

1 A bill to be entitled
2 An act relating to the concealed carry of weapons and
3 firearms without a license; amending s. 27.53, F.S.;
4 conforming provisions to changes made by the act;
5 amending s. 790.001, F.S.; defining the term
6 "handgun"; renumbering definitions; amending s.
7 790.01, F.S.; authorizing a person to carry a
8 concealed weapon or concealed firearm if he or she is
9 licensed to do so or meets specified requirements;
10 creating s. 790.013, F.S.; requiring a person who is
11 carrying a concealed weapon or concealed firearm
12 without a license to carry valid identification and
13 display such identification upon demand by a law
14 enforcement officer; providing a noncriminal penalty;
15 prohibiting a person who is carrying a concealed
16 weapon or concealed firearm without a license from
17 carrying such weapon or firearm in specified
18 locations; amending s. 790.015, F.S.; authorizing a
19 nonresident to carry a concealed weapon or concealed
20 firearm in this state if he or she meets the same
21 requirements as a resident; removing a requirement
22 that limits recognition of concealed firearm licenses
23 to those states that honor Florida concealed weapon or
24 concealed firearm licenses; amending s. 790.052, F.S.;
25 conforming provisions to changes made by the act;

26 | amending s. 790.053, F.S.; specifying it is not a
27 | violation for persons authorized to carry a concealed
28 | weapon or concealed firearm without a license to
29 | briefly and openly display a firearm under specified
30 | circumstances; amending s. 790.06, F.S.; defining the
31 | term "concealed weapon or concealed firearm"; removing
32 | a requirement that a person who is licensed to carry a
33 | concealed weapon or concealed firearm must carry such
34 | license while he or she is in actual possession of a
35 | concealed weapon or concealed firearm; revising
36 | legislative findings; making technical changes;
37 | amending s. 790.0655, F.S.; making technical changes;
38 | amending s. 790.115, F.S.; providing a person who is
39 | authorized to carry a concealed weapon or concealed
40 | firearm without a license is subject to specified
41 | penalties for possessing such weapon or firearm at a
42 | school-sponsored event or on school property;
43 | conforming provisions to changes made by the act;
44 | repealing s. 790.145, F.S., relating to the possession
45 | of firearms or destructive devices in pharmacies;
46 | amending s. 790.1612, F.S.; conforming provisions to
47 | changes made by the act; amending s. 790.25, F.S.;
48 | providing that a person who is authorized to carry a
49 | concealed weapon or concealed firearm may carry such
50 | weapon or firearm on his or her person in a private

51 conveyance; conforming provisions to changes made by
 52 the act; making technical changes; amending s.
 53 790.251, F.S.; revising the definition of the term
 54 "employee" to include any person who is authorized to
 55 carry a concealed weapon or concealed firearm;
 56 prohibiting an employer from conditioning employment
 57 upon the fact that an employee or prospective employee
 58 is authorized to carry a concealed weapon or concealed
 59 firearm; amending s. 790.31, F.S.; removing the
 60 definition of the term "handgun"; amending ss.
 61 810.095, 921.0022, 921.0024, 943.051, 943.0585,
 62 943.059, and 985.11, F.S.; conforming provisions to
 63 changes made by the act; providing an effective date.

64
 65 Be It Enacted by the Legislature of the State of Florida:

66
 67 Section 1. Subsections (1) and (4) of section 27.53,
 68 Florida Statutes, are amended to read:

69 27.53 Appointment of assistants and other staff; method of
 70 payment.—

71 (1) The public defender of each judicial circuit is
 72 authorized to employ and establish, in such numbers as
 73 authorized by the General Appropriations Act, assistant public
 74 defenders and other staff and personnel pursuant to s. 29.006,
 75 who shall be paid from funds appropriated for that purpose.

76 | Notwithstanding ss. 790.01 and 790.02, ~~the provisions of s.~~
77 | ~~790.01, s. 790.02, or s. 790.25(2)(a)~~, an investigator employed
78 | by a public defender, while actually carrying out official
79 | duties, is authorized to carry concealed weapons if the
80 | investigator complies with s. 790.25(2)(o) ~~s. 790.25(3)(e)~~.
81 | However, such investigators are not eligible for membership in
82 | the Special Risk Class of the Florida Retirement System. The
83 | public defenders of all judicial circuits shall jointly develop
84 | a coordinated classification and pay plan which shall be
85 | submitted on or before January 1 of each year to the Justice
86 | Administrative Commission, the office of the President of the
87 | Senate, and the office of the Speaker of the House of
88 | Representatives. Such plan shall be developed in accordance with
89 | policies and procedures of the Executive Office of the Governor
90 | established in s. 216.181. Each assistant public defender
91 | appointed by a public defender under this section shall serve at
92 | the pleasure of the public defender. Each investigator employed
93 | by a public defender shall have full authority to serve any
94 | witness subpoena or court order issued, by any court or judge
95 | within the judicial circuit served by such public defender, in a
96 | criminal case in which such public defender has been appointed
97 | to represent the accused.

98 | (4) The five criminal conflict and civil regional counsels
99 | may employ and establish, in the numbers authorized by the
100 | General Appropriations Act, assistant regional counsels and

101 other staff and personnel in each judicial district pursuant to
 102 s. 29.006, who shall be paid from funds appropriated for that
 103 purpose. Notwithstanding ss. s. 790.01, ~~s.~~ and 790.02, ~~or s.~~
 104 ~~790.25(2)(a)~~, an investigator employed by an office of criminal
 105 conflict and civil regional counsel, while actually carrying out
 106 official duties, is authorized to carry concealed weapons if the
 107 investigator complies with s. 790.25(2)(o) ~~s. 790.25(3)(e)~~.
 108 However, such investigators are not eligible for membership in
 109 the Special Risk Class of the Florida Retirement System. The
 110 five regional counsels shall jointly develop a coordinated
 111 classification and pay plan for submission to the Justice
 112 Administrative Commission, the President of the Senate, and the
 113 Speaker of the House of Representatives by January 1 of each
 114 year. The plan must be developed in accordance with policies and
 115 procedures of the Executive Office of the Governor established
 116 in s. 216.181. Each assistant regional counsel appointed by the
 117 regional counsel under this section shall serve at the pleasure
 118 of the regional counsel. Each investigator employed by the
 119 regional counsel shall have full authority to serve any witness
 120 subpoena or court order issued by any court or judge in a
 121 criminal case in which the regional counsel has been appointed
 122 to represent the accused.

123 Section 2. Section 790.001, Florida Statutes, is amended
 124 to read:

125 790.001 Definitions.—As used in this chapter, except where

126 | the context otherwise requires:

127 | (1)~~(19)~~ "Ammunition" means an object consisting of all of
 128 | the following:

129 | (a) A fixed metallic or nonmetallic hull or casing
 130 | containing a primer.

131 | (b) One or more projectiles, one or more bullets, or shot.

132 | (c) Gunpowder.

133 |

134 | All of the specified components must be present for an object to
 135 | be ammunition.

136 | (2)~~(1)~~ "Antique firearm" means any firearm manufactured in
 137 | or before 1918 (including any matchlock, flintlock, percussion
 138 | cap, or similar early type of ignition system) or replica
 139 | thereof, whether actually manufactured before or after the year
 140 | 1918, and also any firearm using fixed ammunition manufactured
 141 | in or before 1918, for which ammunition is no longer
 142 | manufactured in the United States and is not readily available
 143 | in the ordinary channels of commercial trade.

144 | (3)~~(2)~~ "Concealed firearm" means any firearm, as defined
 145 | in subsection (9) ~~(6)~~, which is carried on or about a person in
 146 | such a manner as to conceal the firearm from the ordinary sight
 147 | of another person.

148 | (4)~~(3)~~(a) "Concealed weapon" means any dirk, metallic
 149 | knuckles, billie, tear gas gun, chemical weapon or device, or
 150 | other deadly weapon carried on or about a person in such a

151 manner as to conceal the weapon from the ordinary sight of
152 another person.

153 (b) "Tear gas gun" or "chemical weapon or device" means
154 any weapon of such nature, except a device known as a "self-
155 defense chemical spray." "Self-defense chemical spray" means a
156 device carried solely for purposes of lawful self-defense that
157 is compact in size, designed to be carried on or about the
158 person, and contains not more than two ounces of chemical.

159 (5)~~(15)~~ "Dart-firing stun gun" means any device having one
160 or more darts that are capable of delivering an electrical
161 current.

