

HB 1355

2017

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.

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

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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  
19   the 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 which  
28 prevents the safe handling of a weapon or firearm;
- 29 (d) Is not ineligible to possess a firearm pursuant to s.  
30 790.23 by virtue of having been convicted of a felony;
- 31 (e) Has not been committed for the abuse of a controlled  
32 substance or been found guilty of a crime under the provisions  
33 of chapter 893 or similar laws of any other state relating to  
34 controlled substances within a 3-year period immediately  
35 preceding the date on which the application is submitted;
- 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  
41 are impaired if the applicant has been committed under chapter  
42 397 or under the provisions of former chapter 396 or has been  
43 convicted under s. 790.151 or has been deemed a habitual  
44 offender under s. 856.011(3), or has had two or more convictions  
45 under s. 316.193 or similar laws of any other state, within the  
46 3-year period immediately preceding the date on which the  
47 application is submitted;
- 48 (g) Desires a legal means to carry a concealed weapon or  
49 firearm for lawful self-defense;
- 50 (h) Demonstrates competence with a firearm by any one of

51 the following:

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

55 2. Completion of any National Rifle Association firearms  
56 safety or training course;

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

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

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

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

74 7. Completion of any firearms training or safety course or  
75 class conducted by a state-certified or National Rifle

76 Association certified firearms instructor;

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

92 (i) Has not been adjudicated an incapacitated person under  
93 s. 744.331, or similar laws of any other state, unless 5 years  
94 have elapsed since the applicant's restoration to capacity by  
95 court order;

96 (j) Has not been committed to a mental institution under  
97 chapter 394, or similar laws of any other state, unless the  
98 applicant produces a certificate from a licensed psychiatrist  
99 that he or she has not suffered from disability for at least 5  
100 years before the date of submission of the application;

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

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

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

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

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

120 Section 2. This act shall take effect July 1, 2017.