

By Senator Steube

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1 A bill to be entitled
2 An act relating to weapons and firearms; amending s.
3 790.053, F.S.; deleting a statement of applicability
4 relating to violations of carrying a concealed weapon
5 or firearm; reducing the penalty for a violation of
6 specified provisions relating to openly carrying
7 weapons; making a fine payable to the clerk of the
8 court; amending s. 790.06, F.S.; providing that a
9 person licensed to carry a concealed weapon or firearm
10 who is lawfully carrying a firearm does not violate
11 certain provisions if the firearm is temporarily and
12 openly displayed; authorizing each member of the
13 Florida Cabinet to carry a concealed weapon or firearm
14 if he or she is licensed to carry a concealed weapon
15 or firearm and does not have full-time security
16 provided by the Department of Law Enforcement;
17 reducing the penalty for a violation of specified
18 provisions relating to carrying concealed weapons or
19 firearms in prohibited places; making a fine payable
20 to the clerk of the court; reenacting ss.
21 943.051(3)(b) and 985.11(1)(b), F.S., both relating to
22 fingerprinting of a minor for violating specified
23 provisions, to incorporate the amendment made to s.
24 790.053, F.S., in references thereto; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 790.053, Florida Statutes, is amended to
30 read:

31 790.053 Open carrying of weapons.—

32 (1) Except as otherwise provided by law and in subsection

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33 (2), it is unlawful for any person to openly carry on or about
 34 his or her person any firearm or electric weapon or device. ~~It~~
 35 ~~is not a violation of this section for a person licensed to~~
 36 ~~carry a concealed firearm as provided in s. 790.06(1), and who~~
 37 ~~is lawfully carrying a firearm in a concealed manner, to briefly~~
 38 ~~and openly display the firearm to the ordinary sight of another~~
 39 ~~person, unless the firearm is intentionally displayed in an~~
 40 ~~angry or threatening manner, not in necessary self-defense.~~

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

43 (a) A self-defense chemical spray.

44 (b) A nonlethal stun gun or dart-firing stun gun or other
 45 nonlethal electric weapon or device that is designed solely for
 46 defensive purposes.

47 (3) A Any person who violates ~~violating~~ this section
 48 commits a noncriminal violation with a penalty of \$25, payable
 49 to the clerk of the court ~~misdemeanor of the second degree,~~
 50 ~~punishable as provided in s. 775.082 or s. 775.083.~~

51 Section 2. Subsections (1) and (12) of section 790.06,
 52 Florida Statutes, are amended to read:

53 790.06 License to carry concealed weapon or firearm.—

54 (1) The Department of Agriculture and Consumer Services is
 55 authorized to issue licenses to carry concealed weapons or
 56 concealed firearms to persons qualified as provided in this
 57 section. Each such license must bear a color photograph of the
 58 licensee. For the purposes of this section, concealed weapons or
 59 concealed firearms are defined as a handgun, electronic weapon
 60 or device, tear gas gun, knife, or billie, but the term does not
 61 include a machine gun as defined in s. 790.001(9). Such licenses

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62 shall be valid throughout the state for a period of 7 years from
63 the date of issuance. Any person in compliance with the terms of
64 such license may carry a concealed weapon or concealed firearm
65 notwithstanding the provisions of s. 790.01. The licensee must
66 carry the license, together with valid identification, at all
67 times in which the licensee is in actual possession of a
68 concealed weapon or firearm and must display both the license
69 and proper identification upon demand by a law enforcement
70 officer. A person licensed to carry a concealed firearm under
71 this section who is lawfully carrying a firearm in a concealed
72 manner and whose firearm is temporarily and openly displayed to
73 the ordinary sight of another person does not violate s. 790.053
74 and may not be arrested or charged with a crime. Violations of
75 the provisions of this subsection shall constitute a noncriminal
76 violation with a penalty of \$25, payable to the clerk of the
77 court. Notwithstanding any other provision of this section, a
78 member of the Florida Cabinet who is licensed to carry a
79 concealed weapon or firearm and who does not have full-time
80 security provided by the Department of Law Enforcement may carry
81 a concealed weapon or firearm anywhere they are not prohibited
82 by federal law.

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

- 86 1. Any place of nuisance as defined in s. 823.05;
- 87 2. Any police, sheriff, or highway patrol station;
- 88 3. Any detention facility, prison, or jail;
- 89 4. Any courthouse;
- 90 5. Any courtroom, except that nothing in this section would

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91 preclude a judge from carrying a concealed weapon or determining
92 who will carry a concealed weapon in his or her courtroom;

93 6. Any polling place;

94 7. Any meeting of the governing body of a county, public
95 school district, municipality, or special district;

96 8. Any meeting of the Legislature or a committee thereof;

97 9. Any school, college, or professional athletic event not
98 related to firearms;

99 10. Any elementary or secondary school facility or
100 administration building;

101 11. Any career center;

102 12. Any portion of an establishment licensed to dispense
103 alcoholic beverages for consumption on the premises, which
104 portion of the establishment is primarily devoted to such
105 purpose;

106 13. Any college or university facility unless the licensee
107 is a registered student, employee, or faculty member of such
108 college or university and the weapon is a stun gun or nonlethal
109 electric weapon or device designed solely for defensive purposes
110 and the weapon does not fire a dart or projectile;

111 14. The inside of the passenger terminal and sterile area
112 of any airport, provided that no person shall be prohibited from
113 carrying any legal firearm into the terminal, which firearm is
114 encased for shipment for purposes of checking such firearm as
115 baggage to be lawfully transported on any aircraft; or

116 15. Any place where the carrying of firearms is prohibited
117 by federal law.