162 (6)~~(4)~~ "Destructive device" means any bomb, grenade, mine,
163 rocket, missile, pipebomb, or similar device containing an
164 explosive, incendiary, or poison gas and includes any frangible
165 container filled with an explosive, incendiary, explosive gas,
166 or expanding gas, which is designed or so constructed as to
167 explode by such filler and is capable of causing bodily harm or
168 property damage; any combination of parts either designed or
169 intended for use in converting any device into a destructive
170 device and from which a destructive device may be readily
171 assembled; any device declared a destructive device by the
172 Bureau of Alcohol, Tobacco, and Firearms; any type of weapon
173 which will, is designed to, or may readily be converted to expel
174 a projectile by the action of any explosive and which has a
175 barrel with a bore of one-half inch or more in diameter; and

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176 ammunition for such destructive devices, but not including
177 shotgun shells or any other ammunition designed for use in a
178 firearm other than a destructive device. "Destructive device"
179 does not include:

180 (a) A device which is not designed, redesigned, used, or
181 intended for use as a weapon;

182 (b) Any device, although originally designed as a weapon,
183 which is redesigned so that it may be used solely as a
184 signaling, line-throwing, safety, or similar device;

185 (c) Any shotgun other than a short-barreled shotgun; or

186 (d) Any nonautomatic rifle (other than a short-barreled
187 rifle) generally recognized or particularly suitable for use for
188 the hunting of big game.

189 (7)~~(14)~~ "Electric weapon or device" means any device
190 which, through the application or use of electrical current, is
191 designed, redesigned, used, or intended to be used for offensive
192 or defensive purposes, the destruction of life, or the
193 infliction of injury.

194 (8)~~(5)~~ "Explosive" means any chemical compound or mixture
195 that has the property of yielding readily to combustion or
196 oxidation upon application of heat, flame, or shock, including
197 but not limited to dynamite, nitroglycerin, trinitrotoluene, or
198 ammonium nitrate when combined with other ingredients to form an
199 explosive mixture, blasting caps, and detonators; but not
200 including:

201 (a) Shotgun shells, cartridges, or ammunition for
 202 firearms;

203 (b) Fireworks as defined in s. 791.01;

204 (c) Smokeless propellant powder or small arms ammunition
 205 primers, if possessed, purchased, sold, transported, or used in
 206 compliance with s. 552.241;

207 (d) Black powder in quantities not to exceed that
 208 authorized by chapter 552, or by any rules adopted thereunder by
 209 the Department of Financial Services, when used for, or intended
 210 to be used for, the manufacture of target and sporting
 211 ammunition or for use in muzzle-loading flint or percussion
 212 weapons.

213
 214 The exclusions contained in paragraphs (a)-(d) do not apply to
 215 the term "explosive" as used in the definition of "firearm" in
 216 subsection (9)~~(6)~~.

217 ~~(9)(6)~~ "Firearm" means any weapon (including a starter
 218 gun) which will, is designed to, or may readily be converted to
 219 expel a projectile by the action of an explosive; the frame or
 220 receiver of any such weapon; any firearm muffler or firearm
 221 silencer; any destructive device; or any machine gun. The term
 222 "firearm" does not include an antique firearm unless the antique
 223 firearm is used in the commission of a crime.

224 (10) "Handgun" means a firearm capable of being carried
 225 and used by one hand, such as a pistol or revolver.

226 (11)~~(7)~~ "Indictment" means an indictment or an information
 227 in any court under which a crime punishable by imprisonment for
 228 a term exceeding 1 year may be prosecuted.

229 (12)~~(8)~~ "Law enforcement officer" means:

230 (a) All officers or employees of the United States or the
 231 State of Florida, or any agency, commission, department, board,
 232 division, municipality, or subdivision thereof, who have
 233 authority to make arrests;

234 (b) Officers or employees of the United States or the
 235 State of Florida, or any agency, commission, department, board,
 236 division, municipality, or subdivision thereof, duly authorized
 237 to carry a concealed weapon;

238 (c) Members of the Armed Forces of the United States, the
 239 organized reserves, state militia, or Florida National Guard,
 240 when on duty, when preparing themselves for, or going to or
 241 from, military duty, or under orders;

242 (d) An employee of the state prisons or correctional
 243 systems who has been so designated by the Department of
 244 Corrections or by a warden of an institution;

245 (e) All peace officers;

246 (f) All state attorneys and United States attorneys and
 247 their respective assistants and investigators.

248 (13)~~(9)~~ "Machine gun" means any firearm, as defined
 249 herein, which shoots, or is designed to shoot, automatically
 250 more than one shot, without manually reloading, by a single

251 function of the trigger.

252 (14)~~(16)~~ "Readily accessible for immediate use" means that
253 a firearm or other weapon is carried on the person or within
254 such close proximity and in such a manner that it can be
255 retrieved and used as easily and quickly as if carried on the
256 person.

257 (15)~~(17)~~ "Securely encased" means in a glove compartment,
258 whether or not locked; snapped in a holster; in a gun case,
259 whether or not locked; in a zippered gun case; or in a closed
260 box or container which requires a lid or cover to be opened for
261 access.

262 (16)~~(11)~~ "Short-barreled rifle" means a rifle having one
263 or more barrels less than 16 inches in length and any weapon
264 made from a rifle (whether by alteration, modification, or
265 otherwise) if such weapon as modified has an overall length of
266 less than 26 inches.

267 (17)~~(10)~~ "Short-barreled shotgun" means a shotgun having
268 one or more barrels less than 18 inches in length and any weapon
269 made from a shotgun (whether by alteration, modification, or
270 otherwise) if such weapon as modified has an overall length of
271 less than 26 inches.

272 (18)~~(12)~~ "Slungshot" means a small mass of metal, stone,
273 sand, or similar material fixed on a flexible handle, strap, or
274 the like, used as a weapon.

275 (19)~~(18)~~ "Sterile area" means the area of an airport to

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276 | which access is controlled by the inspection of persons and
 277 | property in accordance with federally approved airport security
 278 | programs.

279 | (20)~~(13)~~ "Weapon" means any dirk, knife, metallic
 280 | knuckles, slungshot, billie, tear gas gun, chemical weapon or
 281 | device, or other deadly weapon except a firearm or a common
 282 | pocketknife, plastic knife, or blunt-bladed table knife.

283 | Section 3. Section 790.01, Florida Statutes, is amended to
 284 | read:

285 | 790.01 ~~Unlicensed~~ Carrying of concealed weapons or
 286 | concealed firearms.-

287 | (1) A person is authorized to carry a concealed weapon or
 288 | concealed firearm, as that term is defined in s. 790.06(1), if
 289 | he or she:

290 | (a) Is licensed under s. 790.06; or

291 | (b) Is not licensed under s. 790.06, but otherwise
 292 | satisfies the criteria for receiving and maintaining such a
 293 | license under s. 790.06(2)(a)-(f) and (i)-(n), (3), and (10).

294 | (2)~~(1)~~ Except as provided in subsection (4)~~(3)~~, a person
 295 | who does not meet the criteria in subsection (1) ~~is not licensed~~
 296 | ~~under s. 790.06~~ and who carries a concealed weapon or electric
 297 | weapon or device, as those terms are defined in s. 790.001, on
 298 | or about his or her person commits a misdemeanor of the first
 299 | degree, punishable as provided in s. 775.082 or s. 775.083.

300 | (3)~~(2)~~ Except as provided in subsection (4)~~(3)~~, a person

301 | who does not meet the criteria in subsection (1) ~~is not licensed~~
 302 | ~~under s. 790.06~~ and who carries a concealed firearm, as that
 303 | term is defined in s. 790.001, on or about his or her person
 304 | commits a felony of the third degree, punishable as provided in
 305 | s. 775.082, s. 775.083, or s. 775.084.

306 | ~~(4)(3) A person does not violate this section if he or she~~
 307 | ~~This section does not apply to:~~

308 | (a) Is lawfully in possession of ~~A person who carries a~~
 309 | concealed weapon or a concealed firearm, as those terms are
 310 | defined in s. 790.001, ~~or a person who may lawfully possess a~~
 311 | ~~firearm~~ and ~~who~~ carries such a concealed weapon or concealed
 312 | firearm, on or about his or her person while in the act of
 313 | evacuating during a mandatory evacuation order issued during a
 314 | state of emergency declared by the Governor pursuant to chapter
 315 | 252 or declared by a local authority pursuant to chapter 870. As
 316 | used in this subsection, the term "in the act of evacuating"
 317 | means the immediate and urgent movement of a person away from
 318 | the evacuation zone within 48 hours after a mandatory evacuation
 319 | is ordered. The 48 hours may be extended by an order issued by
 320 | the Governor.

321 | (b) ~~A person who~~ Carries for purposes of lawful self-
 322 | defense, in a concealed manner:

- 323 | 1. A self-defense chemical spray.
 324 | 2. A nonlethal stun gun or dart-firing stun gun or other
 325 | nonlethal electric weapon or device that is designed solely for

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326 defensive purposes.

327 ~~(5)~~~~(4)~~ This section does not preclude any prosecution for
328 the use of an electric weapon or device, a dart-firing stun gun,
329 or a self-defense chemical spray during the commission of any
330 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.
331 790.235, or for any other criminal offense.

