

By Senator Berman

26-01268-23

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1                                   A bill to be entitled  
 2           An act relating to the possession or use of a firearm  
 3           in a sensitive location; creating s. 790.075, F.S.;  
 4           defining the term "sensitive location"; prohibiting  
 5           the possession or use of a firearm in a sensitive  
 6           location; providing criminal penalties; providing  
 7           exceptions; providing an effective date.

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

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 11           Section 1. Section 790.075, Florida Statutes, is created to  
 12           read:

13           790.075 Possession or use of firearm in sensitive  
 14           location.-

15           (1) As used in this section, the term "sensitive location"  
 16           means any of the following:

17           (a) Any part of a health care facility licensed by the  
 18           state, including a hospital, nursing home or other similar  
 19           residential facility, or provider of services for the care,  
 20           support, or treatment of individuals.

21           (b) Any part of a building owned, leased, or operated by a  
 22           governmental entity, including a polling place, courthouse, or  
 23           law enforcement facility.

24           (c) Any park, recreational facility or area, or playground  
 25           owned or controlled by a state, county, municipality, or other  
 26           governmental entity.

27           (d) Any place of worship or religious observation.

28           (e) Any public library, public playground, public park, or  
 29           public zoo.

26-01268-23

2023456\_\_

30 (f) The location of any program licensed, regulated,  
31 certified, operated, or funded by a governmental entity that  
32 provides services to children, youth, or young adults; any  
33 legally exempt child care provider; or any child care program  
34 for which a permit to operate such program has been issued.

35 (g) Any place owned or controlled by federal, state, or  
36 local government for the purpose of government administration,  
37 including any court.

38 (h) Any place that provides health, behavioral health, or  
39 chemical dependence care or services.

40 (i) Any nursery school, preschool, or summer camp.

41 (j) The location of any program licensed, regulated,  
42 certified, operated, or funded by a governmental entity that  
43 provides developmental disability services.

44 (k) The location of any program licensed, regulated,  
45 certified, operated, or funded by a governmental entity that  
46 provides mental health services.

47 (l) The location of any program licensed, regulated,  
48 certified, operated, or funded by a governmental entity that  
49 provides disability services.

50 (m) Any homeless shelter, runaway youth shelter, family  
51 shelter, adult shelter, domestic violence shelter, or emergency  
52 shelter, and the location of any residential program for victims  
53 of domestic violence in or upon any building or grounds owned or  
54 leased by any governmental entity.

55 (n) Any educational institution, college or university,  
56 licensed private career school, school district, public school,  
57 private school, or charter school.

58 (o) Any place, conveyance, or vehicle used for public

26-01268-23

2023456\_\_

59 transportation or public transit, including train cars, buses,  
60 ferries, railroads, or marine or aviation transportation, or any  
61 facility used for or in connection with service in the  
62 transportation of passengers, including airports, train  
63 stations, subway and rail stations, and bus terminals.

64 (p) Any bar, restaurant where alcohol is served, or other  
65 site or facility where alcohol is sold for consumption on the  
66 premises.

67 (q) Any site or facility where cannabis is sold for  
68 consumption on the premises.

69 (r) Any place used for performance, art, entertainment,  
70 gaming, or sporting events, including theaters, stadiums,  
71 racetracks, museums, amusement parks, performance venues,  
72 concerts, exhibits, conference centers, banquet halls, or gaming  
73 facilities.

74 (2) Any other law notwithstanding, a person may not possess  
75 a firearm in a sensitive location.

76 (a) Except as provided in paragraph (b), a person who  
77 violates this subsection commits a felony of the third degree,  
78 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

79 (b) A person who discharges a firearm while violating this  
80 subsection commits a felony of the second degree, punishable as  
81 provided in s. 775.082, s. 775.083, or s. 775.084.

82 (3) This section does not apply to:

83 (a) A law enforcement officer who qualifies to carry a  
84 firearm under the federal Law Enforcement Officers Safety Act of  
85 2004, 18 U.S.C. s. 926C.

86 (b) A law enforcement officer, as defined in s. 943.10(1),  
87 or a retired law enforcement officer.

26-01268-23

2023456\_\_

88       (c) An employee of a security agency licensed under part  
89 III of chapter 493 whose license authorizes him or her to carry  
90 a firearm while at the location of his or her employment during  
91 work hours.

92       (d) A member of the United States Armed Forces on active  
93 duty.

94       (e) A government employee under the express written consent  
95 of such employee's supervising governmental entity for the  
96 purposes of natural resource protection and management.

97       (f) A person operating a program in a sensitive location,  
98 other than his or her residence, that is licensed, regulated,  
99 certified, operated, or funded by a governmental entity, so long  
100 as such possession is in compliance with any rules or  
101 regulations applicable to the operation of such program and the  
102 use or storage of a firearm.

103       Section 2. This act shall take effect October 1, 2023.