

Bill No. SB 948



664268

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/25/2008	.	
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	.	

1 The Committee on Commerce (Diaz de la Portilla) recommended the  
 2 following **amendment**:

3  
 4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
 6 and insert:

7 Section 1. Subsection (2) of section 790.06, Florida  
 8 Statutes, is amended to read:

9 790.06 License to carry concealed weapon or firearm.--

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

12 (a) Is a resident of the United States and a citizen of  
 13 the United States or a permanent resident alien of the United  
 14 States, as determined by the United States Bureau of Citizenship  
 15 and Immigration Services, or is a consular security official of

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16 a foreign government that maintains diplomatic relations and  
17 treaties of commerce, friendship, and navigation with the United  
18 States and is certified as such by the foreign government and by  
19 the appropriate embassy in this country;

20 (b) Is 21 years of age or older;

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

23 (d) Is not ineligible to possess a firearm pursuant to s.  
24 790.23 by virtue of having been convicted of a felony;

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

30 (f) Does not chronically and habitually use alcoholic  
31 beverages or other substances to the extent that his or her  
32 normal faculties are impaired. It shall be presumed that an  
33 applicant chronically and habitually uses alcoholic beverages or  
34 other substances to the extent that his or her normal faculties  
35 are impaired if the applicant has been committed under chapter  
36 397 or under the provisions of former chapter 396 or has been  
37 convicted under s. 790.151 or has been deemed a habitual  
38 offender under s. 856.011(3), or has had two or more convictions  
39 under s. 316.193 or similar laws of any other state, within the  
40 3-year period immediately preceding the date on which the  
41 application is submitted;

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

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44 (h) Demonstrates competence with a firearm by any one of  
45 the following:

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

49 2. Completion of any National Rifle Association firearms  
50 safety or training course;

51 3. Completion of any firearms safety or training course or  
52 class available to the general public offered by a law  
53 enforcement, junior college, college, or private or public  
54 institution or organization or firearms training school,  
55 utilizing instructors certified by the National Rifle  
56 Association, Criminal Justice Standards and Training Commission,  
57 or the Department of Agriculture and Consumer Services;

58 4. Completion of any law enforcement firearms safety or  
59 training course or class offered for security guards,  
60 investigators, special deputies, or any division or subdivision  
61 of law enforcement or security enforcement;

62 5. Presents evidence of equivalent experience with a  
63 firearm through participation in organized shooting competition  
64 or military service;

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

68 7. Completion of any firearms training or safety course or  
69 class conducted by a state-certified or National Rifle  
70 Association certified firearms instructor;

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72 A photocopy of a certificate of completion of any of the courses  
73 or classes; or an affidavit from the instructor, school, club,  
74 organization, or group that conducted or taught said course or  
75 class attesting to the completion of the course or class by the  
76 applicant; or a copy of any document which shows completion of  
77 the course or class or evidences participation in firearms  
78 competition shall constitute evidence of qualification under  
79 this paragraph; any person who conducts a course pursuant to  
80 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as  
81 an instructor, attests to the completion of such courses, must  
82 maintain records certifying that he or she observed the student  
83 safely handle and discharge the firearm;

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

88 (j) Has not been committed to a mental institution under  
89 chapter 394, or similar laws of any other state, unless the  
90 applicant produces a certificate from a licensed psychiatrist  
91 that he or she has not suffered from disability for at least 5  
92 years prior to the date of submission of the application;

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

98 (l) Has not been issued an injunction that is currently in  
99 force and effect and that restrains the applicant from

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100 committing acts of domestic violence or acts of repeat violence;  
101 and

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

104 Section 2. This act is remedial in nature and shall apply  
105 to all applications for a license pending on the date this act  
106 becomes a law as well as to all licenses renewed after the  
107 effective date of this act.

108 Section 3. This act shall take effect upon becoming a law.

109  
110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112 Delete everything before the enacting clause  
113 and insert:

114 A bill to be entitled  
115 An act relating to concealed weapons licenses; amending s.  
116 790.06, F.S.; specifying that the United States residency  
117 required to obtain a license to carry a concealed weapon  
118 or firearm means that the licensee must be a United States  
119 citizen or a permanent resident alien of the United  
120 States; providing legislative intent; providing  
121 applicability; providing an effective date.