332 Section 4. Section 790.013, Florida Statutes, is created
333 to read:

334 790.013 Carrying of concealed weapons or concealed
335 firearms without a license.—A person who carries a concealed
336 weapon or concealed firearm without a license as authorized
337 under s. 790.01(1)(b):

338 (1)(a) Must carry valid identification at all times when
339 he or she is in actual possession of a concealed weapon or
340 concealed firearm and must display such identification upon
341 demand by a law enforcement officer.

342 (b) A violation of this subsection is a noncriminal
343 violation punishable by a \$25 fine.

344 (2) Is subject to s. 790.06(12) in the same manner as a
345 person who is licensed to carry a concealed weapon or concealed
346 firearm.

347 Section 5. Section 790.015, Florida Statutes, is amended
348 to read:

349 ~~790.015 Nonresidents who are United States citizens and~~
350 ~~hold a concealed weapons license in another state; reciprocity.—~~

351 (1) ~~Notwithstanding s. 790.01,~~ A nonresident of Florida
 352 may carry a concealed weapon or concealed firearm, as that term
 353 is defined in s. 790.06(1), while in this state if the
 354 nonresident is a resident of the United States who is 21 years
 355 of age or older and he or she:

356 (a) Satisfies the criteria for receiving and maintaining a
 357 license to carry a concealed weapon or concealed firearm under
 358 s. 790.06(2) (a)-(f) and (i)-(n), (3), and (10); or

359 ~~(a) Is 21 years of age or older.~~

360 (b) Has in his or her immediate possession a valid license
 361 to carry a concealed weapon or concealed firearm issued to the
 362 nonresident in his or her state of residence.

363 ~~(c) Is a resident of the United States.~~

364 (2) A nonresident is subject to the same laws and
 365 restrictions with respect to carrying a concealed weapon or
 366 concealed firearm as a resident of Florida ~~who is so licensed.~~

367 (3) If the resident of another state who is the holder of
 368 a valid license to carry a concealed weapon or concealed firearm
 369 issued in another state establishes legal residence in this
 370 state by:

371 (a) Registering to vote;

372 (b) Making a statement of domicile pursuant to s. 222.17;

373 or

374 (c) Filing for homestead tax exemption on property in this
 375 state,

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376
377 the license shall be recognized as valid ~~remain in effect~~ for 90
378 days following the date on which the holder of the license
379 establishes legal state residence.

380 ~~(4) This section applies only to nonresident concealed~~
381 ~~weapon or concealed firearm licenseholders from states that~~
382 ~~honor Florida concealed weapon or concealed firearm licenses.~~

383 (4)-(5) The requirement in subsection (1) that a
384 nonresident be 21 years of age or older to carry a concealed
385 weapon or concealed firearm ~~of paragraph (1)(a)~~ does not apply
386 to a person who:

387 (a) Is a servicemember, as defined in s. 250.01; or
388 (b) Is a veteran of the United States Armed Forces who was
389 discharged under honorable conditions.

390 Section 6. Paragraph (d) of subsection (1) of section
391 790.052, Florida Statutes, is amended to read:

392 790.052 Carrying concealed firearms; off-duty law
393 enforcement officers.-

394 (1)

395 (d) This section does not limit the right of a law
396 enforcement officer, correctional officer, or correctional
397 probation officer to carry a concealed firearm off duty as a
398 private citizen under the exemption provided in s. 790.06 that
399 allows a law enforcement officer, correctional officer, or
400 correctional probation officer as defined in s. 943.10(1), (2),

401 (3), (6), (7), (8), or (9) to carry a concealed firearm without
 402 a concealed weapon or concealed firearm license or as otherwise
 403 provided by law. The appointing or employing agency or
 404 department of an officer carrying a concealed firearm as a
 405 private citizen ~~under s. 790.06~~ is ~~shall~~ not be liable for the
 406 use of the firearm in such capacity. This section does not limit
 407 ~~Nothing herein limits~~ the authority of the appointing or
 408 employing agency or department from establishing policies
 409 limiting law enforcement officers or correctional officers from
 410 carrying concealed firearms during off-duty hours in their
 411 capacity as appointees or employees of the agency or department.

412 Section 7. Subsection (1) of section 790.053, Florida
 413 Statutes, is amended to read:

414 790.053 Open carrying of weapons.—

415 (1) Except as otherwise provided by law and in subsection
 416 (2), it is unlawful for any person to openly carry on or about
 417 his or her person any firearm or electric weapon or device. It
 418 is not a violation of this section for a person who carries
 419 ~~licensed to carry~~ a concealed firearm as authorized ~~provided~~ in
 420 s. 790.01(1) ~~s. 790.06(1)~~, and ~~who is lawfully carrying a~~
 421 ~~firearm in a concealed manner,~~ to briefly and openly display the
 422 firearm to the ordinary sight of another person, unless the
 423 firearm is intentionally displayed in an angry or threatening
 424 manner, not in necessary self-defense.

425 Section 8. Subsection (1), paragraphs (g) and (h) of

426 subsection (2), paragraph (e) of subsection (4), paragraph (b)
 427 of subsection (5), paragraph (f) of subsection (6), subsections
 428 (9), (10), (12), (13), and (16) of section 790.06, Florida
 429 Statutes, are amended to read:

430 790.06 License to carry concealed weapon or concealed
 431 firearm.—

432 (1) (a) For the purposes of this section, the term
 433 "concealed weapon or concealed firearm" means a handgun,
 434 electric weapon or device, tear gas gun, knife, or billie, but
 435 does not include a machine gun as that term is defined in s.
 436 790.001.

437 (b) The Department of Agriculture and Consumer Services is
 438 authorized to issue licenses to carry concealed weapons or
 439 concealed firearms to persons qualified as provided in this
 440 section. Each ~~such~~ license must bear a color photograph of the
 441 licensee. ~~For the purposes of this section, concealed weapons or~~
 442 ~~concealed firearms are defined as a handgun, electronic weapon~~
 443 ~~or device, tear gas gun, knife, or billic, but the term does not~~
 444 ~~include a machine gun as defined in s. 790.001(9).~~

445 (c) ~~Such Licenses are~~ shall be valid throughout the state
 446 for a ~~period of 7 years~~ after from the date of issuance. A
 447 licensee must carry ~~Any person in compliance with the terms of~~
 448 ~~such license may carry a concealed weapon or concealed firearm~~
 449 ~~notwithstanding the provisions of s. 790.01. The licensee must~~
 450 ~~carry the license, together with valid identification,~~ at all

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451 times in which the licensee is in actual possession of a
452 concealed weapon or concealed firearm and must display such ~~both~~
453 ~~the license and proper~~ identification upon demand by a law
454 enforcement officer. Violations of the provisions of this
455 subsection shall constitute a noncriminal violation with a
456 penalty of \$25, payable to the clerk of the court.

457 (2) The Department of Agriculture and Consumer Services
458 shall issue a license if the applicant:

459 (g) Desires a legal means to carry a concealed weapon or
460 concealed firearm for lawful self-defense;

461 (h) Demonstrates competence with a firearm by any one of
462 the following:

463 1. Completion of any hunter education or hunter safety
464 course approved by the Fish and Wildlife Conservation Commission
465 or a similar agency of another state;

466 2. Completion of any National Rifle Association firearms
467 safety or training course;

468 3. Completion of any firearms safety or training course or
469 class available to the general public offered by a law
470 enforcement agency, junior college, college, or private or
471 public institution or organization or firearms training school,
472 using instructors certified by the National Rifle Association,
473 Criminal Justice Standards and Training Commission, or the
474 Department of Agriculture and Consumer Services;

475 4. Completion of any law enforcement firearms safety or

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476 training course or class offered for security guards,
477 investigators, special deputies, or any division or subdivision
478 of a law enforcement agency or security enforcement;

479 5. Presents evidence of equivalent experience with a
480 firearm through participation in organized shooting competition
481 or military service;

482 6. Is licensed or has been licensed to carry a concealed
483 weapon or concealed firearm in this state or a county or
484 municipality of this state, unless such license has been revoked
485 for cause; or

486 7. Completion of any firearms training or safety course or
487 class conducted by a state-certified or National Rifle
488 Association certified firearms instructor;

489
490 A photocopy of a certificate of completion of any of the courses
491 or classes; an affidavit from the instructor, school, club,
492 organization, or group that conducted or taught such course or
493 class attesting to the completion of the course or class by the
494 applicant; or a copy of any document that shows completion of
495 the course or class or evidences participation in firearms
496 competition shall constitute evidence of qualification under
497 this paragraph. A person who conducts a course pursuant to
498 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
499 an instructor, attests to the completion of such courses, must
500 maintain records certifying that he or she observed the student

501 safely handle and discharge the firearm in his or her physical
502 presence and that the discharge of the firearm included live
503 fire using a firearm and ammunition as defined in s. 790.001;

