

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 or if the  
9           applicant obtains certain documentation; providing an  
10          effective date.

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

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14          Section 1. Subsection (2) of section 790.06, Florida  
15          Statutes, is 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  
20          the 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 that ~~which~~

29 | prevents the safe handling of a weapon or firearm;

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:

33 |           1. Found guilty of a crime under the provisions of chapter

34 | 893 or similar laws of any other state relating to controlled

35 | substances within a 3-year period immediately preceding the date

36 | on which the application is submitted; or

37 |           2. Committed for the abuse of a controlled substance under

38 | chapter 397 or under the provisions of former chapter 396 or

39 | similar laws of any other state. An applicant who has been

40 | granted relief from firearms disabilities pursuant to s.

41 | 790.065(2)(a)4.d. or pursuant to the law of the state in which

42 | the commitment occurred is deemed not to be committed for the

43 | abuse of a controlled substance under this subparagraph;

44 |       (f) Does not chronically and habitually use alcoholic

45 | beverages or other substances to the extent that his or her

46 | normal faculties are impaired. It shall be presumed that an

47 | applicant chronically and habitually uses alcoholic beverages or

48 | other substances to the extent that his or her normal faculties

49 | are impaired if the applicant has been convicted under s.

50 | 790.151 or has been deemed a habitual offender under s.

51 856.011(3), or has had two or more convictions under s. 316.193  
52 or similar laws of any other state, within the 3-year period  
53 immediately preceding the date on which the application is  
54 submitted;

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

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

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

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

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

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

75 5. Presents evidence of equivalent experience with a

76 | firearm through participation in organized shooting competition  
77 | or military service;

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

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

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

99 |         (i) Has not been adjudicated an incapacitated person under  
100 | s. 744.331, or similar laws of any other state. An applicant who

101 has been granted relief from firearms disabilities pursuant to  
102 s. 790.065(2)(a)4.d. or pursuant to the law of the state in  
103 which the adjudication occurred is deemed not to have been  
104 adjudicated an incapacitated person under this paragraph;

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

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

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

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

124 (n) Has undergone a mental health evaluation conducted by  
125 a clinical psychologist or a psychiatrist, as those terms are

126 | defined in s. 394.455, and has been determined to be competent  
127 | and of sound mind or has a letter from a licensed medical  
128 | professional stating that the individual is not suffering from  
129 | any serious mental illness; and

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

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