

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/CS/HB 1021](#)

TITLE: Carrying of Handguns or Weapons by Law Enforcement Officers Attending Athletic Events

SPONSOR(S): Holcomb

COMPANION BILL: [SB 1248](#) (Collins)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

16 Y, 1 N, As CS



[Judiciary](#)

21 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

CS/CS/HB 1021 specifies that the current limitation on a holder of a concealed weapons or concealed firearms license carrying a concealed weapon or a concealed firearm into a school, college, or professional athletic event does not preclude a law enforcement officer from carrying a concealed weapon or concealed firearm into such an event if he or she is attending the event as a private citizen, provided that he or she complies with any verification requirements imposed by the venue while he or she is attending the athletic event. As such, a law enforcement officer attending such an athletic event as a private citizen would be authorized to carry a concealed weapon or concealed firearm.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

The bill specifies that nothing in [s. 790.06, F.S.](#), which provides the requirements for issuing and renewing a [concealed weapons or concealed firearms license](#) (CWL) and also provides limitations on where a CWL holder may carry a concealed weapon or concealed firearm, precludes a person who holds an active certification from the [Criminal Justice Standards and Training Commission](#) as a law enforcement officer, as defined in [s. 943.10\(1\), F.S.](#), from carrying a concealed weapon or concealed firearm into a school, college, or professional athletic event that is not related to firearms when he or she is attending the event as a private citizen, provided that he or she complies with any verification requirements imposed by the venue while he or she is attending the athletic event. As such, under the bill, a law enforcement officer would be authorized to carry a concealed weapon or concealed firearm into a school, college, or professional athletic event. (Section [1](#))

The effective date of the bill is July 1, 2005. (Section [2](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Carrying a Concealed Weapon or Concealed Firearm

Generally, a person is authorized to carry a concealed weapon¹ or concealed firearm² under [s. 790.01, F.S.](#), if he or she:

¹ "Concealed weapon" means any dirk, metallic knuckles, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person. [S. 790.001\(4\)\(a\), F.S.](#)

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- Has a concealed weapons or concealed firearm license (CWL) issued under [s. 790.06, F.S.](#); or
- Does not have a CWL, but otherwise satisfies the criteria for receiving and maintaining a CWL, except that such person is not required to demonstrate competency with a firearm or affirmatively state he or she desires a legal means to carry a concealed weapon or concealed firearm for lawful self-defense.

A person who unlawfully carries a concealed weapon or electric weapon or device³ commits a first degree misdemeanor.⁴ A person who unlawfully carries a concealed firearm commits a third degree felony.⁵

[Concealed Weapons or Concealed Firearms License](#)

[Section 790.06, F.S.](#), specifies the criteria that a person must meet in order to be issued a CWL, the process for issuing and renewing a CWL, the circumstances under which a CWL is subject to revocation, and specified limitations on where a CWL holder may carry a concealed weapon or concealed firearm. A CWL⁶ does not authorize a person to carry a concealed weapon or concealed firearm into:

- Any place of nuisance as defined in [s. 823.05, F.S.](#);
- Any police, sheriff, or highway patrol station;
- Any detention facility, prison, or jail;
- Any courthouse;
- Any courtroom, except that a judge may carry a concealed weapon or concealed firearm and determine who may carry a concealed weapon or concealed firearm in his or her courtroom;
- Any polling place;
- Any meeting of a local governing body;
- Any meeting of the Legislature or committee thereof;
- Any school, college, or professional athletic event not related to firearms;
- Any elementary or secondary school facility or administration building;⁷
- Any career center;
- Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
- Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
- The inside of the passenger terminal and sterile area of any airport, provided no person is prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or

² “Concealed firearm” means any firearm, as defined in [s. 790.001\(9\), F.S.](#), which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person. [S. 790.001\(3\), F.S.](#)

³ “Electric weapon or device” means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. [S. 790.001\(7\), F.S.](#)

⁴ [S. 790.01\(2\), F.S.](#) A first degree misdemeanor is punishable by one year in a jail and a \$1,000 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

⁵ [S. 790.01\(3\), F.S.](#) A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

⁶ A person who carries a concealed firearm without a CWL is likewise not authorized to carry a concealed firearm into any of the locations listed in [s. 790.06, F.S.](#) [S. 790.013\(2\), F.S.](#)

⁷ The Federal “Gun-Free School Zones Act,” (Act) at [18 U.S.C. §922\(q\)](#), prohibits a person from knowingly possessing a firearm on the grounds of, or within 1,000 feet of the grounds of, a public, parochial, or private school. The Act does not apply to the possession of a firearm:

- On private property that is not part of school grounds;
- If the individual possessing the firearm is licensed to do so by the state in which the school zone is located or a political subdivision of the state, and the law of the state or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the state or political subdivision verify that the individual is qualified under law to receive the license;
- That is:
 - Not loaded; and
 - In a locked container, or a locked firearms rack that is on a motor vehicle;
- By an individual for use in a program approved by a school in the school zone;
- By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
- By a law enforcement officer acting in his or her official capacity; or
- That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

A violation of the Act is punishable by up to five years imprisonment and a \$5,000 fine. [18 U.S.C. §924\(a\)\(4\)](#).