504 (4) The application shall be completed, under oath, on a
505 form adopted by the Department of Agriculture and Consumer
506 Services and shall include:

507 (e) A statement that the applicant desires a concealed
508 weapon or concealed firearms license as a means of lawful self-
509 defense; and

510 (5) The applicant shall submit to the Department of
511 Agriculture and Consumer Services or an approved tax collector
512 pursuant to s. 790.0625:

513 (b) A nonrefundable license fee of up to \$55 if he or she
514 has not previously been issued a statewide license or of up to
515 \$45 for renewal of a statewide license. The cost of processing
516 fingerprints as required in paragraph (c) shall be borne by the
517 applicant. However, an individual holding an active
518 certification from the Criminal Justice Standards and Training
519 Commission as a law enforcement officer, correctional officer,
520 or correctional probation officer as defined in s. 943.10(1),
521 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
522 requirements of this section. If such individual wishes to
523 receive a concealed weapon or concealed firearm license, he or
524 she is exempt from the background investigation and all
525 background investigation fees but must pay the current license

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526 fees regularly required to be paid by nonexempt applicants.
527 Further, a law enforcement officer, a correctional officer, or a
528 correctional probation officer as defined in s. 943.10(1), (2),
529 or (3) is exempt from the required fees and background
530 investigation for 1 year after his or her retirement.

531 (6)

532 (f) The Department of Agriculture and Consumer Services
533 shall, upon receipt of a completed application and the
534 identifying information required under paragraph (5)(f),
535 expedite the processing of a servicemember's or a veteran's
536 concealed weapon or concealed firearm license application.

537 (9) In the event that a concealed weapon or concealed
538 firearm license is lost or destroyed, the license shall be
539 automatically invalid, and the person to whom the same was
540 issued may, upon payment of \$15 to the Department of Agriculture
541 and Consumer Services, obtain a duplicate, or substitute
542 thereof, upon furnishing a notarized statement to the Department
543 of Agriculture and Consumer Services that such license has been
544 lost or destroyed.

545 (10) A license issued under this section shall be
546 suspended or revoked pursuant to chapter 120 if the licensee:

547 (a) Is found to be ineligible under the criteria set forth
548 in subsection (2);

549 (b) Develops or sustains a physical infirmity which
550 prevents the safe handling of a weapon or firearm;

551 (c) Is convicted of a felony which would make the licensee
 552 ineligible to possess a firearm pursuant to s. 790.23;

553 (d) Is found guilty of a crime under the provisions of
 554 chapter 893, or similar laws of any other state, relating to
 555 controlled substances;

556 (e) Is committed as a substance abuser under chapter 397,
 557 or is deemed a habitual offender under s. 856.011(3), or similar
 558 laws of any other state;

559 (f) Is convicted of a second violation of s. 316.193, or a
 560 similar law of another state, within 3 years after a first
 561 conviction of such section or similar law of another state, even
 562 though the first violation may have occurred before the date on
 563 which the application was submitted;

564 (g) Is adjudicated an incapacitated person under s.
 565 744.331, or similar laws of any other state; or

566 (h) Is committed to a mental institution under chapter
 567 394, or similar laws of any other state.

568
 569 Notwithstanding s. 120.60(5), service of a notice of the
 570 suspension or revocation of a concealed weapon or concealed
 571 firearm license must be given by either certified mail, return
 572 receipt requested, to the licensee at his or her last known
 573 mailing address furnished to the Department of Agriculture and
 574 Consumer Services, or by personal service. If a notice given by
 575 certified mail is returned as undeliverable, a second attempt

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576 must be made to provide notice to the licensee at that address,
577 by either first-class mail in an envelope, postage prepaid,
578 addressed to the licensee at his or her last known mailing
579 address furnished to the department, or, if the licensee has
580 provided an e-mail address to the department, by e-mail. Such
581 mailing by the department constitutes notice, and any failure by
582 the licensee to receive such notice does not stay the effective
583 date or term of the suspension or revocation. A request for
584 hearing must be filed with the department within 21 days after
585 notice is received by personal delivery, or within 26 days after
586 the date the department deposits the notice in the United States
587 mail (21 days plus 5 days for mailing). The department shall
588 document its attempts to provide notice, and such documentation
589 is admissible in the courts of this state and constitutes
590 sufficient proof that notice was given.

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

- 594 1. Any place of nuisance as defined in s. 823.05;
- 595 2. Any police, sheriff, or highway patrol station;
- 596 3. Any detention facility, prison, or jail;
- 597 4. Any courthouse;
- 598 5. Any courtroom, except that nothing in this section
- 599 precludes ~~would preclude~~ a judge from carrying a concealed
600 weapon or determining who will carry a concealed weapon in his

- 601 or her courtroom;
- 602 6. Any polling place;
- 603 7. Any meeting of the governing body of a county, public
- 604 school district, municipality, or special district;
- 605 8. Any meeting of the Legislature or a committee thereof;
- 606 9. Any school, college, or professional athletic event not
- 607 related to firearms;
- 608 10. Any elementary or secondary school facility or
- 609 administration building;
- 610 11. Any career center;
- 611 12. Any portion of an establishment licensed to dispense
- 612 alcoholic beverages for consumption on the premises, which
- 613 portion of the establishment is primarily devoted to such
- 614 purpose;
- 615 13. Any college or university facility unless the licensee
- 616 is a registered student, employee, or faculty member of such
- 617 college or university and the weapon is a stun gun or nonlethal
- 618 electric weapon or device designed solely for defensive purposes
- 619 and the weapon does not fire a dart or projectile;
- 620 14. The inside of the passenger terminal and sterile area
- 621 of any airport, provided that no person shall be prohibited from
- 622 carrying any legal firearm into the terminal, which firearm is
- 623 encased for shipment for purposes of checking such firearm as
- 624 baggage to be lawfully transported on any aircraft; or
- 625 15. Any place where the carrying of firearms is prohibited

626 | by federal law.

627 | (b) A person licensed under this section is ~~shall~~ not be
628 | prohibited from carrying or storing a firearm in a vehicle for
629 | lawful purposes.

630 | (c) This section does not modify the terms or conditions
631 | of s. 790.251(7).

632 | (d) Any person who knowingly and willfully violates any
633 | provision of this subsection commits a misdemeanor of the second
634 | degree, punishable as provided in s. 775.082 or s. 775.083.

635 | (13) Notwithstanding any other law, for the purposes of
636 | safety, security, personal protection, or any other lawful
637 | purpose, a person licensed under this section may carry a
638 | concealed weapon or concealed firearm on property owned, rented,
639 | leased, borrowed, or lawfully used by a church, synagogue, or
640 | other religious institution. This subsection does not limit the
641 | private property rights of a church, synagogue, or other
642 | religious institution to exercise control over property that the
643 | church, synagogue, or other religious institution owns, rents,
644 | leases, borrows, or lawfully uses.

645 | (16) The Legislature finds as a matter of public policy
646 | and fact that it is necessary to provide statewide uniform
647 | standards for issuing licenses to carry concealed weapons and
648 | concealed firearms ~~for self-defense~~ and finds it necessary to
649 | occupy the field of regulation of the bearing of concealed
650 | weapons or concealed firearms ~~for self-defense to ensure that no~~

651 ~~honest, law-abiding person who qualifies under the provisions of~~
652 ~~this section is subjectively or arbitrarily denied his or her~~
653 ~~rights.~~ The Department of Agriculture and Consumer Services
654 shall implement and administer the provisions of this section.
655 The Legislature does not delegate to the Department of
656 Agriculture and Consumer Services the authority to regulate or
657 restrict the issuing of licenses provided for in this section,
658 beyond those provisions contained in this section. Subjective or
659 arbitrary actions or rules which encumber the issuing process by
660 placing burdens on the applicant beyond those sworn statements
661 and specified documents detailed in this section or which create
662 restrictions beyond those specified in this section are in
663 conflict with the intent of this section and are prohibited.
664 This section shall be liberally construed to carry out the
665 constitutional right to bear arms ~~for self-defense~~. This section
666 is supplemental and additional to existing rights to bear arms,
667 and nothing in this section shall impair or diminish such
668 rights.

669 Section 9. Paragraph (a) of subsection (2) of section
670 790.0655, Florida Statutes, is amended to read:

671 790.0655 Purchase and delivery of firearms; mandatory
672 waiting period; exceptions; penalties.—

673 (2) The waiting period does not apply in the following
674 circumstances:

675 (a) When a firearm is being purchased by a holder of a

676 | concealed weapons or concealed firearms license ~~permit~~ issued
 677 | under ~~as defined in~~ s. 790.06.

