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LEGISLATIVE ACTION

Senate

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House

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03/03/2018 05:41 PM

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Senator Campbell moved the following:

1           **Senate Amendment to Amendment (234288) (with title**  
2 **amendment)**

3  
4           Delete lines 364 - 378

5 and insert:

6           Section 10. Subsection (2) of section 790.06, Florida  
7 Statutes, is amended to read:

8           790.06 License to carry concealed weapon or firearm.-

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

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



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

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

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

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

24 (e) Has not been:

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

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

36 (f) Does not chronically and habitually use alcoholic  
37 beverages or other substances to the extent that his or her  
38 normal faculties are impaired. It shall be presumed that an  
39 applicant chronically and habitually uses alcoholic beverages or  
40 other substances to the extent that his or her normal faculties



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41 are impaired if the applicant has been convicted under s.  
42 790.151 or has been deemed a habitual offender under s.  
43 856.011(3), or has had two or more convictions under s. 316.193  
44 or similar laws of any other state, within the 3-year period  
45 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 agency, junior college, college, or private or  
59 public institution or organization or firearms training school,  
60 using instructors certified by the National Rifle Association,  
61 Criminal Justice Standards and Training Commission, or the  
62 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 a law enforcement agency or security enforcement;

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



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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  
72 such 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;

76

77 A photocopy of a certificate of completion of any of the courses  
78 or classes; an affidavit from the instructor, school, club,  
79 organization, or group that conducted or taught such course or  
80 class attesting to the completion of the course or class by the  
81 applicant; or a copy of any document that shows completion of  
82 the course or class or evidences participation in firearms  
83 competition shall constitute evidence of qualification under  
84 this paragraph. A 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  
88 safely handle and discharge the firearm in his or her physical  
89 presence and that the discharge of the firearm included live  
90 fire using a firearm and ammunition as defined in s. 790.001;

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

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



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

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

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

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

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

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

122 Section 11. Present subsection (13) of section 790.065,  
123 Florida Statutes, is redesignated as subsection (14), and a new  
124 subsection (13) is added to that section, to read:

125 790.065 Sale and delivery of firearms.—

126 (13) Notwithstanding any other law, a person must meet all  
127 of the requirements specified under s. 790.06(2) before he or



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128 she is eligible to purchase a firearm.

129

130 ===== T I T L E A M E N D M E N T =====

131 And the title is amended as follows:

132 Delete lines 2433 - 2440

133 and insert:

134 petition for simultaneous relief; amending s. 790.06,  
135 F.S.; requiring the Department of Agriculture and  
136 Consumer Services to issue a license if, in addition  
137 to other specified criteria, the applicant has  
138 undergone a mental health evaluation conducted by  
139 certain licensed professionals and has been determined  
140 to be competent; amending s. 790.065, F.S.; requiring  
141 a person to meet specified requirements before he or  
142 she is eligible to purchase a firearm; amending s.  
143 790.0655, F.S.; revising the