

By the Committee on Criminal Justice and Senator Latvala

307-1743-98

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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

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

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

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

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

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

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

790.06 License to carry concealed weapon or firearm.--

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;

31

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;

19
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

31

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,
19 but it shall not delay the expiration date of any license
20 issued prior to July 1, 1998.

21
22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 504

25 Specifies that the effective date shall not extend the
26 validity date on any license issued prior to the effective
27 date.

28
29
30
31