678 | Section 10. Subsection (1) and paragraphs (a), (b), (c),
 679 | and (e) of subsection (2) of section 790.115, Florida Statutes,
 680 | are amended to read:

681 | 790.115 Possessing or discharging weapons or firearms at a
 682 | school-sponsored event or on school property prohibited;
 683 | penalties; exceptions.—

684 | (1) A person who exhibits any sword, sword cane, firearm,
 685 | electric weapon or device, destructive device, or other weapon
 686 | as defined in s. 790.001 ~~s. 790.001(13)~~, including a razor
 687 | blade, box cutter, or common pocketknife, except as authorized
 688 | in support of school-sanctioned activities, in the presence of
 689 | one or more persons in a rude, careless, angry, or threatening
 690 | manner and not in lawful self-defense, at a school-sponsored
 691 | event or on the grounds or facilities of any school, school bus,
 692 | or school bus stop, or within 1,000 feet of the real property
 693 | that comprises a public or private elementary school, middle
 694 | school, or secondary school, during school hours or during the
 695 | time of a sanctioned school activity, commits a felony of the
 696 | third degree, punishable as provided in s. 775.082, s. 775.083,
 697 | or s. 775.084. This subsection does not apply to the exhibition
 698 | of a firearm or weapon on private real property within 1,000
 699 | feet of a school by the owner of such property or by a person
 700 | whose presence on such property has been authorized, licensed,

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701 or invited by the owner.

702 (2)(a) A person shall not possess any firearm, electric
703 weapon or device, destructive device, or other weapon as defined
704 in s. 790.001 ~~s. 790.001(13)~~, including a razor blade or box
705 cutter, except as authorized in support of school-sanctioned
706 activities, at a school-sponsored event or on the property of
707 any school, school bus, or school bus stop; however, a person
708 may carry a firearm:

709 1. In a case to a firearms program, class or function
710 which has been approved in advance by the principal or chief
711 administrative officer of the school as a program or class to
712 which firearms could be carried;

713 2. In a case to a career center having a firearms training
714 range; or

715 3. In a vehicle pursuant to s. 790.25(4) ~~s. 790.25(5)~~;
716 except that school districts may adopt written and published
717 policies that waive the exception in this subparagraph for
718 purposes of student and campus parking privileges.

719
720 For the purposes of this section, "school" means any preschool,
721 elementary school, middle school, junior high school, secondary
722 school, career center, or postsecondary school, whether public
723 or nonpublic.

724 (b) Except as provided in paragraph (e), a person who
725 willfully and knowingly possesses any electric weapon or device,

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726 destructive device, or other weapon as defined in s. 790.001 ~~s.~~
727 ~~790.001(13)~~, including a razor blade or box cutter, except as
728 authorized in support of school-sanctioned activities, in
729 violation of this subsection commits a felony of the third
730 degree, punishable as provided in s. 775.082, s. 775.083, or s.
731 775.084.

732 (c)1. Except as provided in paragraph (e), a person who
733 willfully and knowingly possesses any firearm in violation of
734 this subsection commits a felony of the third degree, punishable
735 as provided in s. 775.082, s. 775.083, or s. 775.084.

736 2. A person who stores or leaves a loaded firearm within
737 the reach or easy access of a minor who obtains the firearm and
738 commits a violation of subparagraph 1. commits a misdemeanor of
739 the second degree, punishable as provided in s. 775.082 or s.
740 775.083; except that this does not apply if the firearm was
741 stored or left in a securely locked box or container or in a
742 location which a reasonable person would have believed to be
743 secure, or was securely locked with a firearm-mounted push-
744 button combination lock or a trigger lock; if the minor obtains
745 the firearm as a result of an unlawful entry by any person; or
746 to members of the Armed Forces, National Guard, or State
747 Militia, or to police or other law enforcement officers, with
748 respect to firearm possession by a minor which occurs during or
749 incidental to the performance of their official duties.

750 (e) A person who is authorized to carry a concealed weapon

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751 or concealed firearm under s. 790.01(1), and who willfully and
752 knowingly violates paragraph (b) or subparagraph (c)1. commits a
753 misdemeanor of the second degree, punishable as provided in s.
754 775.082 or s. 775.083 ~~The penalties of this subsection shall not~~
755 ~~apply to persons licensed under s. 790.06. Persons licensed~~
756 ~~under s. 790.06 shall be punished as provided in s. 790.06(12),~~
757 ~~except that a licenseholder who unlawfully discharges a weapon~~
758 ~~or firearm on school property as prohibited by this subsection~~
759 ~~commits a felony of the second degree, punishable as provided in~~
760 ~~s. 775.082, s. 775.083, or s. 775.084.~~

761 Section 11. Section 790.145, Florida Statutes, is
762 repealed.

763 Section 12. Section 790.1612, Florida Statutes, is amended
764 to read:

765 790.1612 Authorization for governmental manufacture,
766 possession, and use of destructive devices.—The governing body
767 of any municipality or county and the Division of State Fire
768 Marshal of the Department of Financial Services have the power
769 to authorize the manufacture, possession, and use of destructive
770 devices as defined in s. 790.001 ~~s. 790.001(4)~~.

771 Section 13. Subsections (2), (3), and (5) of section
772 790.25, Florida Statutes, are amended to read:

773 790.25 Lawful ownership, possession, and use of firearms
774 and other weapons.—

775 ~~(2) USES NOT AUTHORIZED.—~~

776 ~~(a) This section does not authorize carrying a concealed~~
 777 ~~weapon without a permit, as prohibited by ss. 790.01 and 790.02.~~

778 ~~(b) The protections of this section do not apply to the~~
 779 ~~following:~~

780 ~~1. A person who has been adjudged mentally incompetent,~~
 781 ~~who is addicted to the use of narcotics or any similar drug, or~~
 782 ~~who is a habitual or chronic alcoholic, or a person using~~
 783 ~~weapons or firearms in violation of ss. 790.07-790.115, 790.145-~~
 784 ~~790.19, 790.22-790.24;~~

785 ~~2. Vagrants and other undesirable persons as defined in s.~~
 786 ~~856.02;~~

787 ~~3. A person in or about a place of nuisance as defined in~~
 788 ~~s. 823.05, unless such person is there for law enforcement or~~
 789 ~~some other lawful purpose.~~

790 (2)(3) LAWFUL USES. ~~Notwithstanding the provisions of ss.~~
 791 790.01, 790.053, and 790.06 ~~do not apply in the following~~
 792 ~~instances, and, despite such sections, it is lawful for the~~
 793 ~~following persons may to own, possess, and lawfully use firearms~~
 794 ~~and other weapons, ammunition, and supplies for lawful purposes~~
 795 if they are not otherwise prohibited from owning or possessing a
 796 firearm under state or Federal law:

797 (a) Members of the Militia, National Guard, Florida State
 798 Defense Force, Army, Navy, Air Force, Marine Corps, Space Force,
 799 Coast Guard, organized reserves, and other armed forces of the
 800 state and of the United States, when on duty, when training or

801 preparing themselves for military duty, or while subject to
 802 recall or mobilization;

803 (b) Citizens of this state subject to duty in the Armed
 804 Forces under s. 2, Art. X of the State Constitution, under
 805 chapters 250 and 251, and under federal laws, when on duty or
 806 when training or preparing themselves for military duty;

807 (c) Persons carrying out or training for emergency
 808 management duties under chapter 252;

809 (d) Sheriffs, marshals, prison or jail wardens, police
 810 officers, Florida highway patrol officers, game wardens, revenue
 811 officers, forest officials, special officers appointed under the
 812 provisions of chapter 354, and other peace and law enforcement
 813 officers and their deputies and assistants and full-time paid
 814 peace officers of other states and of the Federal Government who
 815 are carrying out official duties while in this state;

816 (e) Officers or employees of the state or United States
 817 duly authorized to carry a concealed weapon or a concealed
 818 firearm;

819 (f) Guards or messengers of common carriers, express
 820 companies, armored car carriers, mail carriers, banks, and other
 821 financial institutions, while actually employed in and about the
 822 shipment, transportation, or delivery of any money, treasure,
 823 bullion, bonds, or other thing of value within this state;

824 (g) Regularly enrolled members of any organization duly
 825 authorized to purchase or receive weapons from the United States

826 or from this state, or regularly enrolled members of clubs
 827 organized for target, skeet, or trap shooting, while at or going
 828 to or from shooting practice; or regularly enrolled members of
 829 clubs organized for modern or antique firearms collecting, while
 830 such members are at or going to or from their collectors' gun
 831 shows, conventions, or exhibits;

832 (h) A person engaged in fishing, camping, or lawful
 833 hunting or going to or returning from a fishing, camping, or
 834 lawful hunting expedition;

835 (i) A person engaged in the business of manufacturing,
 836 repairing, or dealing in firearms, or the agent or
 837 representative of any such person while engaged in the lawful
 838 course of such business;