118 (b) A person licensed under this section may ~~shall~~ not be
119 prohibited from carrying or storing a firearm in a vehicle for

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120 lawful purposes.

121 (c) This section does not modify the terms or conditions of
122 s. 790.251(7).

123 (d) Any person who knowingly and willfully violates any
124 provision of this subsection commits a noncriminal violation
125 with a penalty of \$25, payable to the clerk of the court
126 ~~misdemeanor of the second degree, punishable as provided in s.~~
127 ~~775.082 or s. 775.083.~~

128 Section 3. For the purpose of incorporating the amendment
129 made by this act to section 790.053, Florida Statutes, in a
130 reference thereto, paragraph (b) of subsection (3) of section
131 943.051, Florida Statutes, is reenacted to read:

132 943.051 Criminal justice information; collection and
133 storage; fingerprinting.—

134 (3)

135 (b) A minor who is charged with or found to have committed
136 the following offenses shall be fingerprinted and the
137 fingerprints shall be submitted electronically to the
138 department, unless the minor is issued a civil citation pursuant
139 to s. 985.12:

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

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

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

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

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

146 6. Assault or battery on a law enforcement officer, a
147 firefighter, or other specified officers, as defined in s.
148 784.07(2)(a) and (b).

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- 149 7. Open carrying of a weapon, as defined in s. 790.053.
150 8. Exposure of sexual organs, as defined in s. 800.03.
151 9. Unlawful possession of a firearm, as defined in s.
152 790.22(5).
153 10. Petit theft, as defined in s. 812.014(3).
154 11. Cruelty to animals, as defined in s. 828.12(1).
155 12. Arson, as defined in s. 806.031(1).
156 13. Unlawful possession or discharge of a weapon or firearm
157 at a school-sponsored event or on school property, as provided
158 in s. 790.115.
- 159 Section 4. For the purpose of incorporating the amendment
160 made by this act to section 790.053, Florida Statutes, in a
161 reference thereto, paragraph (b) of subsection (1) of section
162 985.11, Florida Statutes, is reenacted to read:
163 985.11 Fingerprinting and photographing.—
164 (1)
165 (b) Unless the child is issued a civil citation or is
166 participating in a similar diversion program pursuant to s.
167 985.12, a child who is charged with or found to have committed
168 one of the following offenses shall be fingerprinted, and the
169 fingerprints shall be submitted to the Department of Law
170 Enforcement as provided in s. 943.051(3)(b):
171 1. Assault, as defined in s. 784.011.
172 2. Battery, as defined in s. 784.03.
173 3. Carrying a concealed weapon, as defined in s. 790.01(1).
174 4. Unlawful use of destructive devices or bombs, as defined
175 in s. 790.1615(1).
176 5. Neglect of a child, as defined in s. 827.03(1)(e).
177 6. Assault on a law enforcement officer, a firefighter, or

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178 other specified officers, as defined in s. 784.07(2)(a).

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

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

181 9. Unlawful possession of a firearm, as defined in s.

182 790.22(5).

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

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

185 12. Arson, resulting in bodily harm to a firefighter, as

186 defined in s. 806.031(1).

187 13. Unlawful possession or discharge of a weapon or firearm

188 at a school-sponsored event or on school property as defined in

189 s. 790.115.

190

191 A law enforcement agency may fingerprint and photograph a child

192 taken into custody upon probable cause that such child has

193 committed any other violation of law, as the agency deems

194 appropriate. Such fingerprint records and photographs shall be

195 retained by the law enforcement agency in a separate file, and

196 these records and all copies thereof must be marked "Juvenile

197 Confidential." These records are not available for public

198 disclosure and inspection under s. 119.07(1) except as provided

199 in ss. 943.053 and 985.04(2), but shall be available to other

200 law enforcement agencies, criminal justice agencies, state

201 attorneys, the courts, the child, the parents or legal

202 custodians of the child, their attorneys, and any other person

203 authorized by the court to have access to such records. In

204 addition, such records may be submitted to the Department of Law

205 Enforcement for inclusion in the state criminal history records

206 and used by criminal justice agencies for criminal justice

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207 purposes. These records may, in the discretion of the court, be
208 open to inspection by anyone upon a showing of cause. The
209 fingerprint and photograph records shall be produced in the
210 court whenever directed by the court. Any photograph taken
211 pursuant to this section may be shown by a law enforcement
212 officer to any victim or witness of a crime for the purpose of
213 identifying the person who committed such crime.

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