

By Senator Bullard

39-03848-08

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1 A bill to be entitled

2 An act relating to licensure to carry a concealed weapon  
3 or firearm; amending s. 790.06, F.S.; revising conditions  
4 precedent to the issuance of a license to carry a  
5 concealed weapon or firearm; revising conditions under  
6 which a license to carry a concealed weapon or firearm  
7 must be suspended or revoked and under which an  
8 application for such license must be denied or the  
9 processing thereof suspended; making a technical  
10 correction; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Paragraphs (e), (f), and (k) of subsection (2),  
15 subsection (3), paragraph (f) of subsection (10), and subsection  
16 (13) of section 790.06, Florida Statutes, are amended to read:

17 790.06 License to carry concealed weapon or firearm.--

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

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

25 (f) Does not chronically and habitually use alcoholic  
26 beverages or other substances to the extent that his or her  
27 normal faculties are impaired. It shall be presumed that an  
28 applicant chronically and habitually uses alcoholic beverages or  
29 other substances to the extent that his or her normal faculties

39-03848-08

20082732\_\_

30 are impaired if the applicant has been committed under chapter  
31 397 or under the provisions of former chapter 396 or has been  
32 convicted under s. 790.151 or has been deemed a habitual offender  
33 under s. 856.011(3), or has had two or more convictions under s.  
34 316.193 or similar laws of any other state, within the 5-year ~~3-~~  
35 ~~year~~ period immediately preceding the date on which the  
36 application is submitted;

37 (k) Has not had adjudication of guilt withheld or  
38 imposition of sentence suspended on any felony or misdemeanor  
39 crime of domestic violence unless 5 ~~3~~ years have elapsed since  
40 probation or any other conditions set by the court have been  
41 fulfilled, or the record has been sealed or expunged;

42 (3) The Department of Agriculture and Consumer Services  
43 must ~~shall~~ deny a license if the applicant has been found guilty  
44 of, had adjudication of guilt withheld for, or had imposition of  
45 sentence suspended for one or more crimes of violence  
46 constituting a misdemeanor, unless 5 ~~3~~ years have elapsed since  
47 probation or any other conditions set by the court have been  
48 fulfilled or the record has been sealed or expunged. The  
49 Department of Agriculture and Consumer Services must ~~shall~~ revoke  
50 a license if the licensee has been found guilty of, had  
51 adjudication of guilt withheld for, or had imposition of sentence  
52 suspended for one or more crimes of violence within the preceding  
53 5 ~~3~~ years. The department must ~~shall~~, upon notification by a law  
54 enforcement agency, a court, or the Florida Department of Law  
55 Enforcement and subsequent written verification, suspend a  
56 license or the processing of an application for a license if the  
57 licensee or applicant is arrested or formally charged with a  
58 crime that would disqualify such person from having a license

39-03848-08

20082732\_\_

59 | under this section, until final disposition of the case resulting  
60 | in the charges being dismissed or nolle prossed by the state  
61 | attorney's office, the Office of Statewide Prosecution, or a  
62 | court of competent jurisdiction. The department must ~~shall~~  
63 | suspend a license or the processing of an application for a  
64 | license if the licensee or applicant is issued an injunction that  
65 | restrains the licensee or applicant from committing acts of  
66 | domestic violence or acts of repeat violence.

67 | (10) A license issued under this section shall be suspended  
68 | or revoked pursuant to chapter 120 if the licensee:

69 | (f) Is convicted of a second violation of s. 316.193, or a  
70 | similar law of another state, within 5 ~~3~~ years of a previous  
71 | conviction of such section, or similar law of another state, even  
72 | though the first violation may have occurred prior to the date on  
73 | which the application was submitted;

74 | (13) All moneys collected by the department pursuant to  
75 | this section shall be deposited in the Division of Licensing  
76 | Trust Fund, and the Legislature shall appropriate from the fund  
77 | those amounts deemed necessary to administer the provisions of  
78 | this section. All revenues collected, less those costs determined  
79 | by the Department of Agriculture and Consumer Services to be  
80 | nonrecurring or one-time costs, shall be deferred over the 5-year  
81 | ~~3-year~~ licensure period. Notwithstanding the provisions of s.  
82 | 493.6117, all moneys collected pursuant to this section shall not  
83 | revert to the General Revenue Fund; however, this shall not  
84 | abrogate the requirement for payment of the service charge  
85 | imposed pursuant to chapter 215.

86 | Section 2. This act shall take effect October 1, 2008.