

By Senator Diaz de la Portilla

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1 A bill to be entitled

2 An act relating to concealed weapons licenses; amending s.
3 790.06, F.S.; requiring the Department of Agriculture and
4 Consumer Services to deny, revoke, or suspend a license
5 under certain circumstances; increasing the period that a
6 denial, revocation, or suspension of a license remains in
7 effect; clarifying the meaning of "final disposition of
8 the case" for purposes of suspending a license; requiring
9 the court to revoke a license along with imposing sentence
10 under certain circumstances; requiring the court to
11 suspend a license as a condition of probation; amending s.
12 790.115, F.S., relating to possessing or discharging a
13 weapon on school property; conforming a cross-reference;
14 amending s. 903.047, F.S.; requiring a defendant to
15 surrender a license to the clerk of the court as a
16 condition of pretrial release if the defendant is arrested
17 for any crime that would require the department to deny,
18 suspend, or revoke the license; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Subsection (3) of section 790.06, Florida
24 Statutes, is amended, present subsections (11) through (17) of
25 that section are redesignated as subsections (12) through (18),
26 respectively, and a new subsection (11) is added to that section,
27 to read:

28 790.06 License to carry concealed weapon or firearm.--

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29 (3) The Department of Agriculture and Consumer Services
30 shall deny a license if the applicant has been found guilty of,
31 had adjudication of guilt withheld for, or had imposition of
32 sentence suspended for one or more crimes of violence
33 constituting a misdemeanor, unless 5 ~~3~~ years have elapsed since
34 probation or any other conditions set by the court have been
35 fulfilled or the record has been sealed or expunged. The
36 Department of Agriculture and Consumer Services shall revoke a
37 license if the licensee has been found guilty of, had
38 adjudication of guilt withheld for, or had imposition of sentence
39 suspended for one or more crimes of violence within the preceding
40 5 ~~3~~ years. The department shall, upon notification by a law
41 enforcement agency, a court, or the ~~Florida~~ Department of Law
42 Enforcement and subsequent written verification, suspend a
43 license or the processing of an application for a license if the
44 licensee or applicant is arrested or formally charged with a
45 crime that would disqualify such person from having a license
46 under this section, until final disposition of the case resulting
47 in the charges being dismissed or nolle prossed by the state
48 attorney's office, the Office of Statewide Prosecution, or a
49 court of competent jurisdiction. The department shall suspend a
50 license or the processing of an application for a license if the
51 licensee or applicant is issued an injunction that restrains the
52 licensee or applicant from committing acts of domestic violence
53 or acts of repeat violence.

54 (11) (a) The court shall revoke a license issued under this
55 section along with imposing sentence effective the date of the
56 conviction if the licensee is:

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57 1. Convicted of a felony that would make the licensee
58 ineligible to possess a firearm pursuant to s. 790.23;

59 2. Found guilty of a crime under the provisions of chapter
60 893; or

61 3. Convicted of a second violation of s. 316.193 within 3
62 years following a previous conviction under that section, or a
63 similar law of another state, regardless of whether the first
64 violation occurred before the date on which the application was
65 submitted.

66 (b) The court shall suspend a license issued under this
67 section as a condition of probation for the period of probation
68 if the licensee is placed on felony probation or misdemeanor
69 probation for a crime of violence, regardless of whether
70 adjudication of guilt is withheld.

71 Section 2. Paragraph (e) of subsection (2) of section
72 790.115, Florida Statutes, is amended to read:

73 790.115 Possessing or discharging weapons or firearms at a
74 school-sponsored event or on school property prohibited;
75 penalties; exceptions.--

76 (2)

77 (e) The penalties of this subsection shall not apply to
78 persons licensed under s. 790.06. Persons licensed under s.
79 790.06 shall be punished as provided in s. 790.06(13) ~~s.~~
80 ~~790.06(12)~~, except that a licenseholder who unlawfully discharges
81 a weapon or firearm on school property as prohibited by this
82 subsection commits a felony of the second degree, punishable as
83 provided in s. 775.082, s. 775.083, or s. 775.084.

84 Section 3. Subsection (1) of section 903.047, Florida
85 Statutes, is amended to read:

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86 903.047 Conditions of pretrial release.--

87 (1) As a condition of pretrial release, whether such
88 release is by surety bail bond or recognizance bond or in some
89 other form, the defendant shall:

90 (a) Refrain from criminal activity of any kind.

91 (b) Refrain from any contact of any type with the victim,
92 except through pretrial discovery pursuant to the Florida Rules
93 of Criminal Procedure.

94 (c) Surrender to the clerk of the court a license to carry
95 a concealed weapon if the defendant is arrested for any crime
96 that would require the Department of Agriculture and Consumer
97 Services to deny that license under s. 790.06(3) or suspend or
98 revoke that license under s. 790.06(10) and pursuant to chapter
99 120.

100 (d)~~(e)~~ Comply with all conditions of pretrial release.

101 Section 4. This act shall take effect upon becoming a law.