

2008948er

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2 An act relating to concealed weapons licenses; amending s.
3 790.06, F.S.; extending the period that a license is
4 valid; specifying that the United States residency
5 required to obtain a license to carry a concealed weapon
6 or firearm means that the licensee must be a United States
7 citizen or a permanent resident alien of the United
8 States; providing legislative intent; providing
9 applicability; providing an effective date.

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

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13 Section 1. Subsections (1), (2), and (13) of section
14 790.06, Florida Statutes, are amended to read:

15 790.06 License to carry concealed weapon or firearm.--

16 (1) The Department of Agriculture and Consumer Services is
17 authorized to issue licenses to carry concealed weapons or
18 concealed firearms to persons qualified as provided in this
19 section. Each such license must bear a color photograph of the
20 licensee. For the purposes of this section, concealed weapons or
21 concealed firearms are defined as a handgun, electronic weapon or
22 device, tear gas gun, knife, or billie, but the term does not
23 include a machine gun as defined in s. 790.001(9). Such licenses
24 shall be valid throughout the state for a period of 7 ~~5~~ years
25 from the date of issuance. Any person in compliance with the
26 terms of such license may carry a concealed weapon or concealed
27 firearm notwithstanding the provisions of s. 790.01. The licensee
28 must carry the license, together with valid identification, at
29 all times in which the licensee is in actual possession of a

2008948er

30 | concealed weapon or firearm and must display both the license and
31 | proper identification upon demand by a law enforcement officer.
32 | Violations of the provisions of this subsection shall constitute
33 | a noncriminal violation with a penalty of \$25, payable to the
34 | clerk of the court.

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

37 | (a) Is a resident of the United States and a citizen of the
38 | United States or a permanent resident alien of the United States,
39 | as determined by the United States Bureau of Citizenship and
40 | Immigration Services, or is a consular security official of a
41 | foreign government that maintains diplomatic relations and
42 | treaties of commerce, friendship, and navigation with the United
43 | States and is certified as such by the foreign government and by
44 | the appropriate embassy in this country;

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

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

48 | (d) Is not ineligible to possess a firearm pursuant to s.
49 | 790.23 by virtue of having been convicted of a felony;

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

55 | (f) Does not chronically and habitually use alcoholic
56 | beverages or other substances to the extent that his or her
57 | normal faculties are impaired. It shall be presumed that an
58 | applicant chronically and habitually uses alcoholic beverages or

2008948er

59 | other substances to the extent that his or her normal faculties
60 | are impaired if the applicant has been committed under chapter
61 | 397 or under the provisions of former chapter 396 or has been
62 | convicted under s. 790.151 or has been deemed a habitual offender
63 | under s. 856.011(3), or has had two or more convictions under s.
64 | 316.193 or similar laws of any other state, within the 3-year
65 | period immediately preceding the date on which the application is
66 | submitted;

67 | (g) Desires a legal means to carry a concealed weapon or
68 | firearm for lawful self-defense;

69 | (h) Demonstrates competence with a firearm by any one of
70 | the following:

71 | 1. Completion of any hunter education or hunter safety
72 | course approved by the Fish and Wildlife Conservation Commission
73 | or a similar agency of another state;

74 | 2. Completion of any National Rifle Association firearms
75 | safety or training course;

76 | 3. Completion of any firearms safety or training course or
77 | class available to the general public offered by a law
78 | enforcement, junior college, college, or private or public
79 | institution or organization or firearms training school,
80 | utilizing instructors certified by the National Rifle
81 | Association, Criminal Justice Standards and Training Commission,
82 | or the Department of Agriculture and Consumer Services;

83 | 4. Completion of any law enforcement firearms safety or
84 | training course or class offered for security guards,
85 | investigators, special deputies, or any division or subdivision
86 | of law enforcement or security enforcement;

87 | 5. Presents evidence of equivalent experience with a

2008948er

88 | firearm through participation in organized shooting competition
89 | or military service;

90 | 6. Is licensed or has been licensed to carry a firearm in
91 | this state or a county or municipality of this state, unless such
92 | license has been revoked for cause; or

93 | 7. Completion of any firearms training or safety course or
94 | class conducted by a state-certified or National Rifle
95 | Association certified firearms instructor;

96 |
97 | A photocopy of a certificate of completion of any of the courses
98 | or classes; or an affidavit from the instructor, school, club,
99 | organization, or group that conducted or taught said course or
100 | class attesting to the completion of the course or class by the
101 | applicant; or a copy of any document which shows completion of
102 | the course or class or evidences participation in firearms
103 | competition shall constitute evidence of qualification under this
104 | paragraph; any person who conducts a course pursuant to
105 | subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
106 | an instructor, attests to the completion of such courses, must
107 | maintain records certifying that he or she observed the student
108 | safely handle and discharge the firearm;

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

113 | (j) Has not been committed to a mental institution under
114 | chapter 394, or similar laws of any other state, unless the
115 | applicant produces a certificate from a licensed psychiatrist
116 | that he or she has not suffered from disability for at least 5

2008948er

117 | years prior to the date of submission of the application;

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

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

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

128 | (13) All moneys collected by the department pursuant to
129 | this section shall be deposited in the Division of Licensing
130 | Trust Fund, and the Legislature shall appropriate from the fund
131 | those amounts deemed necessary to administer the provisions of
132 | this section. All revenues collected, less those costs determined
133 | by the Department of Agriculture and Consumer Services to be
134 | nonrecurring or one-time costs, shall be deferred over the 7-year
135 | ~~3-year~~ licensure period. Notwithstanding the provisions of s.
136 | 493.6117, all moneys collected pursuant to this section shall not
137 | revert to the General Revenue Fund; however, this shall not
138 | abrogate the requirement for payment of the service charge
139 | imposed pursuant to chapter 215.

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

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