

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.

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

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

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

(a) A self-defense chemical spray.

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

(3) A Any person who violates ~~violating~~ this section commits a noncriminal violation with a penalty of \$25, payable to the clerk of the court ~~misdemeanor of the second degree,~~ ~~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
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
91 would preclude a judge from carrying a concealed weapon or
92 determining who will carry a concealed weapon in his or her
93 courtroom;
- 94 6. Any polling place;
- 95 7. Any meeting of the governing body of a county, public
96 school district, municipality, or special district;
- 97 8. Any meeting of the Legislature or a committee thereof;
- 98 9. Any school, college, or professional athletic event not
99 related to firearms;
- 100 10. Any elementary or secondary school facility or

101 administration building;

102 11. Any career center;

103 12. Any portion of an establishment licensed to dispense

104 alcoholic beverages for consumption on the premises, which

105 portion of the establishment is primarily devoted to such

106 purpose;

107 13. Any college or university facility unless the licensee

108 is a registered student, employee, or faculty member of such

109 college or university and the weapon is a stun gun or nonlethal

110 electric weapon or device designed solely for defensive purposes

111 and the weapon does not fire a dart or projectile;

112 14. The inside of the passenger terminal and sterile area

113 of any airport, provided that no person shall be prohibited from

114 carrying any legal firearm into the terminal, which firearm is

115 encased for shipment for purposes of checking such firearm as

116 baggage to be lawfully transported on any aircraft; or

117 15. Any place where the carrying of firearms is prohibited

118 by federal law.

119 (b) A person licensed under this section may ~~shall~~ not be

120 prohibited from carrying or storing a firearm in a vehicle for

121 lawful purposes.

122 (c) This section does not modify the terms or conditions

123 of s. 790.251(7).

124 (d) Any person who knowingly and willfully violates any

125 provision of this subsection commits a noncriminal violation

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126 with a penalty of \$25, payable to the clerk of the court
127 ~~misdemeanor of the second degree, punishable as provided in s.~~
128 ~~775.082 or s. 775.083.~~

129 Section 3. For the purpose of incorporating the amendment
130 made by this act to section 790.053, Florida Statutes, in a
131 reference thereto, paragraph (b) of subsection (3) of section
132 943.051, Florida Statutes, is reenacted to read:

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

135 (3)

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

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

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

143 3. Carrying a concealed weapon, as defined in s.
144 790.01(1).

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

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

148 6. Assault or battery on a law enforcement officer, a
149 firefighter, or other specified officers, as defined in s.
150 784.07(2)(a) and (b).

- 151 7. Open carrying of a weapon, as defined in s. 790.053.
- 152 8. Exposure of sexual organs, as defined in s. 800.03.
- 153 9. Unlawful possession of a firearm, as defined in s.
- 154 790.22(5).
- 155 10. Petit theft, as defined in s. 812.014(3).
- 156 11. Cruelty to animals, as defined in s. 828.12(1).
- 157 12. Arson, as defined in s. 806.031(1).
- 158 13. Unlawful possession or discharge of a weapon or
- 159 firearm at a school-sponsored event or on school property, as
- 160 provided in s. 790.115.

161 Section 4. For the purpose of incorporating the amendment
 162 made by this act to section 790.053, Florida Statutes, in a
 163 reference thereto, paragraph (b) of subsection (1) of section
 164 985.11, Florida Statutes, is reenacted to read:

165 985.11 Fingerprinting and photographing.—

166 (1)

167 (b) Unless the child is issued a civil citation or is
 168 participating in a similar diversion program pursuant to s.
 169 985.12, a child who is charged with or found to have committed
 170 one of the following offenses shall be fingerprinted, and the
 171 fingerprints shall be submitted to the Department of Law
 172 Enforcement as provided in s. 943.051(3)(b):

- 173 1. Assault, as defined in s. 784.011.
- 174 2. Battery, as defined in s. 784.03.
- 175 3. Carrying a concealed weapon, as defined in s.

176 | 790.01(1).

177 | 4. Unlawful use of destructive devices or bombs, as

178 | defined in s. 790.1615(1).

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

180 | 6. Assault on a law enforcement officer, a firefighter, or

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

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

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

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

185 | 790.22(5).

186 | 10. Petit theft, as defined in s. 812.014.

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

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

189 | defined in s. 806.031(1).

190 | 13. Unlawful possession or discharge of a weapon or

191 | firearm at a school-sponsored event or on school property as

192 | defined in s. 790.115.

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194 | A law enforcement agency may fingerprint and photograph a child

195 | taken into custody upon probable cause that such child has

196 | committed any other violation of law, as the agency deems

197 | appropriate. Such fingerprint records and photographs shall be

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

199 | these records and all copies thereof must be marked "Juvenile

200 | Confidential." These records are not available for public

201 disclosure and inspection under s. 119.07(1) except as provided
202 in ss. 943.053 and 985.04(2), but shall be available to other
203 law enforcement agencies, criminal justice agencies, state
204 attorneys, the courts, the child, the parents or legal
205 custodians of the child, their attorneys, and any other person
206 authorized by the court to have access to such records. In
207 addition, such records may be submitted to the Department of Law
208 Enforcement for inclusion in the state criminal history records
209 and used by criminal justice agencies for criminal justice
210 purposes. These records may, in the discretion of the court, be
211 open to inspection by anyone upon a showing of cause. The
212 fingerprint and photograph records shall be produced in the
213 court whenever directed by the court. Any photograph taken
214 pursuant to this section may be shown by a law enforcement
215 officer to any victim or witness of a crime for the purpose of
216 identifying the person who committed such crime.

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