

By the Committee on Commerce; and Senator Diaz de la Portilla

577-05722-08

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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.; specifying that the United States residency  
4 required to obtain a license to carry a concealed weapon  
5 or firearm means that the licensee must be a United States  
6 citizen or a permanent resident alien of the United  
7 States; providing legislative intent; providing  
8 applicability; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (2) of section 790.06, Florida  
13 Statutes, is amended to read:

14 790.06 License to carry concealed weapon or firearm.--

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

17 (a) Is a resident of the United States and a citizen of the  
18 United States or a permanent resident alien of the United States,  
19 as determined by the United States Bureau of Citizenship and  
20 Immigration Services, or is a consular security official of a  
21 foreign government that maintains diplomatic relations and  
22 treaties of commerce, friendship, and navigation with the United  
23 States and is certified as such by the foreign government and by  
24 the appropriate embassy in this country;

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

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

28 (d) Is not ineligible to possess a firearm pursuant to s.  
29 790.23 by virtue of having been convicted of a felony;

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

35 (f) Does not chronically and habitually use alcoholic  
36 beverages or other substances to the extent that his or her  
37 normal faculties are impaired. It shall be presumed that an  
38 applicant chronically and habitually uses alcoholic beverages or  
39 other substances to the extent that his or her normal faculties  
40 are impaired if the applicant has been committed under chapter  
41 397 or under the provisions of former chapter 396 or has been  
42 convicted under s. 790.151 or has been deemed a habitual offender  
43 under s. 856.011(3), or has had two or more convictions under s.  
44 316.193 or similar laws of any other state, within the 3-year  
45 period immediately preceding the date on which the application is  
46 submitted;

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

49 (h) Demonstrates competence with a firearm by any one of  
50 the following:

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

54 2. Completion of any National Rifle Association firearms  
55 safety or training course;

56 3. Completion of any firearms safety or training course or  
57 class available to the general public offered by a law  
58 enforcement, junior college, college, or private or public

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59 institution or organization or firearms training school,  
60 utilizing instructors certified by the National Rifle  
61 Association, Criminal Justice Standards and Training Commission,  
62 or the Department of Agriculture and Consumer Services;

63 4. Completion of any law enforcement firearms safety or  
64 training course or class offered for security guards,  
65 investigators, special deputies, or any division or subdivision  
66 of law enforcement or security enforcement;

67 5. Presents evidence of equivalent experience with a  
68 firearm through participation in organized shooting competition  
69 or military service;

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

73 7. Completion of any firearms training or safety course or  
74 class conducted by a state-certified or National Rifle  
75 Association certified firearms instructor;

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

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88 | safely handle and discharge the firearm;

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

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

98 |       (k) Has not had adjudication of guilt withheld or  
99 | imposition of sentence suspended on any felony or misdemeanor  
100 | crime of domestic violence unless 3 years have elapsed since  
101 | probation or any other conditions set by the court have been  
102 | fulfilled, or the record has been sealed or expunged;

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

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

108 |       Section 2. This act is remedial in nature and applies to  
109 | all applications for a license pending on the date this act  
110 | becomes a law as well as to all licenses renewed after the  
111 | effective date of this act.

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