

By Senator Steube

23-00707-17

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1                   A bill to be entitled  
 2           An act relating to concealed weapons or firearms;  
 3           amending s. 790.06, F.S.; authorizing a concealed  
 4           weapons or concealed firearms licensee to carry a  
 5           concealed weapon or firearm into any career center;  
 6           amending s. 790.115, F.S.; conforming provisions to  
 7           changes made by the act; reenacting ss. 790.251(7)(a),  
 8           943.051(3)(b), 985.11(1)(b), 985.25(1)(b),  
 9           985.255(1)(e), and 985.557(1)(a), F.S., relating to  
 10          exceptions to specified prohibited acts,  
 11          fingerprinting of a minor for commission of specified  
 12          crimes, fingerprinting and photographing a child who  
 13          is charged with specified crimes, placing a child in  
 14          secure or nonsecure detention care, a circumstance  
 15          under which the court may order continued detention at  
 16          a required detention hearing for a child, and the  
 17          discretionary direct filing of an information seeking  
 18          adult sanctions for a child, respectively, to  
 19          incorporate the amendment made to s. 790.115, F.S., in  
 20          references thereto; providing an effective date.

21  
 22   Be It Enacted by the Legislature of the State of Florida:  
 23

24           Section 1. Paragraph (a) of subsection (12) of section  
 25   790.06, Florida Statutes, is amended to read:

26           790.06 License to carry concealed weapon or firearm.—

27           (12) (a) A license issued under this section does not  
 28   authorize any person to openly carry a handgun or carry a  
 29   concealed weapon or firearm into:

- 30           1. Any place of nuisance as defined in s. 823.05;
- 31           2. Any police, sheriff, or highway patrol station;
- 32           3. Any detention facility, prison, or jail;

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- 33           4. Any courthouse;
- 34           5. Any courtroom, except that nothing in this section would  
35 preclude a judge from carrying a concealed weapon or determining  
36 who will carry a concealed weapon in his or her courtroom;
- 37           6. Any polling place;
- 38           7. Any meeting of the governing body of a county, public  
39 school district, municipality, or special district;
- 40           8. Any meeting of the Legislature or a committee thereof;
- 41           9. Any school, college, or professional athletic event not  
42 related to firearms;
- 43           10. Any elementary or secondary school facility or  
44 administration building;
- 45           ~~11. Any career center;~~
- 46           11.12. Any portion of an establishment licensed to dispense  
47 alcoholic beverages for consumption on the premises, which  
48 portion of the establishment is primarily devoted to such  
49 purpose;
- 50           ~~12.13.~~ Any college or university facility unless the  
51 licensee is a registered student, employee, or faculty member of  
52 such college or university and the weapon is a stun gun or  
53 nonlethal electric weapon or device designed solely for  
54 defensive purposes and the weapon does not fire a dart or  
55 projectile;
- 56           ~~13.14.~~ The inside of the passenger terminal and sterile  
57 area of any airport, provided that no person shall be prohibited  
58 from carrying any legal firearm into the terminal, which firearm  
59 is encased for shipment for purposes of checking such firearm as  
60 baggage to be lawfully transported on any aircraft; or
- 61           ~~14.15.~~ Any place where the carrying of firearms is

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62 prohibited by federal law.

63 Section 2. Subsection (2) of section 790.115, Florida  
64 Statutes, is amended to read:

65 790.115 Possessing or discharging weapons or firearms at a  
66 school-sponsored event or on school property prohibited;  
67 penalties; exceptions.—

68 (2) (a) A person may ~~shall~~ not possess any firearm, electric  
69 weapon or device, destructive device, or other weapon as defined  
70 in s. 790.001(13), including a razor blade or box cutter, except  
71 as authorized in support of school-sanctioned activities, at a  
72 school-sponsored event or on the property of any school, school  
73 bus, or school bus stop. However, at a career center, the  
74 restrictions in this paragraph on possessing a firearm, electric  
75 weapon or device, or other weapon do not apply to a person who  
76 has a concealed weapon or concealed firearm license unless the  
77 career center is located in a place identified in s. 790.06(12)  
78 where the authority under a concealed weapon or firearm license  
79 does not apply. Additionally, a person may carry a firearm:

80 1. In a case to a firearms program, class, or function that  
81 ~~which~~ has been approved in advance by the principal or chief  
82 administrative officer of the school as a program, ~~or~~ class, or  
83 function to which firearms could be carried;

84 2. In a case to a career center having a firearms training  
85 range; or

86 3. In a vehicle pursuant to s. 790.25(5); except that  
87 school districts may adopt written and published policies that  
88 waive the exception in this subparagraph for purposes of student  
89 and campus parking privileges.

