



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government:** The bill allows Florida Department of Law Enforcement to share information with the Department of Agriculture and Consumer (department).

**Promote personal responsibility:** The bill ensures that persons who have been adjudicated as an incapacitated person or committed to a mental institution will have their concealed weapons/firearms licenses revoked or suspended in a timely fashion.

#### B. EFFECT OF PROPOSED CHANGES:

The concealed weapons/firearms program is administered by the Division of Licensing within the department. To obtain a concealed weapons/firearms license (license), the applicant must submit to a name-based background check<sup>2</sup> that includes a fingerprint check. Applicants must also meet various criteria as prescribed by statute<sup>3</sup>, including mental capacity and history of commitment to a mental institution. Florida law<sup>4</sup> requires the department to issue a license if the applicant has not been adjudicated as an incapacitated person, unless five years have elapsed since the applicant's restoration to capacity, or if the applicant has not been committed to a mental institution unless he/she produces a certificate from a certified psychiatrist stating that five years have lapsed since he/she suffered from disability.

Florida statute<sup>5</sup> requires the department to suspend or revoke a license when a licenseholder is adjudicated an incapacitated person or is committed to a mental institution. However, in many instances, the department does not receive notification of a licenseholder's adjudication or commitment. And, when the department is notified, the information provided is piecemeal and difficult to verify due to privacy concerns.

In 2006, legislation was enacted<sup>6</sup> providing the Florida Department of Law Enforcement (FDLE) access to mental health information as well as the authority to share that information with various state and federal agencies, including the department. Unfortunately, Florida law only authorizes FDLE to provide MECOM (mental competency) data to the department for "determination of *eligibility for issuance*" of a license, *not for the retention of the license*.

The bill authorizes FDLE to provide MECOM data to the department to determine eligibility as well as retention of the license.

The bill also amends the definition of "committed to a mental institution" to include involuntary outpatient placement.

#### C. SECTION DIRECTORY:

**Section 1:** Amending s. 790.065, F.S.; authorizing the transfer of information from the Florida Department of Law Enforcement (FDLE) to the Department of Agriculture and Consumer Services (department); and amending the definition of "committed to a mental institution."

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<sup>2</sup> The background check consists of a phone call made to the Florida Department of Law Enforcement to verify the information provided by the applicant through the Florida Crime Information Center and National Crime Information Center systems.

<sup>3</sup> Section 790.06, F.S.

<sup>4</sup> Section 790.06(2)(i) and (j), F.S.

<sup>5</sup> Section 790.06(10), F.S.

<sup>6</sup> Section 790.65(2)(a)4.d., F.S., as revised by Ch. 2006-176, L.O.F.

**Section 2:** Providing an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See "Fiscal Comment" section

2. Expenditures:

See "Fiscal Comment" section

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

### D. FISCAL COMMENTS:

It does not appear that the Florida Department of Law Enforcement or the Department of Agriculture and Consumer Services will experience a fiscal impact from this bill and will be able to absorb the programming into their current workloads.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect municipal or county government.

2. Other:

None

### B. RULE-MAKING AUTHORITY:

None

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

### D. STATEMENT OF THE SPONSOR

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No statement submitted.

#### **IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

N/A