

# Disqualifying Conditions

Below is a list of conditions that make you ineligible for a Florida concealed weapon license. Select a condition to view a detailed explanation.

## Fugitive from Justice

The term "**fugitive from justice**" means any person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

## Pending Arrests for Disqualifying Crimes

You are not eligible for licensure if you are under arrest or currently charged with any felony, or crime punishable by imprisonment for more than one year; or any crime of violence, including crimes of domestic violence; or any crime under the provisions of Chapter 893, Florida Statutes, or similar laws of any other state relating to controlled substances. If you choose to submit an application anyway, the processing of your application will be suspended until you provide the department with a certified court document specifying the disposition of your case. At that time, if the disposition does not result in a conviction or withhold of adjudication on a disqualifying crime, the suspension will be lifted and the processing of your application will continue. If you are convicted or receive a withhold of adjudication on a disqualifying crime, your application will be denied.

## Felony Conviction

If you have been convicted of a felony as described in Section [790.23](#), Florida Statutes, and the felony conviction occurred within the State of Florida, your civil rights **and** firearm rights must be restored by the Florida Office of Executive Clemency. Felony convictions occurring in another state require restoration of civil **and** firearm rights by the state in which the conviction occurred. If you were convicted of a felony under federal law, you must have a presidential pardon or have been granted federal relief from disabilities. **If your civil rights and firearms rights have not been restored as described above, or if you cannot provide proof of restoration of civil rights and firearms rights, you are not eligible for a Concealed Weapon or Firearm License.**

## Misdemeanor Crime of Violence, Not Including Domestic Violence

A misdemeanor *crime of violence* includes any misdemeanor conviction involving the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. Crimes of violence constituting a

misdemeanor may include but are not limited to, assault, battery, stalking, or an attempt or conspiracy to commit any of the foregoing offenses.

If you have been convicted or found guilty of a misdemeanor crime of violence, you are not eligible for a Concealed Weapon or Firearm License unless a period of three years has elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged. A copy of the document issued by the court or probation office evidencing completion of probation or other conditions must be submitted with your application.

## **Misdemeanor Crime of Domestic Violence Conviction or Suspended Sentence**

A misdemeanor *crime of domestic violence* includes any misdemeanor conviction or suspended sentence involving the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. Examples include, but are not limited to, spouse abuse, battery/domestic violence, child abuse, assault, etc. A person shall not be considered to have been convicted if the conviction or suspended sentence has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the convicting state provides for the loss of civil rights upon conviction of such an offense) unless the pardon, expunction, or restoration of civil rights expressly provides that the person may not possess or receive firearms. Owning or possessing a firearm by one who has been convicted of a misdemeanor crime of domestic violence is also punishable under federal law §18 USC 922.

## **Injunctions Related to Domestic Violence or Repeat Violence**

Chapter 790.06(2)(1), Florida Statutes, prohibits issuance of a license to a person who has been issued an injunction that is currently in force and effect restraining that person from committing acts of domestic violence or acts or repeat violence.

## **Adjudicated Incapacitated or Committed to a Mental Institution**

If you have been adjudicated incapacitated under Section 744.331, Florida Statutes, or similar laws of any other state; committed to a mental institution under Chapter 394, Florida Statutes, or similar laws of any other state; or adjudicated mentally defective in any court, you are not eligible for licensure unless you have received federal relief from disabilities.

<https://www.fdacs.gov/Consumer-Resources/Concealed-Weapon-License>