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91 For the purposes of this section, "school" means any preschool,  
92 elementary school, middle school, junior high school, secondary  
93 school, career center, or postsecondary school, whether public  
94 or nonpublic.

95 (b) A person who willfully and knowingly possesses any  
96 electric weapon or device, destructive device, or other weapon  
97 as defined in s. 790.001(13), including a razor blade or box  
98 cutter, except as authorized in support of school-sanctioned  
99 activities, in violation of this subsection commits a felony of  
100 the third degree, punishable as provided in s. 775.082, s.  
101 775.083, or s. 775.084.

102 (c)1. A person who willfully and knowingly possesses any  
103 firearm in violation of this subsection commits a felony of the  
104 third degree, punishable as provided in s. 775.082, s. 775.083,  
105 or s. 775.084.

106 2. A person who stores or leaves a loaded firearm within  
107 the reach or easy access of a minor who obtains the firearm and  
108 commits a violation of subparagraph 1. commits a misdemeanor of  
109 the second degree, punishable as provided in s. 775.082 or s.  
110 775.083; except that this does not apply if the firearm was  
111 stored or left in a securely locked box or container or in a  
112 location which a reasonable person would have believed to be  
113 secure, or was securely locked with a firearm-mounted push-  
114 button combination lock or a trigger lock; if the minor obtains  
115 the firearm as a result of an unlawful entry by any person; or  
116 to members of the Armed Forces, National Guard, or State  
117 Militia, or to police or other law enforcement officers, with  
118 respect to firearm possession by a minor which occurs during or  
119 incidental to the performance of their official duties.

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120 (d) A person who discharges any weapon or firearm while in  
121 violation of paragraph (a), unless discharged for lawful defense  
122 of himself or herself or another or for a lawful purpose,  
123 commits a felony of the second degree, punishable as provided in  
124 s. 775.082, s. 775.083, or s. 775.084.

125 (e) The penalties of this subsection shall not apply to  
126 persons licensed under s. 790.06. Persons licensed under s.  
127 790.06 shall be punished as provided in s. 790.06(12), except  
128 that a licenseholder who unlawfully discharges a weapon or  
129 firearm on school property as prohibited by this subsection  
130 commits a felony of the second degree, punishable as provided in  
131 s. 775.082, s. 775.083, or s. 775.084.

132 Section 3. For the purpose of incorporating the amendment  
133 made by this act to section 790.115, Florida Statutes, in a  
134 reference thereto, paragraph (a) of subsection (7) of section  
135 790.251, Florida Statutes, is reenacted to read:

136 790.251 Protection of the right to keep and bear arms in  
137 motor vehicles for self-defense and other lawful purposes;  
138 prohibited acts; duty of public and private employers; immunity  
139 from liability; enforcement.—

140 (7) EXCEPTIONS.—The prohibitions in subsection (4) do not  
141 apply to:

142 (a) Any school property as defined and regulated under s.  
143 790.115.

144 Section 4. For the purpose of incorporating the amendment  
145 made by this act to section 790.115, Florida Statutes, in a  
146 reference thereto, paragraph (b) of subsection (3) of section  
147 943.051, Florida Statutes, is reenacted to read:

148 943.051 Criminal justice information; collection and

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149 storage; fingerprinting.—

150 (3)

151 (b) A minor who is charged with or found to have committed  
152 the following offenses shall be fingerprinted and the  
153 fingerprints shall be submitted electronically to the  
154 department, unless the minor is issued a civil citation pursuant  
155 to s. 985.12:

156 1. Assault, as defined in s. 784.011.

