

**IN THE DISTRICT COURT OF APPEAL OF FLORIDA
FOURTH DISTRICT**

JAYLEN T. EUBANKS,)	4DCA NO.: 4D2025-1698
Appellant)	
)	LT. NO.: 24-5748CF10A
)	(Broward County)
v.)	
)	
STATE OF FLORIDA)	
Appellee)	
_____)	

**AMICUS BRIEF OF THE STATE ATTORNEY'S OFFICE
OF THE SEVENTEENTH JUDICIAL CIRCUIT
OF FLORIDA**

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PRELIMINARY STATEMENT

Amicus, State Attorney's Office, was the prosecuting agency in this matter before the Circuit Court of the Seventeenth Judicial Circuit. Appellant, Jaylen Eubanks, was the defendant in the Circuit Court of the Seventeenth Judicial Circuit, in and for, Broward County, Florida. Appellee, State of Florida, is currently represented by the Attorney General of the State of Florida, and, specifically, the Solicitor General.

In the brief, the parties will be referred to as they appear before this Honorable Court of Appeal.

The symbol "**R**" refers to the Record on Appeal.

The symbol "**IB**" refers to the Initial Brief of the Appellant.

The symbol "**AB**" refers to the Answer Brief of the Appellee.

All emphasis has been added by the Amicus unless otherwise indicated.

SUMMARY OF THE ARGUMENT

The Order of the lower Court must be affirmed, because the statutes prohibiting the carrying of a concealed firearm of those between the ages of eighteen and twenty-years-old meets the criteria of *New York State & Pistol Association v. Bruen*, 597 U.S. 1 (2022); § 790.01, Fla. Stat; § 790.06, Fla. Stat. (2024). Additionally, the Order of the lower Court must be affirmed since the statutes prohibiting the carrying of a concealed firearm between the ages of eighteen and twenty do not violate Article I, section 8 of the Florida Constitution.

STATEMENT OF IDENTITY AND INTEREST

The State Attorney's Office of the Seventeenth Judicial Circuit was the prosecuting agency in the Circuit Court of the Seventeenth Judicial Circuit, in and for, Broward County, Florida. Due to the concession of the Solicitor General reflected in its Answer Brief, the public interest of the people of Broward County and the State of Florida in upholding the statute needs to be presented and considered by this Honorable Court. *See Smith v. State*, 537 So. 2d 982, 983 n.1 (Fla. 1987). Alternatively, the State would request this Brief be deemed the functional equivalent of an *Anders*¹ Brief, should that be necessary.

¹ *In re Anders Briefs*, 581 So. 2d 149 (Fla. 1991).

ARGUMENT

I. THE STATUTE PROHIBITING THOSE BETWEEN EIGHTEEN AND TWENTY-YEARS-OLD FROM CARRYING A CONCEALED FIREARM IS CONSTITUTIONAL UNDER *BRUEN*

In determining whether a statute regulating firearms is constitutional, the United States Supreme Court in *New York State Rifle & Pistol Association v. Bruen*, 142 S.Ct. 2111, 2126 (2022) created a two-part test. First, there must be a determination of whether the conduct in question falls within the scope of the Second Amendment. Second, if the statute does fit within the scope, whether the regulation is consistent with the historical tradition of firearm regulation.

Amicus State Attorney's Office agrees with the position of the Appellant and Appellee that the conduct in question falls within the scope of the Second Amendment, though additionally submits the statutes in question—which prevent a person between the ages of 18 and 20 from concealed carrying—fit the historical tradition of firearm regulation. As noted in *National Rifle Association v. Bondi*, 133 F.4th 1108 (11th Circuit 2025), at the founding of the United States, a

person was deemed a minor or infant until the age of twenty-one. *Id.* at 1117. The *Bondi* Court’s rationale for finding twenty-one to be the age of majority was the Founders viewed minors as lacking reason and judgment necessary to be entrusted with legal rights (the “infancy doctrine”). *Id.* at 1117. The U.S. Fourth Circuit Court of Appeals similarly found in *McCoy v. ATF*, 140 F.4th 568 (4th Cir. 2025), *pet. for cert. filed*, 2025 WL 1908029 (U.S. July 3, 2025) (No. 25-24) a federal regulation prohibiting the commercial sale of handguns to individuals under the age of twenty-one is constitutional because from “English common law to America's founding and beyond, our regulatory tradition has permitted restrictions on the sale of firearms to individuals under the age of twenty-one”.

