



450366

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 790.053, Florida Statutes, is amended to
read:

790.053 Open carrying of weapons.—

(1) Except as otherwise provided by law and in subsection
(2), it is unlawful for any person to openly carry on or about
his or her person any firearm or electric weapon or device. ~~It~~
~~is not a violation of this section for a person licensed to~~



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12 ~~carry a concealed firearm as provided in s. 790.06(1), and who~~
13 ~~is lawfully carrying a firearm in a concealed manner, to briefly~~
14 ~~and openly display the firearm to the ordinary sight of another~~
15 ~~person, unless the firearm is intentionally displayed in an~~
16 ~~angry or threatening manner, not in necessary self-defense.~~

17 (2) A person may openly carry, for purposes of lawful self-
18 defense:

19 (a) A self-defense chemical spray.

20 (b) A nonlethal stun gun or dart-firing stun gun or other
21 nonlethal electric weapon or device that is designed solely for
22 defensive purposes.

23 (3) (a) Any person violating this section who is not
24 licensed under s. 790.06 commits a misdemeanor of the second
25 degree, punishable as provided in s. 775.082 or s. 775.083.

26 (b) A person violating this section who is licensed under
27 s. 790.06 commits:

28 1. A noncriminal violation with a penalty of:

29 a. Twenty-five dollars, payable to the clerk of the court,
30 for a first violation; or

31 b. Five hundred dollars, payable to the clerk of court, for
32 a second violation.

33 2. A misdemeanor of the second degree, punishable as
34 provided in s. 775.082 or s. 775.083, for a third or subsequent
35 violation.

36 Section 2. Subsection (1) of section 790.06, Florida
37 Statutes, is amended to read:

38 790.06 License to carry concealed weapon or firearm.—

39 (1) The Department of Agriculture and Consumer Services is
40 authorized to issue licenses to carry concealed weapons or



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41 concealed firearms to persons qualified as provided in this
42 section. Each such license must bear a color photograph of the
43 licensee. For the purposes of this section, concealed weapons or
44 concealed firearms are defined as a handgun, electronic weapon
45 or device, tear gas gun, knife, or billie, but the term does not
46 include a machine gun as defined in s. 790.001(9). Such licenses
47 shall be valid throughout the state for a period of 7 years
48 after ~~from~~ the date of issuance. Any person in compliance with
49 the terms of such license may carry a concealed weapon or
50 concealed firearm notwithstanding the provisions of s. 790.01.
51 The licensee must carry the license, together with valid
52 identification, at all times in which the licensee is in actual
53 possession of a concealed weapon or firearm and must display
54 both the license and proper identification upon demand by a law
55 enforcement officer. A person licensed to carry a concealed
56 firearm under this section whose firearm is temporarily and
57 openly displayed to the ordinary sight of another person does
58 not violate s. 790.053 and may not be arrested or charged with a
59 noncriminal or criminal violation of s. 790.053. Violations of
60 the provisions of this subsection shall constitute a noncriminal
61 violation with a penalty of \$25, payable to the clerk of the
62 court.

63 Section 3. For the purpose of incorporating the amendment
64 made by this act to section 790.053, Florida Statutes, in a
65 reference thereto, paragraph (b) of subsection (3) of section
66 943.051, Florida Statutes, is reenacted to read:

67 943.051 Criminal justice information; collection and
68 storage; fingerprinting.—

69 (3)



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70 (b) A minor who is charged with or found to have committed
71 the following offenses shall be fingerprinted and the
72 fingerprints shall be submitted electronically to the
73 department, unless the minor is issued a civil citation pursuant
74 to s. 985.12:

- 75 1. Assault, as defined in s. 784.011.
- 76 2. Battery, as defined in s. 784.03.
- 77 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 78 4. Unlawful use of destructive devices or bombs, as defined
79 in s. 790.1615(1).
- 80 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 81 6. Assault or battery on a law enforcement officer, a
82 firefighter, or other specified officers, as defined in s.
83 784.07(2)(a) and (b).
- 84 7. Open carrying of a weapon, as defined in s. 790.053.
- 85 8. Exposure of sexual organs, as defined in s. 800.03.
- 86 9. Unlawful possession of a firearm, as defined in s.
87 790.22(5).
- 88 10. Petit theft, as defined in s. 812.014(3).
- 89 11. Cruelty to animals, as defined in s. 828.12(1).
- 90 12. Arson, as defined in s. 806.031(1).
- 91 13. Unlawful possession or discharge of a weapon or firearm
92 at a school-sponsored event or on school property, as provided
93 in s. 790.115.

