

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:
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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
 22 of 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
 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
 33 | offender under s. 856.011(3), or has had two or more convictions
 34 | under s. 316.193 or similar laws of any other state, within the
 35 | 5-year ~~3-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~~
 50 | revoke a license if the licensee has been found guilty of, had
 51 | adjudication of guilt withheld for, or had imposition of
 52 | sentence suspended for one or more crimes of violence within the
 53 | preceding 5 ~~3~~ years. The department must ~~shall~~, upon
 54 | notification by a law enforcement agency, a court, or the
 55 | Florida Department of Law Enforcement and subsequent written
 56 | verification, suspend a license or the processing of an

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

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

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

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

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85 | this shall not abrogate the requirement for payment of the
86 | service charge imposed pursuant to chapter 215.

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