English Common law established twenty-one as the age of majority until 1942, when the age of conscription was reduced to eighteen due to the need for soldiers during the Second World War. Vivian E. Hamilton, *Adulthood in Law and Culture*, 91 Tul. L. Rev. 55, 64 (2016). Lowering the age of conscription eventually evolved to the passage of the Twenty-Sixth Amendment in 1971, and the change

in the age of majority in most states. *Id.* at 64-65. However, as noted by the U.S. 10th Circuit Court of Appeals in *Rocky Mountain Gun Owners v. Polis*, 121 F.4th 96, 125 (10th Cir. 2024) the Tenth Amendment gives state legislatures the authority and prerogative to set and adjust the age of majority *as they see fit* for the public good. Consequently, laws imposing age restrictions do not need to correspond with the ages set for conscription, voting, or even general expectations of when one becomes responsible. *Id.* at 125.

As noted by the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570, 626, 128 S. Ct. 2783, 2816, 171 L. Ed. 2d 637 (2008) rights under the Second Amendment are not unlimited, and did not extend to an infinite right to keep and carry any weapon whatsoever, in any manner whatsoever, and for whatever purpose. This concept was not abandoned in *Bruen*, as Justice Thomas noted in the majority opinion:

Throughout modern Anglo-American history, the right to keep and bear arms in public has traditionally been subject to well-defined restrictions governing the intent for which one could carry arms, the manner of carry, or the exceptional circumstances under which one could not carry arms.

Bruen, 597 U.S. at 38. Justice Kavanaugh echoed this concept in his concurring opinion in *Bruen* noting this decision is neither a regulatory straitjacket nor a blank check. *Id.* at 30.

The *Bruen* decision was later refined in *United States v. Rahimi*, 602 U.S. 680, 691-92 (2024). In *Rahimi*, the Supreme Court held a regulation is lawful if it “fits within”, “is consistent with the principles that underpin our regulatory tradition”, and turns on the questions of “why and how” the regulation burdens the right to keep and bear arms. *Id.* at 680-81 (citation modified). In explaining this “why and how” inquiry, the Supreme Court noted:

For example, if laws at the founding regulated firearm use to address particular problems, that will be a strong indicator that contemporary laws imposing similar restrictions for similar reasons fall within a permissible category of regulations. Even when a law regulates arms-bearing for a permissible reason, though, it may not be compatible with the right if it does so to an extent beyond what was done at the founding. And when a challenged regulation does not precisely match its historical precursors, “it still may be analogous enough to pass constitutional muster.” *Id.*, at 30, 142 S.Ct. 2111. The law must comport with the principles underlying the Second Amendment, but it need not be a “dead ringer” or a “historical twin.”

Id. at 692.

Applying this “why and how” test, demonstrably shows the statutes at issue are valid under *Bruen*. As noted in *Bondi*, the Founders believed minors (anyone under the age of twenty-one), lacked the reason and judgment necessary to be trusted with legal rights and needed to be under the power of their parents until they reached the age of twenty-one. *Bondi*, 133 F.4th at 1117. Because of this long-held belief, the 11th Circuit Court of Appeals found Florida law is consistent with our regulatory tradition in determining *why* and *how* it burdens the right of minors to keep and bear arms. *Id.* at 1122. This finding does not only apply to statutes regarding the purchase of firearms, but also the ability of those between eighteen and twenty years of age to carry a concealed firearm.

Equally applicable is a historical analysis based upon societal concerns developed over the past thirty years as result of mass shootings. The *Bruen* court made clear:

While the historical analogies here and in *Heller* are relatively simple to draw, other cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced

approach. The regulatory challenges posed by firearms today are not always the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868. Fortunately, the Founders created a Constitution—and a Second Amendment—“intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs.” *McCulloch v. Maryland*, 4 Wheat. 316, 415, 4 L.Ed. 579 (1819) (emphasis deleted). Although its meaning is fixed according to the understandings of those who ratified it, the Constitution can, and must, apply to circumstances beyond those the Founders specifically anticipated.

Bruen, 597 U.S. at 27-28.

