

By the Committee on Criminal Justice and Senator Harris

307-2034-98

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; disqualifying
10 persons convicted of a DUI offense from
11 obtaining a concealed weapons license;
12 providing for an annual records check of
13 licenseholders; providing an effective date.

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

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

19 493.6111 License; contents; identification card.--

20 (2) Licenses shall be valid for a period of 2 years,
21 except for Class "A," Class "B," Class "AB," Class "R," and
22 branch agency licenses, which shall be valid for a period of 3
23 years.

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

26 493.6113 Renewal application for licensure.--

27 (1) A license granted under the provisions of this
28 chapter shall be renewed biennially by the department, except
29 for Class "A," Class "B," Class "AB," Class "R," and branch
30 agency licenses, which shall be renewed every 3 years.

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1 Section 3. Subsections (1) and (2) of section 790.06,
2 Florida Statutes, are amended, and subsection (18) is added to
3 that section, to read:

4 790.06 License to carry concealed weapon or firearm.--

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

24 (2) The Department of State shall issue a license if
25 the applicant:

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

- 1 (b) Is 21 years of age or older;
- 2 (c) Does not suffer from a physical infirmity which
3 prevents the safe handling of a weapon or firearm;
- 4 (d) Is not ineligible to possess a firearm pursuant to
5 s. 790.23 by virtue of having been convicted of a felony;
- 6 (e) Has not been committed for the abuse of a
7 controlled substance or been found guilty of a crime under the
8 provisions of chapter 893 or similar laws of any other state
9 relating to controlled substances within a 3-year period
10 immediately preceding the date on which the application is
11 submitted;
- 12 (f) Does not chronically and habitually use alcoholic
13 beverages or other substances to the extent that his or her
14 normal faculties are impaired. It shall be presumed that an
15 applicant chronically and habitually uses alcoholic beverages
16 or other substances to the extent that his or her normal
17 faculties are impaired if the applicant has been committed
18 under chapter 397 or under the provisions of former chapter
19 396 or has been convicted under s. 790.151 or has been deemed
20 a habitual offender under s. 856.011(3), or has had two or
21 more convictions under s. 316.193 or similar laws of any other
22 state, within the 3-year period immediately preceding the date
23 on which the application is submitted;
- 24 (g) Desires a legal means to carry a concealed weapon
25 or firearm for lawful self-defense;
- 26 (h) Demonstrates competence with a firearm by any one
27 of the following:
- 28 1. Completion of any hunter education or hunter safety
29 course approved by the Game and Fresh Water Fish Commission or
30 a similar agency of another state;

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

3 3. Completion of any firearms safety or training
4 course or class available to the general public offered by a
5 law enforcement, junior college, college, or private or public
6 institution or organization or firearms training school,
7 utilizing instructors certified by the National Rifle
8 Association, Criminal Justice Standards and Training
9 Commission, or the Department of State;

10 4. Completion of any law enforcement firearms safety
11 or training course or class offered for security guards,
12 investigators, special deputies, or any division or
13 subdivision of law enforcement or security enforcement;

14 5. Presents evidence of equivalent experience with a
15 firearm through participation in organized shooting
16 competition or military service;

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

20 7. Completion of any firearms training or safety
21 course or class conducted by a state-certified or National
22 Rifle Association certified firearms instructor;

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24 A photocopy of a certificate of completion of any of the
25 courses or classes; or an affidavit from the instructor,
26 school, club, organization, or group that conducted or taught
27 said course or class attesting to the completion of the course
28 or class by the applicant; or a copy of any document which
29 shows completion of the course or class or evidences
30 participation in firearms competition shall constitute
31 evidence of qualification under this paragraph; any person who

1 conducts a course pursuant to subparagraph 2., subparagraph
2 3., or subparagraph 7., or who, as an instructor, attests to
3 the completion of such courses, must maintain records
4 certifying that he or she observed the student safely handle
5 and discharge the firearm;

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

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

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

21 (l) Has not been convicted of a violation of s.
22 316.193 or a similar law of another state.

23 (18) The Department of State shall conduct an annual
24 records check of licenseholders to verify compliance with this
25 section.

26 Section 4. This act shall take effect July 1, 1998,
27 but it shall not extend the validity date on any license
28 issued prior to this date.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1810

- . Amends the concealed weapons license section to disqualify, as license holders, persons with a prior conviction for DUI.
- . Amends the concealed weapons license section to require the Department of State to conduct a records check of license holders to assure compliance with the provisions of the concealed weapons law.
- . Specifies that the effective date shall not extend the validity date on any license issued prior to the effective date.