157 2. Battery, as defined in s. 784.03.

158 3. Carrying a concealed weapon, as defined in s. 790.01(1).

159 4. Unlawful use of destructive devices or bombs, as defined  
160 in s. 790.1615(1).

161 5. Neglect of a child, as defined in s. 827.03(1)(e).

162 6. Assault or battery on a law enforcement officer, a  
163 firefighter, or other specified officers, as defined in s.  
164 784.07(2)(a) and (b).

165 7. Open carrying of a weapon, as defined in s. 790.053.

166 8. Exposure of sexual organs, as defined in s. 800.03.

167 9. Unlawful possession of a firearm, as defined in s.  
168 790.22(5).

169 10. Petit theft, as defined in s. 812.014(3).

170 11. Cruelty to animals, as defined in s. 828.12(1).

171 12. Arson, as defined in s. 806.031(1).

172 13. Unlawful possession or discharge of a weapon or firearm  
173 at a school-sponsored event or on school property, as provided  
174 in s. 790.115.

175 Section 5. For the purpose of incorporating the amendment  
176 made by this act to section 790.115, Florida Statutes, in a  
177 reference thereto, paragraph (b) of subsection (1) of section

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178 985.11, Florida Statutes, is reenacted to read:

179 985.11 Fingerprinting and photographing.—

180 (1)

181 (b) Unless the child is issued a civil citation or is  
182 participating in a similar diversion program pursuant to s.  
183 985.12, a child who is charged with or found to have committed  
184 one of the following offenses shall be fingerprinted, and the  
185 fingerprints shall be submitted to the Department of Law  
186 Enforcement as provided in s. 943.051(3) (b):

187 1. Assault, as defined in s. 784.011.

188 2. Battery, as defined in s. 784.03.

189 3. Carrying a concealed weapon, as defined in s. 790.01(1).

190 4. Unlawful use of destructive devices or bombs, as defined  
191 in s. 790.1615(1).

192 5. Neglect of a child, as defined in s. 827.03(1) (e).

193 6. Assault on a law enforcement officer, a firefighter, or  
194 other specified officers, as defined in s. 784.07(2) (a).

195 7. Open carrying of a weapon, as defined in s. 790.053.

196 8. Exposure of sexual organs, as defined in s. 800.03.

197 9. Unlawful possession of a firearm, as defined in s.  
198 790.22(5).

199 10. Petit theft, as defined in s. 812.014.

200 11. Cruelty to animals, as defined in s. 828.12(1).

201 12. Arson, resulting in bodily harm to a firefighter, as  
202 defined in s. 806.031(1).

203 13. Unlawful possession or discharge of a weapon or firearm  
204 at a school-sponsored event or on school property as defined in  
205 s. 790.115.  
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207 A law enforcement agency may fingerprint and photograph a child  
208 taken into custody upon probable cause that such child has  
209 committed any other violation of law, as the agency deems  
210 appropriate. Such fingerprint records and photographs shall be  
211 retained by the law enforcement agency in a separate file, and  
212 these records and all copies thereof must be marked "Juvenile  
213 Confidential." These records are not available for public  
214 disclosure and inspection under s. 119.07(1) except as provided  
215 in ss. 943.053 and 985.04(2), but shall be available to other  
216 law enforcement agencies, criminal justice agencies, state  
217 attorneys, the courts, the child, the parents or legal  
218 custodians of the child, their attorneys, and any other person  
219 authorized by the court to have access to such records. In  
220 addition, such records may be submitted to the Department of Law  
221 Enforcement for inclusion in the state criminal history records  
222 and used by criminal justice agencies for criminal justice  
223 purposes. These records may, in the discretion of the court, be  
224 open to inspection by anyone upon a showing of cause. The  
225 fingerprint and photograph records shall be produced in the  
226 court whenever directed by the court. Any photograph taken  
227 pursuant to this section may be shown by a law enforcement  
228 officer to any victim or witness of a crime for the purpose of  
229 identifying the person who committed such crime.