94 Section 4. For the purpose of incorporating the amendment
95 made by this act to section 790.053, Florida Statutes, in a
96 reference thereto, paragraph (b) of subsection (1) of section
97 985.11, Florida Statutes, is reenacted to read:

98 985.11 Fingerprinting and photographing.—



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99 (1)

100 (b) Unless the child is issued a civil citation or is
101 participating in a similar diversion program pursuant to s.
102 985.12, a child who is charged with or found to have committed
103 one of the following offenses shall be fingerprinted, and the
104 fingerprints shall be submitted to the Department of Law
105 Enforcement as provided in s. 943.051(3) (b):

- 106 1. Assault, as defined in s. 784.011.
- 107 2. Battery, as defined in s. 784.03.
- 108 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 109 4. Unlawful use of destructive devices or bombs, as defined
110 in s. 790.1615(1).
- 111 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 112 6. Assault on a law enforcement officer, a firefighter, or
113 other specified officers, as defined in s. 784.07(2)(a).
- 114 7. Open carrying of a weapon, as defined in s. 790.053.
- 115 8. Exposure of sexual organs, as defined in s. 800.03.
- 116 9. Unlawful possession of a firearm, as defined in s.
117 790.22(5).
- 118 10. Petit theft, as defined in s. 812.014.
- 119 11. Cruelty to animals, as defined in s. 828.12(1).
- 120 12. Arson, resulting in bodily harm to a firefighter, as
121 defined in s. 806.031(1).
- 122 13. Unlawful possession or discharge of a weapon or firearm
123 at a school-sponsored event or on school property as defined in
124 s. 790.115.

125

126 A law enforcement agency may fingerprint and photograph a child
127 taken into custody upon probable cause that such child has



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128 committed any other violation of law, as the agency deems
129 appropriate. Such fingerprint records and photographs shall be
130 retained by the law enforcement agency in a separate file, and
131 these records and all copies thereof must be marked "Juvenile
132 Confidential." These records are not available for public
133 disclosure and inspection under s. 119.07(1) except as provided
134 in ss. 943.053 and 985.04(2), but shall be available to other
135 law enforcement agencies, criminal justice agencies, state
136 attorneys, the courts, the child, the parents or legal
137 custodians of the child, their attorneys, and any other person
138 authorized by the court to have access to such records. In
139 addition, such records may be submitted to the Department of Law
140 Enforcement for inclusion in the state criminal history records
141 and used by criminal justice agencies for criminal justice
142 purposes. These records may, in the discretion of the court, be
143 open to inspection by anyone upon a showing of cause. The
144 fingerprint and photograph records shall be produced in the
145 court whenever directed by the court. Any photograph taken
146 pursuant to this section may be shown by a law enforcement
147 officer to any victim or witness of a crime for the purpose of
148 identifying the person who committed such crime.

149 Section 5. This act shall take effect July 1, 2017.

150
151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete everything before the enacting clause
154 and insert:

155 A bill to be entitled
156 An act relating to weapons and firearms; amending s.



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157 790.053, F.S.; deleting a statement of applicability
158 relating to violations of carrying a concealed weapon
159 or firearm; reducing the penalties applicable to a
160 person licensed to carry a concealed weapon or firearm
161 for a first or second violation of specified
162 provisions relating to openly carrying weapons; making
163 a fine payable to the clerk of the court; amending s.
164 790.06, F.S.; providing that a person licensed to
165 carry a concealed weapon or firearm does not violate
166 certain provisions if the firearm is temporarily and
167 openly displayed; reenacting ss. 943.051(3)(b) and
168 985.11(1)(b), F.S., both relating to fingerprinting of
169 a minor for violating specified provisions, to
170 incorporate the amendment made to s. 790.053, F.S., in
171 references thereto; providing an effective date.