

By Senator Campbell

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1 A bill to be entitled
2 An act relating to concealed weapons or concealed
3 firearms; amending s. 790.06, F.S.; requiring the
4 Department of Agriculture and Consumer Services to
5 issue a license if, in addition to other specified
6 criteria, the applicant has undergone a mental health
7 evaluation conducted by certain licensed professionals
8 and has been determined to be competent; providing an
9 effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (2) of section 790.06, Florida
14 Statutes, is amended to read:

15 790.06 License to carry concealed weapon or firearm.—

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

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

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

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

29 (d) Is not ineligible to possess a firearm pursuant to s.

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30 790.23 by virtue of having been convicted of a felony;

31 (e) Has not been:

32 1. Found guilty of a crime under the provisions of chapter
33 893 or similar laws of any other state relating to controlled
34 substances within a 3-year period immediately preceding the date
35 on which the application is submitted; or

36 2. Committed for the abuse of a controlled substance under
37 chapter 397 or under the provisions of former chapter 396 or
38 similar laws of any other state. An applicant who has been
39 granted relief from firearms disabilities pursuant to s.
40 790.065(2)(a)4.d. or pursuant to the law of the state in which
41 the commitment occurred is deemed not to be committed for the
42 abuse of a controlled substance under this subparagraph;

43 (f) Does not chronically and habitually use alcoholic
44 beverages or other substances to the extent that his or her
45 normal faculties are impaired. It shall be presumed that an
46 applicant chronically and habitually uses alcoholic beverages or
47 other substances to the extent that his or her normal faculties
48 are impaired if the applicant has been convicted under s.
49 790.151 or has been deemed a habitual offender under s.
50 856.011(3), or has had two or more convictions under s. 316.193
51 or similar laws of any other state, within the 3-year period
52 immediately preceding the date on which the application is
53 submitted;

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

56 (h) Demonstrates competence with a firearm by any one of
57 the following:

58 1. Completion of any hunter education or hunter safety

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59 course approved by the Fish and Wildlife Conservation Commission
60 or a similar agency of another state;

61 2. Completion of any National Rifle Association firearms
62 safety or training course;

63 3. Completion of any firearms safety or training course or
64 class available to the general public offered by a law
65 enforcement agency, junior college, college, or private or
66 public institution or organization or firearms training school,
67 using instructors certified by the National Rifle Association,
68 Criminal Justice Standards and Training Commission, or the
69 Department of Agriculture and Consumer Services;

70 4. Completion of any law enforcement firearms safety or
71 training course or class offered for security guards,
72 investigators, special deputies, or any division or subdivision
73 of a law enforcement agency or security enforcement;

74 5. Presents evidence of equivalent experience with a
75 firearm through participation in organized shooting competition
76 or military service;

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

80 7. Completion of any firearms training or safety course or
81 class conducted by a state-certified or National Rifle
82 Association certified firearms instructor;

83

84 A photocopy of a certificate of completion of any of the courses
85 or classes; an affidavit from the instructor, school, club,
86 organization, or group that conducted or taught such course or
87 class attesting to the completion of the course or class by the

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88 applicant; or a copy of any document that shows completion of
89 the course or class or evidences participation in firearms
90 competition shall constitute evidence of qualification under
91 this paragraph. A person who conducts a course pursuant to
92 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
93 an instructor, attests to the completion of such courses, must
94 maintain records certifying that he or she observed the student
95 safely handle and discharge the firearm in his or her physical
96 presence and that the discharge of the firearm included live
97 fire using a firearm and ammunition as defined in s. 790.001;

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

104 (j) Has not been committed to a mental institution under
105 chapter 394, or similar laws of any other state. An applicant
106 who has been granted relief from firearms disabilities pursuant
107 to s. 790.065(2)(a)4.d. or pursuant to the law of the state in
108 which the commitment occurred is deemed not to have been
109 committed in a mental institution under this paragraph;

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

114 (l) Has not had adjudication of guilt withheld or
115 imposition of sentence suspended on any misdemeanor crime of
116 domestic violence unless 3 years have elapsed since probation or

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117 any other conditions set by the court have been fulfilled, or
118 the record has been expunged;

119 (m) Has not been issued an injunction that is currently in
120 force and effect and that restrains the applicant from
121 committing acts of domestic violence or acts of repeat violence;
122 ~~and~~

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

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

129 Section 2. This act shall take effect July 1, 2018.