



939294

LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Powell) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 482 - 484

and insert:

Section 17. Subsection (2) and paragraph (f) of subsection (5) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or firearm.—

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

(a) Is a resident of the United States and a citizen of the



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11 United States or a permanent resident alien of the United  
12 States, as determined by the United States Bureau of Citizenship  
13 and Immigration Services, or is a consular security official of  
14 a foreign government that maintains diplomatic relations and  
15 treaties of commerce, friendship, and navigation with the United  
16 States and is certified as such by the foreign government and by  
17 the appropriate embassy in this country;

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

19 (c) Does not suffer from a physical infirmity that ~~which~~  
20 prevents the safe handling of a weapon or firearm;

21 (d) Is not ineligible to possess a firearm pursuant to s.  
22 790.23 by virtue of having been convicted of a felony;

23 (e) Has not been:

24 1. Found guilty of a crime under the provisions of chapter  
25 893 or similar laws of any other state relating to controlled  
26 substances within a 3-year period immediately preceding the date  
27 on which the application is submitted; or

28 2. Committed for the abuse of a controlled substance under  
29 chapter 397 or under the provisions of former chapter 396 or  
30 similar laws of any other state. An applicant who has been  
31 granted relief from firearms disabilities pursuant to s.  
32 790.065(2)(a)4.d. or pursuant to the law of the state in which  
33 the commitment occurred is deemed not to be committed for the  
34 abuse of a controlled substance under this subparagraph;

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



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40 are impaired if the applicant has been convicted under s.  
41 790.151 or has been deemed a habitual offender under s.  
42 856.011(3), or has had two or more convictions under s. 316.193  
43 or similar laws of any other state, within the 3-year period  
44 immediately preceding the date on which the application is  
45 submitted;

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

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

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

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

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

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

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



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

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

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76 A photocopy of a certificate of completion of any of the courses  
77 or classes; an affidavit from the instructor, school, club,  
78 organization, or group that conducted or taught such course or  
79 class attesting to the completion of the course or class by the  
80 applicant; or a copy of any document that shows completion of  
81 the course or class or evidences participation in firearms  
82 competition shall constitute evidence of qualification under  
83 this paragraph. A person who conducts a course pursuant to  
84 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as  
85 an instructor, attests to the completion of such courses, must  
86 maintain records certifying that he or she observed the student  
87 safely handle and discharge the firearm in his or her physical  
88 presence and that the discharge of the firearm included live  
89 fire using a firearm and ammunition as defined in s. 790.001;

90           (i) Has not been adjudicated an incapacitated person under  
91 s. 744.331, or similar laws of any other state. An applicant who  
92 has been granted relief from firearms disabilities pursuant to  
93 s. 790.065(2)(a)4.d. or pursuant to the law of the state in  
94 which the adjudication occurred is deemed not to have been  
95 adjudicated an incapacitated person under this paragraph;

96           (j) Has not been committed to a mental institution under  
97 chapter 394, or similar laws of any other state. An applicant



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98 who has been granted relief from firearms disabilities pursuant  
99 to s. 790.065(2)(a)4.d. or pursuant to the law of the state in  
100 which the commitment occurred is deemed not to have been  
101 committed in a mental institution under this paragraph;

102 (k) Has not had adjudication of guilt withheld or  
103 imposition of sentence suspended on any felony unless 3 years  
104 have elapsed since probation or any other conditions set by the  
105 court have been fulfilled, or expunction has occurred;

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

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

115 (n) Has undergone a mental health evaluation conducted by a  
116 clinical psychologist or a psychiatrist, as those terms are  
117 defined in s. 394.455, and has been determined to be competent  
118 and of sound mind; and

119 (o) ~~(n)~~ Is not prohibited from purchasing or possessing a  
120 firearm by any other provision of Florida or federal law.

121  
122 ===== T I T L E A M E N D M E N T =====

123 And the title is amended as follows:

124 Delete line 2

125 and insert:

126 An act relating to veteran identification and gun



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127 safety; amending s. 790.06, F.S.; requiring the  
128 Department of Agriculture and Consumer Services to  
129 issue a license if, in addition to other specified  
130 criteria, the applicant has undergone a mental health  
131 evaluation conducted by certain licensed professionals  
132 and has been determined to be competent; creating s.