

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Watson, B. offered the following:

Amendment (with title amendment)

Remove lines 40-135 and insert:

6 4. Has been adjudicated mentally defective or has been
 7 committed to a mental institution by a court or as provided in
 8 sub-sub-subparagraph b.(II), and as a result is prohibited by
 9 state or federal law from purchasing a firearm.

10 a. As used in this subparagraph, "adjudicated mentally
 11 defective" means a determination by a court that a person, as a
 12 result of marked subnormal intelligence, or mental illness,
 13 incompetency, condition, or disease, is a danger to himself or
 14 herself or to others or lacks the mental capacity to contract or
 15 manage his or her own affairs. The phrase includes a judicial
 16 finding of incapacity under s. 744.331(6)(a), an acquittal by
 17 reason of insanity of a person charged with a criminal offense,
 18 and a judicial finding that a criminal defendant is not
 19 competent to stand trial.

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20 b. As used in this subparagraph, "committed to a mental
21 institution" means:

22 (I) Involuntary commitment, commitment for mental
23 defectiveness or mental illness, and commitment for substance
24 abuse. The phrase includes involuntary inpatient placement as
25 defined in s. 394.467, involuntary outpatient placement as
26 defined in s. 394.4655, involuntary assessment and stabilization
27 under s. 397.6818, and involuntary substance abuse treatment
28 under s. 397.6957, but does not include a person in a mental
29 institution for observation or discharged from a mental
30 institution based upon the initial review by the physician or a
31 voluntary admission to a mental institution; or-

32 (II) Notwithstanding sub-sub-subparagraph (I), voluntary
33 admission to a mental institution for outpatient or inpatient
34 treatment of a person who had an involuntary examination under
35 s. 394.463, where each of the following conditions have been
36 met:

37 (A) An examining physician found that the person is an
38 imminent danger to himself or herself or others.

39 (B) The examining physician certified that if the person
40 did not agree to voluntary treatment, a petition for involuntary
41 outpatient or inpatient treatment would have been filed under s.
42 394.463(2)(i)4., or the examining physician certified that a
43 petition was filed and the person subsequently agreed to
44 voluntary treatment prior to a court hearing on the petition.

45 (C) Before agreeing to voluntary treatment, the person
46 received written notice of that finding and certification, and
47 written notice that as a result of such finding, he or she may

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48 be prohibited from purchasing a firearm, and may not be eligible
49 to apply for or retain a concealed weapon or firearms license
50 under s. 790.06 and the person acknowledged such notice in
51 writing, in substantially the following form:

52
53 "I understand that the doctor who examined me believes
54 I am a danger to myself or to others. I understand
55 that if I do not agree to voluntary treatment, a
56 petition will be filed in court to require me to
57 receive involuntary treatment. I understand that if
58 that petition is filed, I have the right to contest
59 it. In the event a petition has been filed, I
60 understand that I can subsequently agree to voluntary
61 treatment prior to a court hearing. I understand that
62 by agreeing to voluntary treatment in either of these
63 situations, I may be prohibited from buying firearms
64 and from applying for or retaining a concealed weapons
65 or firearms license until I apply for and receive
66 relief from that restriction under Florida law."

67
68 (D) A judge or a magistrate has, pursuant to sub-sub-
69 subparagraph c.(II), reviewed the record of the finding,
70 certification, notice, and written acknowledgement classifying
71 the person as an imminent danger to himself or herself or
72 others, and ordered that such record be submitted to the
73 department.

74 c. In order to check for these conditions, the department
75 shall compile and maintain an automated database of persons who

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76 are prohibited from purchasing a firearm based on court records
77 of adjudications of mental defectiveness or commitments to
78 mental institutions.

79 (I) Except as provided in sub-sub-subparagraph (II),
80 clerks of court shall submit these records to the department
81 within 1 month after the rendition of the adjudication or
82 commitment. Reports shall be submitted in an automated format.
83 The reports must, at a minimum, include the name, along with any
84 known alias or former name, the sex, and the date of birth of
85 the subject.

86 (II) For persons committed to a mental institution
87 pursuant to sub-sub-subparagraph b.(II), within 24 hours after
88 the person's agreement to voluntary admission, a record of the
89 finding, certification, notice, and written acknowledgement must
90 be filed by the administrator of the receiving or treatment
91 facility, as defined in s. 394.455, with the clerk of the court
92 for the county in which the involuntary examination under s.
93 394.463 occurred. No fee shall be charged for the filing under
94 this sub-sub-subparagraph. The clerk must present the records to
95 a judge or magistrate within 24 hours after receipt of the
96 records. A judge or magistrate is required and has the lawful
97 authority to review the records ex parte and, if the judge or
98 magistrate determines that the record supports the classifying
99 of the person as an imminent danger to himself or herself or
100 others, to order that the record be submitted to the department.
101 If a judge or magistrate orders the submittal of the record to
102 the department, the record must be submitted to the department
103 within 24 hours.

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104 d. A person who has been adjudicated mentally defective or
105 committed to a mental institution, as those terms are defined in
106 this paragraph, may petition the circuit court that made the
107 adjudication or commitment, or the court that ordered that the
108 record be submitted to the department pursuant to sub-sub-
109 subparagraph c.(II), for relief from the firearm disabilities
110
111

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113 **T I T L E A M E N D M E N T**

114 Remove lines 16-18 and insert:
115 records and order such records be submitted to the Department of
116 Law Enforcement; providing a timeframe for submission of records
117 to the department upon order
118