- Any place where the carrying of firearms is prohibited by federal law.⁸

A CWL holder who knowingly and willfully carries a concealed weapon or concealed firearm into any unauthorized location commits a second degree misdemeanor.⁹

Carrying a Concealed Weapon or Concealed Firearm—Law Enforcement Officers

Law enforcement officers are exempt from the licensing and penal provisions of ch. 790, F.S., when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.¹⁰ As used generally in ch. 790, F.S., the term “law enforcement officer” includes the following:

- All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests.
- Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon.
- Members of the Armed Forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for, or going to or from, military duty, or under orders.
- An employee of the state prisons or correctional systems who has been so designated by the Department of Corrections or by a warden of an institution.
- All peace officers.
- All state attorneys and United States attorneys and their respective assistants and investigators.¹¹

Carrying a Concealed Weapon or Concealed Firearm While Off-Duty

When a law enforcement officer is *not* on duty, he or she is authorized to carry a concealed weapon or concealed firearm under several provisions of state and Federal law. For purposes of specifying when a law enforcement officer may carry a concealed weapon or a concealed firearm when he or she is off-duty, a “law enforcement officer” means a person who holds an active certification from the [Criminal Justice Standards and Training Commission](#)¹² (CJSTC) and who:

- Is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and
- Whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

The term “law enforcement officer” includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to [s. 354.01, F.S.](#)¹³

An off-duty law enforcement officer may carry a concealed weapon or concealed firearm:

- Under an exemption to CWL licensing requirements;¹⁴
- With a valid CWL;¹⁵
- Without a CWL, if he or she satisfies the criteria for receiving and maintaining a CWL;¹⁶
- Under [s. 790.052, F.S.](#), which authorizes a law enforcement officer to carry a concealed firearm during off-duty hours, at the discretion of his or her superior officer, and authorizes such an officer to perform law

⁸ [S. 790.06\(12\)\(a\), F.S.](#)

⁹ [S. 790.06\(12\)\(d\), F.S.](#) A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

¹⁰ [S. 790.051, F.S.](#)

¹¹ [S. 790.001\(12\), F.S.](#)

¹² The CJSTC is responsible for establishing uniform minimum standards for the employment of law enforcement officers and correctional officers and certifying that such officers meet the specified minimum standards for employment. Florida Department of Law Enforcement, *Criminal Justice Standards & Training Commission (CJSTC)*, <http://www.fdle.state.fl.us/CJSTC/Commission.aspx> (last visited Mar. 10, 2025).

¹³ [S. 943.10\(1\), F.S.](#)

¹⁴ [S. 790.06\(5\)\(b\), F.S.](#)

¹⁵ [S. 790.06\(5\)\(b\), F.S.](#) Although a law enforcement officer is exempt from CWL licensing requirements, an officer may receive CWL if he or she chooses. In such circumstances, a law enforcement officer is exempt from the background investigation and background check fees, but must pay the license fee for nonexempt applicants. *Id.*

¹⁶ [S. 790.01\(1\), F.S.](#)

enforcement functions that he or she normally performs during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations.

- Under the Federal “Law Enforcement Officers Safety Act,” which authorizes a “qualified law enforcement officer”¹⁷ to carry a concealed firearm in any state, subject to state laws that restrict locations where a concealed firearm may be carried.¹⁸

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	16 Y, 1 N, As CS	3/12/2025	Hall	Padgett
THE CHANGES ADOPTED BY THE COMMITTEE:	Made technical changes to maintain consistent terminology with existing provisions in ch. 790, F.S.			
Judiciary Committee	21 Y, 0 N, As CS	3/20/2025	Kramer	Padgett
THE CHANGES ADOPTED BY THE COMMITTEE:	Required a law enforcement officer who carries a concealed weapon or concealed firearm into a specified athletic event to comply with any verification requirements imposed by the venue.			

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹⁷ A “qualified law enforcement officer” means an employee of a governmental agency who:

- Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest or apprehension under [10 U.S.C. §807\(b\)](#);
- Is authorized by the agency to carry a firearm;
- Is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers;
- Meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- Is not prohibited by Federal law from receiving a firearm.

[18 U.S.C. §926B](#)

¹⁸ *Id.*