 chapter 394, or similar laws of any other state, unless the
98 applicant produces a certificate from a licensed psychiatrist
99 that he or she has not suffered from disability for at least 5
100 years prior to the date of submission of the application;

101 (k) Has not had adjudication of guilt withheld or
102 imposition of sentence suspended on any felony or misdemeanor
103 crime of domestic violence unless 5 ~~3~~ years have elapsed since
104 probation or any other conditions set by the court have been
105 fulfilled, or the record has been sealed or expunged;

106 (l) Has not been issued an injunction that is currently in
107 force and effect and that restrains the applicant from
108 committing acts of domestic violence or acts of repeat violence;
109 and

110 (m) Is not prohibited from purchasing or possessing a
111 firearm by any other ~~provision~~ of Florida or federal law.

112 (3) The Department of Agriculture and Consumer Services
113 shall deny a license if the applicant has been found guilty of,
114 had adjudication of guilt withheld for, or had imposition of
115 sentence suspended for one or more crimes of violence
116 constituting a misdemeanor, unless 5 ~~3~~ years have elapsed since

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117 probation or any other conditions set by the court have been
118 fulfilled or the record has been sealed or expunged. The
119 Department of Agriculture and Consumer Services shall revoke a
120 license if the licensee has been found guilty of, had
121 adjudication of guilt withheld for, or had imposition of
122 sentence suspended for one or more crimes of violence within the
123 preceding 5 ~~3~~ years. The department shall, upon notification by
124 a law enforcement agency, a court, or the ~~Florida~~ Department of
125 Law Enforcement and subsequent written verification, suspend a
126 license or the processing of an application for a license if the
127 licensee or applicant is arrested or formally charged with a
128 crime that would disqualify the ~~such~~ person from having a
129 license under this section, until final disposition of the case
130 resulting in the charges being dismissed or nolle prossed by the
131 state attorney's office, the Office of Statewide Prosecution, or
132 a court of competent jurisdiction. The department shall suspend
133 a license or the processing of an application for a license if
134 the licensee or applicant is issued an injunction that restrains
135 the licensee or applicant from committing acts of domestic
136 violence or acts of repeat violence.

137 (10) A license issued under this section shall be suspended
138 or revoked pursuant to chapter 120 if the licensee:

139 (a) Is found to be ineligible under the criteria set forth
140 in subsection (2);

141 (b) Develops or sustains a physical infirmity which
142 prevents the safe handling of a weapon or firearm;

143 (c) Is convicted of a felony which would make the licensee
144 ineligible to possess a firearm pursuant to s. 790.23;

145 (d) Is found guilty of a crime under ~~the provisions of~~

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146 chapter 893, or similar laws of any other state, relating to
147 controlled substances;

148 (e) Is committed as a substance abuser under chapter 397,
149 or is deemed a habitual offender under s. 856.011(3), or similar
150 laws of any other state;

151 (f) Is convicted of a second violation of s. 316.193, or a
152 similar law of another state, within 5 ~~3~~ years after ~~of~~ a
153 previous conviction of such section, or similar law of another
154 state, even though the first violation may have occurred prior
155 to the date on which the application was submitted;

156 (g) Is adjudicated an incapacitated person under s.
157 744.331, or similar laws of any other state; or

158 (h) Is committed to a mental institution under chapter 394,
159 or similar laws of any other state.

160 (13) All moneys collected by the department pursuant to
161 this section shall be deposited in the Division of Licensing
162 Trust Fund, and the Legislature shall appropriate from the fund
163 those amounts deemed necessary to administer ~~the provisions of~~
164 this section. All revenues collected, less those costs
165 determined by the Department of Agriculture and Consumer
166 Services to be nonrecurring or one-time costs, shall be deferred
167 over the 7-year licensure period. Notwithstanding ~~the provisions~~
168 ~~of~~ s. 493.6117, ~~all~~ moneys collected under ~~pursuant to~~ this
169 section do ~~shall~~ not revert to the General Revenue Fund;
170 however, this does ~~shall~~ not abrogate the requirement for
171 payment of the service charge imposed pursuant to chapter 215.

172 Section 2. This act shall take effect July 1, 2013.