230 Section 6. For the purpose of incorporating the amendment  
231 made by this act to section 790.115, Florida Statutes, in a  
232 reference thereto, paragraph (b) of subsection (1) of section  
233 985.25, Florida Statutes, is reenacted to read:

234 985.25 Detention intake.—

235 (1) The department shall receive custody of a child who has

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236 been taken into custody from the law enforcement agency or court  
237 and shall review the facts in the law enforcement report or  
238 probable cause affidavit and make such further inquiry as may be  
239 necessary to determine whether detention care is appropriate.

240 (b) The department shall base the decision whether to place  
241 the child into secure or nonsecure detention care on an  
242 assessment of risk in accordance with the risk assessment  
243 instrument and procedures developed by the department under s.  
244 985.245. However, a child charged with possessing or discharging  
245 a firearm on school property in violation of s. 790.115 shall be  
246 placed in secure detention care. A child who has been taken into  
247 custody on three or more separate occasions within a 60-day  
248 period shall be placed in secure detention care until the  
249 child's detention hearing.

250  
251 Under no circumstances shall the department or the state  
252 attorney or law enforcement officer authorize the detention of  
253 any child in a jail or other facility intended or used for the  
254 detention of adults, without an order of the court.

255 Section 7. For the purpose of incorporating the amendment  
256 made by this act to section 790.115, Florida Statutes, in a  
257 reference thereto, paragraph (e) of subsection (1) of section  
258 985.255, Florida Statutes, is reenacted to read:

259 985.255 Detention criteria; detention hearing.—

260 (1) Subject to s. 985.25(1), a child taken into custody and  
261 placed into secure or nonsecure detention care shall be given a  
262 hearing within 24 hours after being taken into custody. At the  
263 hearing, the court may order continued detention if:

264 (e) The child is charged with possession of or discharging

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265 a firearm on school property in violation of s. 790.115 or the  
266 illegal possession of a firearm.

267 Section 8. For the purpose of incorporating the amendment  
268 made by this act to section 790.115, Florida Statutes, in a  
269 reference thereto, paragraph (a) of subsection (1) of section  
270 985.557, Florida Statutes, is reenacted to read:

271 985.557 Direct filing of an information; discretionary and  
272 mandatory criteria.—

273 (1) DISCRETIONARY DIRECT FILE.—

274 (a) With respect to any child who was 14 or 15 years of age  
275 at the time the alleged offense was committed, the state  
276 attorney may file an information when in the state attorney's  
277 judgment and discretion the public interest requires that adult  
278 sanctions be considered or imposed and when the offense charged  
279 is for the commission of, attempt to commit, or conspiracy to  
280 commit:

281 1. Arson;

282 2. Sexual battery;

283 3. Robbery;

284 4. Kidnapping;

285 5. Aggravated child abuse;

286 6. Aggravated assault;

287 7. Aggravated stalking;

288 8. Murder;

289 9. Manslaughter;

290 10. Unlawful throwing, placing, or discharging of a  
291 destructive device or bomb;

292 11. Armed burglary in violation of s. 810.02(2)(b) or  
293 specified burglary of a dwelling or structure in violation of s.

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294 810.02(2)(c), or burglary with an assault or battery in  
295 violation of s. 810.02(2)(a);  
296 12. Aggravated battery;  
297 13. Any lewd or lascivious offense committed upon or in the  
298 presence of a person less than 16 years of age;  
299 14. Carrying, displaying, using, threatening, or attempting  
300 to use a weapon or firearm during the commission of a felony;  
301 15. Grand theft in violation of s. 812.014(2)(a);  
302 16. Possessing or discharging any weapon or firearm on  
303 school property in violation of s. 790.115;  
304 17. Home invasion robbery;  
305 18. Carjacking; or  
306 19. Grand theft of a motor vehicle in violation of s.  
307 812.014(2)(c)6. or grand theft of a motor vehicle valued at  
308 \$20,000 or more in violation of s. 812.014(2)(b) if the child  
309 has a previous adjudication for grand theft of a motor vehicle  
310 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).  
311 Section 9. This act shall take effect July 1, 2017.