There is a disproportional misuse of firearms by eighteen to twenty-year-olds in the United States.¹ For example, Nikolas Cruz was nineteen-years-old on the day he massacred seventeen students and teachers and wounded another seventeen people.² The Uvalde, Texas school shooter was eighteen-years-old when he murdered twenty-one people at Robb Elementary School.³ The Columbine

¹ Joel Rose and Brakkton Booker, *Parkland Shooting Suspect: A Story Of Red Flags, Ignored*, NPR, Mar. 1, 2018, <https://www.npr.org/2018/02/28/589502906/a-clearer-picture-of-parkland-shooting-suspect-comes-into-focus>.

² Eric Levenson, et. al., *Uvalde school shooting suspect was a loner who bought two assault rifles for his 18th birthday*, CNN, May 27, 2022, <https://www.cnn.com/2022/05/25/us/uvalde-texas-school-shooting-salvador-ramos>

school shooters were, respectively, seventeen and eighteen, at the time of that shooting.⁴ The Sandy Hook school shooter was age twenty at the time he violently murdered twenty elementary school children and six adults.⁵ Corresponding data from 2016 to 2020 indicates eighteen to twenty-year-olds commit eighteen percent of gun homicides, despite comprising just four percent of the US population.⁶ Professor Cassandra Crifasi, of Johns Hopkins University, noted there is inherent riskiness to the eighteen to twenty-year-old age group as they have some of the highest risk for gun homicide perpetration.⁷ In Florida, eighteen to twenty-year-olds are identified as perpetrators in fatal shootings at nearly twice the

³ CNN Editorial Research, *Columbine High School Shootings Fast Facts*, CNN, April 1, 2013, <https://www.cnn.com/2013/09/18/us/columbine-high-school-shootings-fast-facts>

⁴ Michael Ray, *Sandy Hook Elementary School Shooting*, Encyclopedia Britannica, Dec. 19 2025, <https://www.britannica.com/event/Sandy-Hook-Elementary-School-shooting> (last visited Feb. 18, 2026).

⁵ Giffords Law Center Analysis of FBI Supplementary Homicide Report (SHR) data, 2016–2020, <https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/minimum-age/> (last visited Feb. 25, 2026).

⁶ Brennen Jensen, *The Age of Gun Violence* <https://hub.jhu.edu/2022/05/25/cassandra-crifasi-graduated-gun-laws-to-prevent-violence/> (last visited Feb. 25, 2026).

rate of people in their twenties and three times the rate of people in their thirties, based on data analysis from the Florida Department of Law Enforcement.⁸ Currently, slightly less than half of all states have implemented policies raising the age to purchase all or most types of firearms. Nine states, including Florida, have enacted gun laws raising the minimum age to twenty-one for the purchase of any firearm as a direct result of a mass shooting. These laws may not be a “dead ringer” or a “historical twin” but are, poignantly, a result of unprecedented societal and public policy concerns. Notably, however, the underlying rationale and methodology are consistent with the historical analysis presented in *Bondi*: (1) the “why” is that individuals under twenty-one present a documented, heightened risk to public safety as they have not attained sufficient maturity; and (2) the “how” involves restricting their access to firearms.

Other jurisdictions have upheld restrictions for those between the ages of eighteen and twenty. In *People v. Mosley*, 2015 IL 115872,

⁷ Samantha Putterman, *Politifact FL: What does the data show on deadly shootings by 18- to 20-year olds?* February 7, 2024. <https://www.wufl.org/politifact-florida/2024-02-07/florida-mass-shootings-18-to-20-year-olds> (last visited Feb. 25, 2026).

33 N.E. 3rd 137 (Ill. 2015) the Illinois Supreme Court found that a statute which prohibited possession of a firearm without a firearm owner's identification card (FOID) did not violate the Second Amendment. Although *Mosley* was decided before *Bruen*, the historical reasoning has not changed.

The appellate court in *People v. Thompson*, 2024 IL App (1st) 221031, ¶ 35, 264 N.E.3d 24, 35, recognized, as this Court should, the reasoning in *Mosley* "is consistent with the 'plain text' and historical analysis that *Bruen* requires." The District of Columbia Court of Appeals in *Picon v. United States*, 343 A.3d 57 (D.C. 2025) also upheld a District of Columbia statute on firearm registration and licensing restrictions, prohibiting persons between the ages of eighteen and twenty-one from possessing firearms without parental approval.