839 (j) A person discharging a weapon or firearm ~~firing~~
 840 ~~weapons~~ for testing or target practice under safe conditions and
 841 in a safe place not prohibited by law or going to or from such
 842 place;

843 (k) A person discharging a weapon or firearm ~~firing~~
 844 ~~weapons~~ in a safe and secure indoor range for testing and target
 845 practice;

846 (l) A person traveling ~~by private conveyance when the~~
 847 ~~weapon is securely encased or~~ in a public conveyance when the
 848 weapon or firearm is securely encased and not in the person's
 849 manual possession;

850 (m) A person while carrying a handgun ~~pistol~~ unloaded and

851 in a secure wrapper, concealed or otherwise, from the place of
852 purchase to his or her home or place of business or to a place
853 of repair or back to his or her home or place of business;

854 (n) A person possessing weapons or firearms ~~arms~~ at his or
855 her home or place of business;

856 (o) Investigators employed by the several public defenders
857 of the state, while actually carrying out official duties,
858 provided such investigators:

859 1. Are employed full time;

860 2. Meet the official training standards for firearms
861 established by the Criminal Justice Standards and Training
862 Commission as provided in s. 943.12(5) and the requirements of
863 ss. 493.6108(1)(a) and 943.13(1)-(4); and

864 3. Are individually designated by an affidavit of consent
865 signed by the employing public defender and filed with the clerk
866 of the circuit court in the county in which the employing public
867 defender resides.

868 (p) Investigators employed by the capital collateral
869 regional counsel, while actually carrying out official duties,
870 provided such investigators:

871 1. Are employed full time;

872 2. Meet the official training standards for firearms as
873 established by the Criminal Justice Standards and Training
874 Commission as provided in s. 943.12(1) and the requirements of
875 ss. 493.6108(1)(a) and 943.13(1)-(4); and

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876 3. Are individually designated by an affidavit of consent
877 signed by the capital collateral regional counsel and filed with
878 the clerk of the circuit court in the county in which the
879 investigator is headquartered.

880 (q)1. A tactical medical professional who is actively
881 operating in direct support of a tactical operation by a law
882 enforcement agency provided that:

883 a. The tactical medical professional is lawfully able to
884 possess firearms and has an active concealed weapon or concealed
885 firearm license ~~weapons permit~~ issued pursuant to s. 790.06.

886 b. The tactical medical professional is appointed to a law
887 enforcement tactical team of a law enforcement agency by the
888 head of the law enforcement agency.

889 c. The law enforcement agency has an established policy
890 providing for the appointment, training, and deployment of the
891 tactical medical professional.

892 d. The tactical medical professional successfully
893 completes a firearms safety training and tactical training as
894 established or designated by the appointing law enforcement
895 agency.

896 e. The law enforcement agency provides and the tactical
897 medical professional participates in annual firearm training and
898 tactical training.

899 2. While actively operating in direct support of a
900 tactical operation by a law enforcement agency, a tactical

901 | medical professional:

902 | a. May carry a firearm in the same manner as a law
 903 | enforcement officer, as defined in s. 943.10 and,
 904 | notwithstanding any other law, at any place a tactical law
 905 | enforcement operation occurs.

906 | b. Has no duty to retreat and is justified in the use of
 907 | any force which he or she reasonably believes is necessary to
 908 | defend himself or herself or another from bodily harm.

909 | c. Has the same immunities and privileges as a law
 910 | enforcement officer, as defined in s. 943.10, in a civil or
 911 | criminal action arising out of a tactical law enforcement
 912 | operation when acting within the scope of his or her official
 913 | duties.

914 | 3. This paragraph may not be construed to authorize a
 915 | tactical medical professional to carry, transport, or store any
 916 | firearm or ammunition on any fire apparatus or EMS vehicle.

917 | 4. The appointing law enforcement agency shall issue any
 918 | firearm or ammunition that the tactical medical professional
 919 | carries in accordance with this paragraph.

920 | 5. For the purposes of this paragraph, the term "tactical
 921 | medical professional" means a paramedic, as defined in s.
 922 | 401.23, a physician, as defined in s. 458.305, or an osteopathic
 923 | physician, as defined in s. 459.003, who is appointed to provide
 924 | direct support to a tactical law enforcement unit by providing
 925 | medical services at high-risk incidents, including, but not

926 | limited to, hostage incidents, narcotics raids, hazardous
 927 | surveillance, sniper incidents, armed suicidal persons,
 928 | barricaded suspects, high-risk felony warrant service, fugitives
 929 | refusing to surrender, and active shooter incidents.

930 | ~~(4)-(5)~~ POSSESSION IN PRIVATE CONVEYANCE.—

931 | (a) Notwithstanding s. 790.01 (1), a person 18 years of age
 932 | or older who is in lawful possession of a handgun or other
 933 | weapon may possess such a handgun or weapon within the interior
 934 | of a private conveyance if the handgun or weapon is securely
 935 | encased or otherwise not readily accessible for immediate use. A
 936 | person who possesses a handgun or other weapon as authorized
 937 | under this paragraph may not carry the handgun or weapon on his
 938 | or her person.

939 | (b) This subsection does not prohibit a person from
 940 | carrying a:

941 | 1. Legal firearm other than a handgun anywhere in a
 942 | private conveyance when such firearm is being carried for a
 943 | lawful use; or

944 | 2. Concealed weapon or concealed firearm on his
 945 | or her person while in a private conveyance if he or she is
 946 | authorized to carry a concealed weapon or concealed firearm
 947 | under s. 790.01 (1).

948 | (c) This subsection shall be liberally construed in favor
 949 | of the lawful use, ownership, and possession of firearms and
 950 | other weapons, including lawful self-defense as provided in s.

951 776.012.
 952 ~~Notwithstanding subsection (2), it is lawful and is not a~~
 953 ~~violation of s. 790.01 for a person 18 years of age or older to~~
 954 ~~possess a concealed firearm or other weapon for self-defense or~~
 955 ~~other lawful purpose within the interior of a private~~
 956 ~~conveyance, without a license, if the firearm or other weapon is~~
 957 ~~securely encased or is otherwise not readily accessible for~~
 958 ~~immediate use. Nothing herein contained prohibits the carrying~~
 959 ~~of a legal firearm other than a handgun anywhere in a private~~
 960 ~~conveyance when such firearm is being carried for a lawful use.~~
 961 ~~Nothing herein contained shall be construed to authorize the~~
 962 ~~carrying of a concealed firearm or other weapon on the person.~~
 963 ~~This subsection shall be liberally construed in favor of the~~
 964 ~~lawful use, ownership, and possession of firearms and other~~
 965 ~~weapons, including lawful self-defense as provided in s.~~
 966 776.012.

967 Section 14. Paragraph (c) of subsection (2) and paragraph
 968 (c) of subsection (4) of section 790.251, Florida Statutes, are
 969 amended to read:

970 790.251 Protection of the right to keep and bear arms in
 971 motor vehicles for self-defense and other lawful purposes;
 972 prohibited acts; duty of public and private employers; immunity
 973 from liability; enforcement.—

974 (2) DEFINITIONS.—As used in this section, the term:

975 (c) "Employee" means any person who is authorized to carry

976 | a concealed weapon or concealed firearm under s. 790.01(1)
 977 | ~~possesses a valid license issued pursuant to s. 790.06 and:~~
 978 | 1. Works for salary, wages, or other remuneration;
 979 | 2. Is an independent contractor; or
 980 | 3. Is a volunteer, intern, or other similar individual for
 981 | an employer.

982 |
 983 | As used in this section, the term "firearm" includes ammunition
 984 | and accoutrements attendant to the lawful possession and use of
 985 | a firearm.

986 | (4) PROHIBITED ACTS.—No public or private employer may
 987 | violate the constitutional rights of any customer, employee, or
 988 | invitee as provided in paragraphs (a)–(e):

989 | (c) No public or private employer shall condition
 990 | employment upon either:

991 | 1. The fact that an employee or prospective employee is
 992 | authorized to carry a concealed weapon or concealed firearm
 993 | under s. 790.01(1) ~~holds or does not hold a license issued~~
 994 | ~~pursuant to s. 790.06; or~~

995 | 2. Any agreement by an employee or a prospective employee
 996 | that prohibits an employee from keeping a legal firearm locked
 997 | inside or locked to a private motor vehicle in a parking lot
 998 | when such firearm is kept for lawful purposes.

999 |
 1000 | This subsection applies to all public sector employers,

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1001 including those already prohibited from regulating firearms
 1002 under the provisions of s. 790.33.

