

By Senator Bullard

39-00237-09

2009140\_\_

1                   A bill to be entitled  
2           An act relating to licensure to carry a concealed  
3           weapon or firearm; amending s. 790.06, F.S.; revising  
4           conditions precedent to the issuance of a license to  
5           carry a concealed weapon or firearm; revising  
6           conditions under which a license to carry a concealed  
7           weapon or firearm is suspended or revoked and under  
8           which an application for such license is denied or the  
9           processing thereof suspended; making technical  
10          corrections; providing an effective date.

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

13  
14           Section 1. Subsections (2), (3), (10), and (13) of section  
15   790.06, Florida Statutes, are amended to read:

16           790.06 License to carry concealed weapon or firearm.—

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

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

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

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

39-00237-09

2009140\_\_

30 (d) Is not ineligible to possess a firearm pursuant to s.  
31 790.23 by virtue of having been convicted of a felony;

32 (e) Has not been committed for the abuse of a controlled  
33 substance or been found guilty of a crime under the provisions  
34 of chapter 893 or similar laws of any other state relating to  
35 controlled substances within a 5-year ~~3-year~~ period immediately  
36 preceding the date on which the application is submitted;

37 (f) Does not chronically and habitually use alcoholic  
38 beverages or other substances to the extent that his or her  
39 normal faculties are impaired. It shall be presumed that an  
40 applicant chronically and habitually uses alcoholic beverages or  
41 other substances to the extent that his or her normal faculties  
42 are impaired if the applicant has been committed under chapter  
43 397 or under the provisions of former chapter 396 or has been  
44 convicted under s. 790.151 or has been deemed a habitual  
45 offender under s. 856.011(3), or has had two or more convictions  
46 under s. 316.193 or similar laws of any other state, within the  
47 5-year ~~3-year~~ period immediately preceding the date on which the  
48 application is submitted;

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

51 (h) Demonstrates competence with a firearm by any one of  
52 the following:

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

56 2. Completion of any National Rifle Association firearms  
57 safety or training course;

58 3. Completion of any firearms safety or training course or

39-00237-09

2009140\_\_

59 class available to the general public offered by a law  
60 enforcement, junior college, college, or private or public  
61 institution or organization or firearms training school,  
62 utilizing instructors certified by the National Rifle  
63 Association, Criminal Justice Standards and Training Commission,  
64 or the Department of Agriculture and Consumer Services;

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

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

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

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

78

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

39-00237-09

2009140

88 an instructor, attests to the completion of such courses, must  
89 maintain records certifying that he or she observed the student  
90 safely handle and discharge the firearm;

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

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

100 (k) Has not had adjudication of guilt withheld or  
101 imposition of sentence suspended on any felony or misdemeanor  
102 crime of domestic violence unless 5 ~~3~~ years have elapsed since  
103 probation or any other conditions set by the court have been  
104 fulfilled, or the record has been sealed or expunged;

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

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

111 (3) The Department of Agriculture and Consumer Services  
112 shall deny a license if the applicant has been found guilty of,  
113 had adjudication of guilt withheld for, or had imposition of  
114 sentence suspended for one or more crimes of violence  
115 constituting a misdemeanor, unless 5 ~~3~~ years have elapsed since  
116 probation or any other conditions set by the court have been

39-00237-09

2009140\_\_

117 fulfilled or the record has been sealed or expunged. The  
118 Department of Agriculture and Consumer Services shall revoke a  
119 license if the licensee has been found guilty of, had  
120 adjudication of guilt withheld for, or had imposition of  
121 sentence suspended for one or more crimes of violence within the  
122 preceding 5 ~~3~~ years. The department shall, upon notification by  
123 a law enforcement agency, a court, or the ~~Florida~~ Department of  
124 Law Enforcement and subsequent written verification, suspend a  
125 license or the processing of an application for a license if the  
126 licensee or applicant is arrested or formally charged with a  
127 crime that would disqualify the ~~such~~ person from having a  
128 license under this section, until final disposition of the case  
129 resulting in the charges being dismissed or nolle prossed by the  
130 state attorney's office, the Office of Statewide Prosecution, or  
131 a court of competent jurisdiction. The department shall suspend  
132 a license or the processing of an application for a license if  
133 the licensee or applicant is issued an injunction that restrains  
134 the licensee or applicant from committing acts of domestic  
135 violence or acts of repeat violence.

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

138 (a) Is found to be ineligible under the criteria set forth  
139 in subsection (2);

140 (b) Develops or sustains a physical infirmity which  
141 prevents the safe handling of a weapon or firearm;

142 (c) Is convicted of a felony which would make the licensee  
143 ineligible to possess a firearm pursuant to s. 790.23;

144 (d) Is found guilty of a crime under the provisions of  
145 chapter 893, or similar laws of any other state, relating to

39-00237-09

2009140\_\_

146 controlled substances;

147 (e) Is committed as a substance abuser under chapter 397,  
148 or is deemed a habitual offender under s. 856.011(3), or similar  
149 laws of any other state;

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

155 (g) Is adjudicated an incapacitated person under s.  
156 744.331, or similar laws of any other state; or

157 (h) Is committed to a mental institution under chapter 394,  
158 or similar laws of any other state.

159 (13) All moneys collected by the department pursuant to  
160 this section shall be deposited in the Division of Licensing  
161 Trust Fund, and the Legislature shall appropriate from the fund  
162 those amounts deemed necessary to administer ~~the provisions of~~  
163 this section. All revenues collected, less those costs  
164 determined by the Department of Agriculture and Consumer  
165 Services to be nonrecurring or one-time costs, shall be deferred  
166 over the 7-year licensure period. Notwithstanding ~~the provisions~~  
167 ~~of~~ s. 493.6117, all moneys collected pursuant to this section do  
168 ~~shall~~ not revert to the General Revenue Fund; however, this does  
169 ~~shall~~ not abrogate the requirement for payment of the service  
170 charge imposed pursuant to chapter 215.

171 Section 2. This act shall take effect July 1, 2009.