A recent Ohio appellate court upheld the constitutionality of a statute prohibiting those under the age of twenty-one from carrying a concealed handgun or obtaining a concealed handgun license. *State v. Stonewall*, 2025-Ohio-4974, 272 N.E.3d 803, 805 (Ohio.App.

1st Dist. 2025). *Compare State v. Matosky*, 2025-Ohio-5658, 2025 WL 3687998 (Ohio. App. 2nd Dist. December 19, 2025).

Although the courts in *Bondi*, *McCoy*, and *Rocky Mountain Gun Owners* found no violation of *Bruen*, some U.S. Circuit Courts of Appeal have found statutes unconstitutional under *Bruen*. In *Worth v. Jacobson*, 108 F.4th 677, 683 (8th Cir. 204), *cert. denied*, 145 S. Ct. 1924 (2025), the U.S. Eighth Circuit Court of Appeals found a Minnesota statute, which allows carrying handguns by ordinary people (non-peace officers) in “a public place,” unless they have a permit-to-carry, was unconstitutional when challenged by eighteen to twenty-year-olds who wanted to open carry. In order to receive a permit-to-carry, among other objective criteria, an applicant must be at least twenty-one years old. Consequently, Minnesota State law banned those under twenty-one from carrying handguns in public. However, as noted by the Illinois appellate court in *Thompson*, *Worth* had no application where there was no categorical ban on those carrying handguns in self-defense. *Thompson*, 264 N.E.3d at 37.

Though the U.S. Third Circuit Court of Appeals found that

Pennsylvania laws banning eighteen to twenty-year old people from carrying firearms outside the home, were unconstitutional, this is distinguishable as it applied to a limited situation—a state of emergency—unlike the concealed carry issue at bar where no emergency is present. *See Lara v. Commissioner Pennsylvania State Police*, 125 F.4th 428 (3d Cir. 2025).

Finally, in *Reese v. Bureau of Alcohol, Tobacco, Firearms and Explosives*, 127 F.4th 583 (5th Cir. 2025), the United States Fifth Circuit Court of Appeals found that the federal statutes which prohibit Federal Firearms Licensees from selling handguns to eighteen to twenty-year-old people was unconstitutional. However, the decision of the Fifth Circuit is contrary to that of the 11th Circuit in *Bondi* as noted in the opinion of the 11th Circuit. *Bondi*, 133 F.4th at 1128. Amicus would note since the 11th Circuit controls the State of Florida, and that the underlying facts of *Bondi v. NRA* were based on the Stoneman Douglas murders in Broward County, *Bondi* should control the ruling of this Court.

The sole question before the trial court was simply whether the

statute, which prohibits an eighteen to twenty-year-old from carrying a concealed firearm, violated *Bruen*. On the issue of “open carry” there was no demonstration in the record, or otherwise, an eighteen to twenty-year-old could not carry a firearm in home defense or for hunting. Nor is there a prohibition on inheriting a firearm or using a firearm with adult supervision. Further, the trial court noted the Defendant “conceded that there is historical precedent for law limiting the concealed carry of a firearm.” (R. 72), thus, waiving this argument for purposes of appeal.

Consequently, the position of the Solicitor General does not form a basis for conceding error regarding the constitutionality of a statute passed by the Legislature and signed by the Governor. Furthermore, as demonstrated by this Amicus Brief, it is within the Legislature’s province to regulate an eighteen to twenty-year-old person’s ability to possess a firearm in a concealed manner when it passes the “why and how” test established by the United States Supreme Court in *Bruen* and *Rahimi*. Since the statutes at issue pass the “why and how” tests, the Order of the lower court must be

affirmed.

II. THE PROHIBITION AGAINST EIGHTEEN TO TWENTY-YEAR-OLD PEOPLE CARRYING A CONCEALED WEAPON DOES NOT VIOLATE ARTICLE I, SECTION 8 OF THE FLORIDA CONSTITUTION

In Appellant’s brief, he seeks to have this Court find the statutes at issue unconstitutional on the basis of a violation of Article I, section 8 of the Florida Constitution (IB 37-52). Article I, section 8 (emphasis added) states:

The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms **may be regulated by law.**

“The phrase ‘by law’ indicates that the regulation of the state right to keep and bear arms is assigned to the legislature and must be enacted by statute.” *Fla. Carry, Inc. v. Univ. of N. Fla.*, 133 So. 3d 966, 972 (Fla. 1st DCA 2013). The regulation noted is the result of the action of the Legislature in the passage of a bill which was signed by the Governor and became law. *See, e.g., Fla. Carry, Inc. v. Univ. of Fla.*, 180 So. 3d 137 (Fla. 1st DCA 2015).

