



599314

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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03/03/2018 12:26 PM

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Senator Campbell moved the following:

1 **Senate Amendment to Amendment (234288) (with title**
2 **amendment)**

3
4 Between lines 337 and 338
5 insert:

6 Section 9. Subsection (2) of section 790.06, Florida
7 Statutes, is amended to read:

8 790.06 License to carry concealed weapon or firearm.-

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

11 (a) Is a resident of the United States and a citizen of the



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12 United States or a permanent resident alien of the United
13 States, as determined by the United States Bureau of Citizenship
14 and Immigration Services, or is a consular security official of
15 a foreign government that maintains diplomatic relations and
16 treaties of commerce, friendship, and navigation with the United
17 States and is certified as such by the foreign government and by
18 the appropriate embassy in this country;

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

20 (c) Does not suffer from a physical infirmity that ~~which~~
21 prevents the safe handling of a weapon or firearm;

22 (d) Is not ineligible to possess a firearm pursuant to s.
23 790.23 by virtue of having been convicted of a felony;

24 (e) Has not been:

25 1. Found guilty of a crime under the provisions of chapter
26 893 or similar laws of any other state relating to controlled
27 substances within a 3-year period immediately preceding the date
28 on which the application is submitted; or

29 2. Committed for the abuse of a controlled substance under
30 chapter 397 or under the provisions of former chapter 396 or
31 similar laws of any other state. An applicant who has been
32 granted relief from firearms disabilities pursuant to s.
33 790.065(2)(a)4.d. or pursuant to the law of the state in which
34 the commitment occurred is deemed not to be committed for the
35 abuse of a controlled substance under this subparagraph;

36 (f) Does not chronically and habitually use alcoholic
37 beverages or other substances to the extent that his or her
38 normal faculties are impaired. It shall be presumed that an
39 applicant chronically and habitually uses alcoholic beverages or
40 other substances to the extent that his or her normal faculties



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41 are impaired if the applicant has been convicted under s.
42 790.151 or has been deemed a habitual offender under s.
43 856.011(3), or has had two or more convictions under s. 316.193
44 or similar laws of any other state, within the 3-year period
45 immediately preceding the date on which the application is
46 submitted;

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

49 (h) Demonstrates competence with a firearm by any one of
50 the following:

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

54 2. Completion of any National Rifle Association firearms
55 safety or training course;

56 3. Completion of any firearms safety or training course or
57 class available to the general public offered by a law
58 enforcement agency, junior college, college, or private or
59 public institution or organization or firearms training school,
60 using instructors certified by the National Rifle Association,
61 Criminal Justice Standards and Training Commission, or the
62 Department of Agriculture and Consumer Services;

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

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



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

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

76

77 A photocopy of a certificate of completion of any of the courses
78 or classes; an affidavit from the instructor, school, club,
79 organization, or group that conducted or taught such course or
80 class attesting to the completion of the course or class by the
81 applicant; or a copy of any document that shows completion of
82 the course or class or evidences participation in firearms
83 competition shall constitute evidence of qualification under
84 this paragraph. A person who conducts a course pursuant to
85 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
86 an instructor, attests to the completion of such courses, must
87 maintain records certifying that he or she observed the student
88 safely handle and discharge the firearm in his or her physical
89 presence and that the discharge of the firearm included live
90 fire using a firearm and ammunition as defined in s. 790.001;

91 (i) Has not been adjudicated an incapacitated person under
92 s. 744.331, or similar laws of any other state. An applicant who
93 has been granted relief from firearms disabilities pursuant to
94 s. 790.065(2)(a)4.d. or pursuant to the law of the state in
95 which the adjudication occurred is deemed not to have been
96 adjudicated an incapacitated person under this paragraph;

97 (j) Has not been committed to a mental institution under
98 chapter 394, or similar laws of any other state. An applicant



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99 who has been granted relief from firearms disabilities pursuant
100 to s. 790.065(2)(a)4.d. or pursuant to the law of the state in
101 which the commitment occurred is deemed not to have been
102 committed in a mental institution under this paragraph;

103 (k) Has not had adjudication of guilt withheld or
104 imposition of sentence suspended on any felony unless 3 years
105 have elapsed since probation or any other conditions set by the
106 court have been fulfilled, or expunction has occurred;

107 (l) Has not had adjudication of guilt withheld or
108 imposition of sentence suspended on any misdemeanor crime of
109 domestic violence unless 3 years have elapsed since probation or
110 any other conditions set by the court have been fulfilled, or
111 the record has been expunged;

112 (m) Has not been issued an injunction that is currently in
113 force and effect and that restrains the applicant from
114 committing acts of domestic violence or acts of repeat violence;
115 ~~and~~

116 (n) Has undergone a mental health evaluation conducted by a
117 clinical psychologist or a psychiatrist, as those terms are
118 defined in s. 394.455, and has been determined to be competent
119 and of sound mind; and

120 (o) ~~(n)~~ Is not prohibited from purchasing or possessing a
121 firearm by any other provision of Florida or federal law.

122
123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:

125 Delete line 2422

126 and insert:

127 availability of services; amending s. 790.06, F.S.;



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128 requiring the Department of Agriculture and Consumer
129 Services to issue a license if, in addition to other
130 specified criteria, the applicant has undergone a
131 mental health evaluation conducted by certain licensed
132 professionals and has been determined to be competent;
133 creating s. 790.064, F.S.;