1003 Section 15. Paragraphs (d), (e), and (f) of subsection (1)
 1004 of section 790.31, Florida Statutes, are redesignated as
 1005 paragraphs (c), (d), and (e), respectively, and paragraph (c) of
 1006 that subsection is amended to read:

1007 790.31 Armor-piercing or exploding ammunition or dragon's
 1008 breath shotgun shells, bolo shells, or flechette shells
 1009 prohibited.—

1010 (1) As used in this section, the term:

1011 ~~(c) "Handgun" means a firearm capable of being carried and~~
 1012 ~~used by one hand, such as a pistol or revolver.~~

1013 Section 16. Subsection (1) of section 810.095, Florida
 1014 Statutes, is amended to read:

1015 810.095 Trespass on school property with firearm or other
 1016 weapon prohibited.—

1017 (1) It is a felony of the third degree, punishable as
 1018 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
 1019 who is trespassing upon school property to bring onto, or to
 1020 possess on, such school property any weapon as defined in s.
 1021 790.001 ~~s. 790.001(13)~~ or any firearm.

1022 Section 17. Paragraph (e) of subsection (3) of section
 1023 921.0022, Florida Statutes, is amended to read:

1024 921.0022 Criminal Punishment Code; offense severity
 1025 ranking chart.—

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1026	(3)	OFFENSE SEVERITY RANKING CHART	
1027	(e)	LEVEL 5	
1028			
	Florida	Felony	
	Statute	Degree	Description
1029	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1030	316.1935(4) (a)	2nd	Aggravated fleeing or eluding.
1031	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
1032	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1033	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
1034	379.365 (2) (c) 1.	3rd	Violation of rules relating to:

willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

1035

379.367 (4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

1036

379.407 (5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

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1038	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1039	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
1040	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1041	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1042	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1043	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
	<u>790.01(3)</u>	3rd	<u>Unlawful</u> carrying <u>of</u> a

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1044	790.01(2)		concealed firearm.
1045	790.162	2nd	Threat to throw or discharge destructive device.
1046	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
1047	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
1048	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1049	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
1050	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
	800.04(7)(b)	2nd	Lewd or lascivious exhibition;

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			offender 18 years of age or older.
1051	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1052	812.0145(2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1053	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
1054	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
1055	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
1056	812.081 (3)	2nd	Trafficking in trade secrets.
1057	812.131 (2) (b)	3rd	Robbery by sudden snatching.

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1058	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
1059	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1060	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1061	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
1062	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification

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			information of 10 or more persons.
1063	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
1064	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
1065	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
1066	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
1067	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.

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1068	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1069	836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
1070	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
1071	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
1072	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.

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1073	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1074	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1075	874.05(1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
1076	874.05(2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
1077	893.13(1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
1078	893.13(1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s.

1079	893.13(1) (d) 1.	1st	<p>893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</p>
1080	893.13(1) (e) 2.	2nd	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs) within 1,000 feet of university.</p> <p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) within</p>

1081 1,000 feet of property used for religious services or a specified business site.

1082 893.13(1) (f) 1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), or (2) (a), (2) (b), or (2) (c) 5. drugs) within 1,000 feet of public housing facility.

1083 893.13(4) (b) 2nd Use or hire of minor; deliver to minor other controlled substance.

1084 893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

1085 Section 18. Paragraph (b) of subsection (1) of section
1086 921.0024, Florida Statutes, is amended to read:

1087 921.0024 Criminal Punishment Code; worksheet computations;
1088 scoresheets.—

1089 (1)

1090 (b) WORKSHEET KEY:

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1091 Legal status points are assessed when any form of legal status
1092 existed at the time the offender committed an offense before the
1093 court for sentencing. Four (4) sentence points are assessed for
1094 an offender's legal status.

1095 Community sanction violation points are assessed when a
1096 community sanction violation is before the court for sentencing.
1097 Six (6) sentence points are assessed for each community sanction
1098 violation and each successive community sanction violation,
1099 unless any of the following apply:

1100 1. If the community sanction violation includes a new
1101 felony conviction before the sentencing court, twelve (12)
1102 community sanction violation points are assessed for the
1103 violation, and for each successive community sanction violation
1104 involving a new felony conviction.

1105 2. If the community sanction violation is committed by a
1106 violent felony offender of special concern as defined in s.
1107 948.06:

1108 a. Twelve (12) community sanction violation points are
1109 assessed for the violation and for each successive violation of
1110 felony probation or community control where:

1111 I. The violation does not include a new felony conviction;
1112 and

1113 II. The community sanction violation is not based solely
1114 on the probationer or offender's failure to pay costs or fines
1115 or make restitution payments.

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1116 b. Twenty-four (24) community sanction violation points
1117 are assessed for the violation and for each successive violation
1118 of felony probation or community control where the violation
1119 includes a new felony conviction.
1120 Multiple counts of community sanction violations before the
1121 sentencing court shall not be a basis for multiplying the
1122 assessment of community sanction violation points.
1123 Prior serious felony points: If the offender has a primary
1124 offense or any additional offense ranked in level 8, level 9, or
1125 level 10, and one or more prior serious felonies, a single
1126 assessment of thirty (30) points shall be added. For purposes of
1127 this section, a prior serious felony is an offense in the
1128 offender's prior record that is ranked in level 8, level 9, or
1129 level 10 under s. 921.0022 or s. 921.0023 and for which the
1130 offender is serving a sentence of confinement, supervision, or
1131 other sanction or for which the offender's date of release from
1132 confinement, supervision, or other sanction, whichever is later,
1133 is within 3 years before the date the primary offense or any
1134 additional offense was committed.
1135 Prior capital felony points: If the offender has one or more
1136 prior capital felonies in the offender's criminal record, points
1137 shall be added to the subtotal sentence points of the offender
1138 equal to twice the number of points the offender receives for
1139 the primary offense and any additional offense. A prior capital
1140 felony in the offender's criminal record is a previous capital

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1141 felony offense for which the offender has entered a plea of nolo
1142 contendere or guilty or has been found guilty; or a felony in
1143 another jurisdiction which is a capital felony in that
1144 jurisdiction, or would be a capital felony if the offense were
1145 committed in this state.

1146 Possession of a firearm, semiautomatic firearm, or machine gun:
1147 If the offender is convicted of committing or attempting to
1148 commit any felony other than those enumerated in s. 775.087(2)
1149 while having in his or her possession: a firearm as defined in
1150 s. 790.001 ~~s. 790.001(6)~~, an additional eighteen (18) sentence
1151 points are assessed; or if the offender is convicted of
1152 committing or attempting to commit any felony other than those
1153 enumerated in s. 775.087(3) while having in his or her
1154 possession a semiautomatic firearm as defined in s. 775.087(3)
1155 or a machine gun as defined in s. 790.001 ~~s. 790.001(9)~~, an
1156 additional twenty-five (25) sentence points are assessed.

1157 Sentencing multipliers:

1158 Drug trafficking: If the primary offense is drug trafficking
1159 under s. 893.135, the subtotal sentence points are multiplied,
1160 at the discretion of the court, for a level 7 or level 8
1161 offense, by 1.5. The state attorney may move the sentencing
1162 court to reduce or suspend the sentence of a person convicted of
1163 a level 7 or level 8 offense, if the offender provides
1164 substantial assistance as described in s. 893.135(4).

1165 Law enforcement protection: If the primary offense is a

1166 violation of the Law Enforcement Protection Act under s.
1167 775.0823(2), (3), or (4), the subtotal sentence points are
1168 multiplied by 2.5. If the primary offense is a violation of s.
1169 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
1170 are multiplied by 2.0. If the primary offense is a violation of
1171 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
1172 Protection Act under s. 775.0823(10) or (11), the subtotal
1173 sentence points are multiplied by 1.5.

1174 Grand theft of a motor vehicle: If the primary offense is grand
1175 theft of the third degree involving a motor vehicle and in the
1176 offender's prior record, there are three or more grand thefts of
1177 the third degree involving a motor vehicle, the subtotal
1178 sentence points are multiplied by 1.5.

1179 Offense related to a criminal gang: If the offender is convicted
1180 of the primary offense and committed that offense for the
1181 purpose of benefiting, promoting, or furthering the interests of
1182 a criminal gang as defined in s. 874.03, the subtotal sentence
1183 points are multiplied by 1.5. If applying the multiplier results
1184 in the lowest permissible sentence exceeding the statutory
1185 maximum sentence for the primary offense under chapter 775, the
1186 court may not apply the multiplier and must sentence the
1187 defendant to the statutory maximum sentence.

1188 Domestic violence in the presence of a child: If the offender is
1189 convicted of the primary offense and the primary offense is a
1190 crime of domestic violence, as defined in s. 741.28, which was

1191 committed in the presence of a child under 16 years of age who
1192 is a family or household member as defined in s. 741.28(3) with
1193 the victim or perpetrator, the subtotal sentence points are
1194 multiplied by 1.5.

