

By Senator Burgess

23-01086-23

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1                   A bill to be entitled  
2           An act relating to unlawful possession of firearms,  
3           ammunition, or electric weapons or devices; amending  
4           s. 790.23, F.S.; revising the circumstances under  
5           which it is unlawful for any person to own or to have  
6           in his or her care, custody, possession, or control  
7           any firearm, ammunition, or electric weapon or device,  
8           or to carry a concealed weapon; providing an effective  
9           date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Section 790.23, Florida Statutes, is amended to  
14 read:

15           790.23 Felons and delinquents; possession of firearms,  
16 ammunition, or electric weapons or devices unlawful.—

17           (1) It is unlawful for any person to own or to have in his  
18 or her care, custody, possession, or control any firearm,  
19 ammunition, or electric weapon or device, or to carry a  
20 concealed weapon, including a tear gas gun or chemical weapon or  
21 device, if that person has been:

22           (a) Convicted of a felony in the courts of this state;

23           (b) Adjudicated delinquent ~~Found~~, in the courts of this  
24 state, if the ~~to have committed~~ a delinquent act ~~that~~ would be a  
25 felony if committed by an adult and such person is under 24  
26 years of age;

27           (c) Convicted of or found to have committed a crime against  
28 the United States which is designated as a felony;

29           (d) Adjudicated ~~Found to have committed~~ a delinquent ~~act~~ in

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30 another state, territory, or country for committing an act that  
31 would be a felony if committed by an adult and which was  
32 punishable by imprisonment for a term exceeding 1 year and such  
33 person is under 24 years of age; or

34 (e) Found guilty of an offense that is a felony in another  
35 state, territory, or country and which was punishable by  
36 imprisonment for a term exceeding 1 year.

37 (2) This section does ~~shall~~ not apply to a person:

38 (a) Convicted of a felony whose civil rights and firearm  
39 authority have been restored.

40 (b) Whose criminal history record has been expunged  
41 pursuant to s. 943.0515(1)(b).

42 (3) Except as otherwise provided in subsection (4), any  
43 person who violates this section commits a felony of the second  
44 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
45 775.084.

46 (4) Notwithstanding the provisions of s. 874.04, if the  
47 offense described in subsection (1) has been committed by a  
48 person who has previously qualified or currently qualifies for  
49 the penalty enhancements provided for in s. 874.04, the offense  
50 is a felony of the first degree, punishable by a term of years  
51 not exceeding life or as provided in s. 775.082, s. 775.083, or  
52 s. 775.084.

53 Section 2. This act shall take effect July 1, 2023.