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CHAMBER ACTION

Senate

House

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Floor: 1/AD/2R
4/25/2008 11:28 AM

1 Senator Diaz de la Portilla moved the following **amendment**:

2
3 **Senate Amendment (with directory and title amendments)**

4 Delete lines 15-107

5 and insert:

6 (1) The Department of Agriculture and Consumer Services is
7 authorized to issue licenses to carry concealed weapons or
8 concealed firearms to persons qualified as provided in this
9 section. Each such license must bear a color photograph of the
10 licensee. For the purposes of this section, concealed weapons or
11 concealed firearms are defined as a handgun, electronic weapon or
12 device, tear gas gun, knife, or billie, but the term does not
13 include a machine gun as defined in s. 790.001(9). Such licenses
14 shall be valid throughout the state for a period of 7 ~~5~~ years
15 from the date of issuance. Any person in compliance with the
16 terms of such license may carry a concealed weapon or concealed
17 firearm notwithstanding the provisions of s. 790.01. The licensee



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18 | must carry the license, together with valid identification, at
19 | all times in which the licensee is in actual possession of a
20 | concealed weapon or firearm and must display both the license and
21 | proper identification upon demand by a law enforcement officer.
22 | Violations of the provisions of this subsection shall constitute
23 | a noncriminal violation with a penalty of \$25, payable to the
24 | clerk of the court.

25 | (2) The Department of Agriculture and Consumer Services
26 | shall issue a license if the applicant:

27 | (a) Is a resident of the United States and a citizen of the
28 | United States or a permanent resident alien of the United States,
29 | as determined by the United States Bureau of Citizenship and
30 | Immigration Services, or is a consular security official of a
31 | foreign government that maintains diplomatic relations and
32 | treaties of commerce, friendship, and navigation with the United
33 | States and is certified as such by the foreign government and by
34 | the appropriate embassy in this country;

35 | (b) Is 21 years of age or older;

36 | (c) Does not suffer from a physical infirmity which
37 | prevents the safe handling of a weapon or firearm;

38 | (d) Is not ineligible to possess a firearm pursuant to s.
39 | 790.23 by virtue of having been convicted of a felony;

40 | (e) Has not been committed for the abuse of a controlled
41 | substance or been found guilty of a crime under the provisions of
42 | chapter 893 or similar laws of any other state relating to
43 | controlled substances within a 3-year period immediately
44 | preceding the date on which the application is submitted;

45 | (f) Does not chronically and habitually use alcoholic
46 | beverages or other substances to the extent that his or her
47 | normal faculties are impaired. It shall be presumed that an



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48 applicant chronically and habitually uses alcoholic beverages or
49 other substances to the extent that his or her normal faculties
50 are impaired if the applicant has been committed under chapter
51 397 or under the provisions of former chapter 396 or has been
52 convicted under s. 790.151 or has been deemed a habitual offender
53 under s. 856.011(3), or has had two or more convictions under s.
54 316.193 or similar laws of any other state, within the 3-year
55 period immediately preceding the date on which the application is
56 submitted;

57 (g) Desires a legal means to carry a concealed weapon or
58 firearm for lawful self-defense;

59 (h) Demonstrates competence with a firearm by any one of
60 the following:

61 1. Completion of any hunter education or hunter safety
62 course approved by the Fish and Wildlife Conservation Commission
63 or a similar agency of another state;

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

66 3. Completion of any firearms safety or training course or
67 class available to the general public offered by a law
68 enforcement, junior college, college, or private or public
69 institution or organization or firearms training school,
70 utilizing instructors certified by the National Rifle
71 Association, Criminal Justice Standards and Training Commission,
72 or the Department of Agriculture and Consumer Services;

73 4. Completion of any law enforcement firearms safety or
74 training course or class offered for security guards,
75 investigators, special deputies, or any division or subdivision
76 of law enforcement or security enforcement;



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77 5. Presents evidence of equivalent experience with a
78 firearm through participation in organized shooting competition
79 or military service;

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

83 7. Completion of any firearms training or safety course or
84 class conducted by a state-certified or National Rifle
85 Association certified firearms instructor;

86
87 A photocopy of a certificate of completion of any of the courses
88 or classes; or an affidavit from the instructor, school, club,
89 organization, or group that conducted or taught said course or
90 class attesting to the completion of the course or class by the
91 applicant; or a copy of any document which shows completion of
92 the course or class or evidences participation in firearms
93 competition shall constitute evidence of qualification under this
94 paragraph; any person who conducts a course pursuant to
95 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
96 an instructor, attests to the completion of such courses, must
97 maintain records certifying that he or she observed the student
98 safely handle and discharge the firearm;

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

103 (j) Has not been committed to a mental institution under
104 chapter 394, or similar laws of any other state, unless the
105 applicant produces a certificate from a licensed psychiatrist



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106 that he or she has not suffered from disability for at least 5
107 years prior to the date of submission of the application;

108 (k) Has not had adjudication of guilt withheld or
109 imposition of sentence suspended on any felony or misdemeanor
110 crime of domestic violence unless 3 years have elapsed since
111 probation or any other conditions set by the court have been
112 fulfilled, or the record has been sealed or expunged;

113 (l) Has not been issued an injunction that is currently in
114 force and effect and that restrains the applicant from committing
115 acts of domestic violence or acts of repeat violence; and

116 (m) Is not prohibited from purchasing or possessing a
117 firearm by any other provision of Florida or federal law.

118 (13) All moneys collected by the department pursuant to
119 this section shall be deposited in the Division of Licensing
120 Trust Fund, and the Legislature shall appropriate from the fund
121 those amounts deemed necessary to administer the provisions of
122 this section. All revenues collected, less those costs determined
123 by the Department of Agriculture and Consumer Services to be
124 nonrecurring or one-time costs, shall be deferred over the 7-year
125 ~~3-year~~ licensure period. Notwithstanding the provisions of s.
126 493.6117, all moneys collected pursuant to this section shall not
127 revert to the General Revenue Fund; however, this shall not
128 abrogate the requirement for payment of the service charge
129 imposed pursuant to chapter 215.

130
131 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

132 And the directory clause is amended as follows:

133 Delete line 12

134 and insert:



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135 Section 1. Subsections (1), (2), and (13) of section
136 790.06, Florida

137
138 ===== T I T L E A M E N D M E N T =====

139 And the title is amended as follows:

140 On line 3, after the semicolon,

141 insert:

142 extending the period that a license is valid;