1195 Adult-on-minor sex offense: If the offender was 18 years of age
1196 or older and the victim was younger than 18 years of age at the
1197 time the offender committed the primary offense, and if the
1198 primary offense was an offense committed on or after October 1,
1199 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
1200 violation involved a victim who was a minor and, in the course
1201 of committing that violation, the defendant committed a sexual
1202 battery under chapter 794 or a lewd act under s. 800.04 or s.
1203 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
1204 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
1205 800.04; or s. 847.0135(5), the subtotal sentence points are
1206 multiplied by 2.0. If applying the multiplier results in the
1207 lowest permissible sentence exceeding the statutory maximum
1208 sentence for the primary offense under chapter 775, the court
1209 may not apply the multiplier and must sentence the defendant to
1210 the statutory maximum sentence.

1211 Section 19. Paragraph (b) of subsection (3) of section
1212 943.051, Florida Statutes, is amended to read:

1213 943.051 Criminal justice information; collection and
1214 storage; fingerprinting.—

1215 (3)

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1216 (b) A minor who is charged with or found to have committed
 1217 the following offenses shall be fingerprinted and the
 1218 fingerprints shall be submitted electronically to the
 1219 department, unless the minor is issued a civil citation pursuant
 1220 to s. 985.12:

- 1221 1. Assault, as defined in s. 784.011.
- 1222 2. Battery, as defined in s. 784.03.
- 1223 3. Carrying a concealed weapon, as defined in s. 790.01(2)
 1224 ~~s. 790.01(1)~~.
- 1225 4. Unlawful use of destructive devices or bombs, as
 1226 defined in s. 790.1615(1).
- 1227 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1228 6. Assault or battery on a law enforcement officer, a
 1229 firefighter, or other specified officers, as defined in s.
 1230 784.07(2)(a) and (b).
- 1231 7. Open carrying of a weapon, as defined in s. 790.053.
- 1232 8. Exposure of sexual organs, as defined in s. 800.03.
- 1233 9. Unlawful possession of a firearm, as defined in s.
 1234 790.22(5).
- 1235 10. Petit theft, as defined in s. 812.014(3).
- 1236 11. Cruelty to animals, as defined in s. 828.12(1).
- 1237 12. Arson, as defined in s. 806.031(1).
- 1238 13. Unlawful possession or discharge of a weapon or
 1239 firearm at a school-sponsored event or on school property, as
 1240 provided in s. 790.115.

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1241 Section 20. Paragraph (d) of subsection (1) of section
 1242 943.0585, Florida Statutes, is amended to read:

1243 943.0585 Court-ordered expunction of criminal history
 1244 records.—

1245 (1) ELIGIBILITY.—A person is eligible to petition a court
 1246 to expunge a criminal history record if:

1247 (d) The person has never, as of the date the application
 1248 for a certificate of expunction is filed, been adjudicated
 1249 guilty in this state of a criminal offense or been adjudicated
 1250 delinquent in this state for committing any felony or any of the
 1251 following misdemeanors, unless the record of such adjudication
 1252 of delinquency has been expunged pursuant to s. 943.0515:

- 1253 1. Assault, as defined in s. 784.011;
- 1254 2. Battery, as defined in s. 784.03;
- 1255 3. Assault on a law enforcement officer, a firefighter, or
 1256 other specified officers, as defined in s. 784.07(2)(a);
- 1257 4. Carrying a concealed weapon, as defined in s. 790.01(2)
 1258 ~~s. 790.01(1)~~;
- 1259 5. Open carrying of a weapon, as defined in s. 790.053;
- 1260 6. Unlawful possession or discharge of a weapon or firearm
 1261 at a school-sponsored event or on school property, as defined in
 1262 s. 790.115;
- 1263 7. Unlawful use of destructive devices or bombs, as
 1264 defined in s. 790.1615(1);
- 1265 8. Unlawful possession of a firearm, as defined in s.

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1266 | 790.22(5);

1267 | 9. Exposure of sexual organs, as defined in s. 800.03;

1268 | 10. Arson, as defined in s. 806.031(1);

1269 | 11. Petit theft, as defined in s. 812.014(3);

1270 | 12. Neglect of a child, as defined in s. 827.03(1)(e); or

1271 | 13. Cruelty to animals, as defined in s. 828.12(1).

1272 | Section 21. Paragraph (b) of subsection (1) of section

1273 | 943.059, Florida Statutes, is amended to read:

1274 | 943.059 Court-ordered sealing of criminal history

1275 | records.—

1276 | (1) ELIGIBILITY.—A person is eligible to petition a court

1277 | to seal a criminal history record when:

1278 | (b) The person has never, before the date the application

1279 | for a certificate of eligibility is filed, been adjudicated

1280 | guilty in this state of a criminal offense, or been adjudicated

1281 | delinquent in this state for committing any felony or any of the

1282 | following misdemeanor offenses, unless the record of such

1283 | adjudication of delinquency has been expunged pursuant to s.

1284 | 943.0515:

1285 | 1. Assault, as defined in s. 784.011;

1286 | 2. Battery, as defined in s. 784.03;

1287 | 3. Assault on a law enforcement officer, a firefighter, or

1288 | other specified officers, as defined in s. 784.07(2)(a);

1289 | 4. Carrying a concealed weapon, as defined in s. 790.01(2)

1290 | ~~s. 790.01(1)~~;

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- 1291 5. Open carrying of a weapon, as defined in s. 790.053;
 1292 6. Unlawful possession or discharge of a weapon or firearm
 1293 at a school-sponsored event or on school property, as defined in
 1294 s. 790.115;
 1295 7. Unlawful use of destructive devices or bombs, as
 1296 defined in s. 790.1615(1);
 1297 8. Unlawful possession of a firearm by a minor, as defined
 1298 in s. 790.22(5);
 1299 9. Exposure of sexual organs, as defined in s. 800.03;
 1300 10. Arson, as defined in s. 806.031(1);
 1301 11. Petit theft, as defined in s. 812.014(3);
 1302 12. Neglect of a child, as defined in s. 827.03(1)(e); or
 1303 13. Cruelty to animals, as defined in s. 828.12(1).
 1304 Section 22. Paragraph (b) of subsection (1) of section
 1305 985.11, Florida Statutes, is amended to read:
 1306 985.11 Fingerprinting and photographing.—
 1307 (1)
 1308 (b) Unless the child is issued a civil citation or is
 1309 participating in a similar diversion program pursuant to s.
 1310 985.12, a child who is charged with or found to have committed
 1311 one of the following offenses shall be fingerprinted, and the
 1312 fingerprints shall be submitted to the Department of Law
 1313 Enforcement as provided in s. 943.051(3)(b):
 1314 1. Assault, as defined in s. 784.011.
 1315 2. Battery, as defined in s. 784.03.

1316 3. Carrying a concealed weapon, as defined in s. 790.01(2)
 1317 ~~s. 790.01(1)~~.

1318 4. Unlawful use of destructive devices or bombs, as
 1319 defined in s. 790.1615(1).

1320 5. Neglect of a child, as defined in s. 827.03(1)(e).

1321 6. Assault on a law enforcement officer, a firefighter, or
 1322 other specified officers, as defined in s. 784.07(2)(a).

1323 7. Open carrying of a weapon, as defined in s. 790.053.

1324 8. Exposure of sexual organs, as defined in s. 800.03.

1325 9. Unlawful possession of a firearm, as defined in s.
 1326 790.22(5).

1327 10. Petit theft, as defined in s. 812.014.

1328 11. Cruelty to animals, as defined in s. 828.12(1).

1329 12. Arson, resulting in bodily harm to a firefighter, as
 1330 defined in s. 806.031(1).

1331 13. Unlawful possession or discharge of a weapon or
 1332 firearm at a school-sponsored event or on school property as
 1333 defined in s. 790.115.

1334
 1335 A law enforcement agency may fingerprint and photograph a child
 1336 taken into custody upon probable cause that such child has
 1337 committed any other violation of law, as the agency deems
 1338 appropriate. Such fingerprint records and photographs shall be
 1339 retained by the law enforcement agency in a separate file, and
 1340 these records and all copies thereof must be marked "Juvenile

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1341 Confidential." These records are not available for public
1342 disclosure and inspection under s. 119.07(1) except as provided
1343 in ss. 943.053 and 985.04(2), but shall be available to other
1344 law enforcement agencies, criminal justice agencies, state
1345 attorneys, the courts, the child, the parents or legal
1346 custodians of the child, their attorneys, and any other person
1347 authorized by the court to have access to such records. In
1348 addition, such records may be submitted to the Department of Law
1349 Enforcement for inclusion in the state criminal history records
1350 and used by criminal justice agencies for criminal justice
1351 purposes. These records may, in the discretion of the court, be
1352 open to inspection by anyone upon a showing of cause. The
1353 fingerprint and photograph records shall be produced in the
1354 court whenever directed by the court. Any photograph taken
1355 pursuant to this section may be shown by a law enforcement
1356 officer to any victim or witness of a crime for the purpose of
1357 identifying the person who committed such crime.

1358 Section 23. This act shall take effect July 1, 2023.