In *Norman v. State*, 215 So. 3d 18 (Fla. 2017), the Florida Supreme Court discussed the issue of Article I, Section 8 and its predecessor version in addressing the historical scope of the right.

The Court noted:

Consistent with the plain language of article I, section 8, and its predecessor providing that the Legislature may regulate the manner and use of firearms, as well as the Heller Court's interpretation of the federal right as not unlimited, the Legislature has enacted various laws regulating the manner in which arms are carried. This Court has upheld these various regulations of this constitutional right upon challenge. For instance, in Nelson v. State, 195 So.2d 853 (Fla. 1967), this Court concluded that the “statutory prohibition of possession of a pistol by one convicted of a felony, civil rights not restored, [was] a reasonable public safeguard.” Id. at 855–56. Then, in Rinzler v. Carson, 262 So.2d 661 (Fla. 1972), this Court upheld a statute that barred the usage of an entire class of firearms, explaining that “[a]lthough the Legislature may not entirely prohibit the right of the people to keep and bear arms,” pursuant to article I, section 8, “it can determine that certain arms or weapons may not be kept or borne by the citizen.” Id. at 665. In doing so, the Court did not apply any level of scrutiny and noted that it had previously upheld other regulations enacted by the Legislature that regulated the use and manner of bearing specific weapons:

In Nelson v. State, 195 So.2d 853 (1967) we held constitutional Section 790.23, Florida Statutes, F.S.A., which makes it unlawful for a convicted felon to have in his possession a pistol, sawed-off rifle, or sawed-off shotgun. In Davis v. State, 146 So.2d 892 (1962) we held valid Section 790.05, Florida Statutes of 1961, which made it a criminal offense for any person to carry around with him or to have in his manual possession a pistol, Winchester rifle or other

repeating rifle in a county without a license from the county commissioners. In Carlton v. State, 63 Fla. 1, 58 So. 486 (1912) we upheld as valid against the contention that it unlawfully infringed upon the right of the citizen to bear arms a statute of this State which made it unlawful to carry concealed weapons.

Rinzler, 262 So. 2d at 665–66.

As we recognized in Rinzler, inherent in the holdings of these cases is the acknowledgment that under the Florida Constitution, “the right to keep and bear arms is not an absolute right, but is one which is subject to the right of the people through their legislature to enact valid police regulations to promote the health, morals, safety and general welfare of the people.” Id. at 666 (emphasis added). In light of Heller's clarification that the federal right under the Second Amendment is not unlimited, the Florida right is, thus, consistent with the federal right.

Norman, 215 So. 3d at 34-35.

It should be noted the statute upheld in *Davis* restricted the issuance of licenses for manual possession of a firearm to a period of two years and only to persons twenty-one years of age who possessed good moral character and who furnished a bond in the sum of 100 dollars. *Davis*, 146 So. 2d at 893. Since the regulation is, similarly, here, based upon a valid statute, the Order of the Court must be affirmed.

CONCLUSION

WHEREFORE, Amicus, the State Attorney's Office of the Seventeenth Judicial Circuit, respectfully requests this Honorable Court affirm the Order of the lower Court based on the reasons and authorities cited in this Amicus Curiae Brief.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the foregoing was furnished by e-mail to all counsel of record identified in the service list this 27th day of February, 2026.

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CERTIFICATE OF COMPLIANCE FOR COMPUTER-GENERATED BRIEFS

In accordance with Florida Rules of Appellate Procedure 9.210 (a)(2) and 9.045, the undersigned hereby certifies that the instant brief was prepared with Bookman Old 14 font type, and is within the 5000-word limit of Appellate Rule 9.370, exclusive of Caption, Cover Page, Table of Contents, Table of Citations, Certificate of Compliance, Certificate of Service, or Signature Block.

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