

By Senator Harris

24-1044-98

1                                   A bill to be entitled  
2           An act relating to firearms-related licenses;  
3           amending ss. 493.6111, 493.6113, F.S.;  
4           extending the licensure period for certain  
5           licenses; amending s. 790.06, F.S.; extending  
6           the licensure period for concealed weapons  
7           licenses; requiring persons who conduct or  
8           instruct certain gun safety and licensure  
9           courses to maintain records; providing an  
10          effective date.

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

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14           Section 1. Subsection (2) of section 493.6111, Florida  
15 Statutes, is amended to read:

16           493.6111 License; contents; identification card.--  
17           (2) Licenses shall be valid for a period of 2 years,  
18 except for Class "A," Class "B," Class "AB," Class "R," and  
19 branch agency licenses, which shall be valid for a period of 3  
20 years.

21           Section 2. Subsection (1) of section 493.6113, Florida  
22 Statutes, is amended to read:

23           493.6113 Renewal application for licensure.--  
24           (1) A license granted under the provisions of this  
25 chapter shall be renewed biennially by the department, except  
26 for Class "A," Class "B," Class "AB," Class "R," and branch  
27 agency licenses, which shall be renewed every 3 years.

28           Section 3. Subsections (1) and (2) of section 790.06,  
29 Florida Statutes, are amended to read:

30           790.06 License to carry concealed weapon or firearm.--

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1           (1) The Department of State is authorized to issue  
2 licenses to carry concealed weapons or concealed firearms to  
3 persons qualified as provided in this section. Each such  
4 license must bear a color photograph of the licensee. For the  
5 purposes of this section, concealed weapons or concealed  
6 firearms are defined as a handgun, electronic weapon or  
7 device, tear gas gun, knife, or billie, but the term does not  
8 include a machine gun as defined in s. 790.001(9). Such  
9 licenses shall be valid throughout the state for a period of 5  
10 ~~3~~ years from the date of issuance. Any person in compliance  
11 with the terms of such license may carry a concealed weapon or  
12 concealed firearm notwithstanding the provisions of s. 790.01.  
13 The licensee must carry the license, together with valid  
14 identification, at all times in which the licensee is in  
15 actual possession of a concealed weapon or firearm and must  
16 display both the license and proper identification upon demand  
17 by a law enforcement officer. Violations of the provisions of  
18 this subsection shall constitute a noncriminal violation with  
19 a penalty of \$25, payable to the clerk of the court.

20           (2) The Department of State shall issue a license if  
21 the applicant:

22           (a) Is a resident of the United States or is a  
23 consular security official of a foreign government that  
24 maintains diplomatic relations and treaties of commerce,  
25 friendship, and navigation with the United States and is  
26 certified as such by the foreign government and by the  
27 appropriate embassy in this country;

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

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

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

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

9 (f) Does not chronically and habitually use alcoholic  
10 beverages or other substances to the extent that his or her  
11 normal faculties are impaired. It shall be presumed that an  
12 applicant chronically and habitually uses alcoholic beverages  
13 or other substances to the extent that his or her normal  
14 faculties are impaired if the applicant has been committed  
15 under chapter 397 or under the provisions of former chapter  
16 396 or has been convicted under s. 790.151 or has been deemed  
17 a habitual offender under s. 856.011(3), or has had two or  
18 more convictions under s. 316.193 or similar laws of any other  
19 state, within the 3-year period immediately preceding the date  
20 on which the application is submitted;

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

23 (h) Demonstrates competence with a firearm by any one  
24 of the following:

25 1. Completion of any hunter education or hunter safety  
26 course approved by the Game and Fresh Water Fish Commission or  
27 a similar agency of another state;

28 2. Completion of any National Rifle Association  
29 firearms safety or training course;

30 3. Completion of any firearms safety or training  
31 course or class available to the general public offered by a

1 law enforcement, junior college, college, or private or public  
2 institution or organization or firearms training school,  
3 utilizing instructors certified by the National Rifle  
4 Association, Criminal Justice Standards and Training  
5 Commission, or the Department of State;

6 4. Completion of any law enforcement firearms safety  
7 or training course or class offered for security guards,  
8 investigators, special deputies, or any division or  
9 subdivision of law enforcement or security enforcement;

10 5. Presents evidence of equivalent experience with a  
11 firearm through participation in organized shooting  
12 competition or military service;

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

16 7. Completion of any firearms training or safety  
17 course or class conducted by a state-certified or National  
18 Rifle Association certified firearms instructor;

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20 A photocopy of a certificate of completion of any of the  
21 courses or classes; or an affidavit from the instructor,  
22 school, club, organization, or group that conducted or taught  
23 said course or class attesting to the completion of the course  
24 or class by the applicant; or a copy of any document which  
25 shows completion of the course or class or evidences  
26 participation in firearms competition shall constitute  
27 evidence of qualification under this paragraph; any person who  
28 conducts a course pursuant to subparagraph 2., subparagraph  
29 3., or subparagraph 7., or who, as an instructor, attests to  
30 the completion of such courses, must maintain records

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1 certifying that he or she observed the student safely handle  
2 and discharge the firearm;

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

7 (j) Has not been committed to a mental institution  
8 under chapter 394, or similar laws of any other state, unless  
9 the applicant produces a certificate from a licensed  
10 psychiatrist that he or she has not suffered from disability  
11 for at least 5 years prior to the date of submission of the  
12 application; and

13 (k) Has not had adjudication of guilt withheld or  
14 imposition of sentence suspended on any felony unless 3 years  
15 have elapsed since probation or any other conditions set by  
16 the court have been fulfilled, or the record has been sealed  
17 or expunged.

18 Section 4. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Extends the licensure period for certain investigative  
and concealed weapons licenses. Requires persons who  
conduct or instruct concealed weapons courses to maintain  
records.