

By Senator Steube

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1 A bill to be entitled
2 An act relating to weapons and firearms; amending s.
3 790.053, F.S.; deleting a statement of applicability
4 relating to violations of carrying a concealed weapon
5 or firearm; reducing the penalties applicable to a
6 person licensed to carry a concealed weapon or firearm
7 for a first or second violation of specified
8 provisions relating to openly carrying weapons; making
9 a fine payable to the clerk of the court; amending s.
10 790.06, F.S.; providing that a person licensed to
11 carry a concealed weapon or firearm does not violate
12 certain provisions if the firearm is temporarily and
13 openly displayed; reenacting ss. 943.051(3)(b) and
14 985.11(1)(b), F.S., both relating to fingerprinting of
15 a minor for violating specified provisions, to
16 incorporate the amendment made to s. 790.053, F.S., in
17 references thereto; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 790.053, Florida Statutes, is amended to
22 read:

23 790.053 Open carrying of weapons.—

24 (1) Except as otherwise provided by law and in subsection
25 (2), it is unlawful for any person to openly carry on or about
26 his or her person any firearm or electric weapon or device. ~~It~~
27 ~~is not a violation of this section for a person licensed to~~
28 ~~carry a concealed firearm as provided in s. 790.06(1), and who~~
29 ~~is lawfully carrying a firearm in a concealed manner, to briefly~~

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30 ~~and openly display the firearm to the ordinary sight of another~~
31 ~~person, unless the firearm is intentionally displayed in an~~
32 ~~angry or threatening manner, not in necessary self-defense.~~

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

35 (a) A self-defense chemical spray.

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

39 (3) (a) A ~~Any~~ person violating this section who is not
40 licensed under s. 790.06 commits a misdemeanor of the second
41 degree, punishable as provided in s. 775.082 or s. 775.083.

42 (b) A person violating this section who is licensed under
43 s. 790.06 commits:

44 1. A noncriminal violation with a penalty of:

45 a. Twenty-five dollars, payable to the clerk of the court,
46 for a first violation; or

47 b. Five hundred dollars, payable to the clerk of court, for
48 a second violation.

49 2. A misdemeanor of the second degree, punishable as
50 provided in s. 775.082 or s. 775.083, for a third or subsequent
51 violation.

52 Section 2. Subsection (1) of section 790.06, Florida
53 Statutes, is amended to read:

54 790.06 License to carry concealed weapon or firearm.—

55 (1) The Department of Agriculture and Consumer Services is
56 authorized to issue licenses to carry concealed weapons or
57 concealed firearms to persons qualified as provided in this
58 section. Each such license must bear a color photograph of the

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59 licensee. For the purposes of this section, concealed weapons or
60 concealed firearms are defined as a handgun, electronic weapon
61 or device, tear gas gun, knife, or billie, but the term does not
62 include a machine gun as defined in s. 790.001(9). Such licenses
63 shall be valid throughout the state for a period of 7 years
64 after ~~from~~ the date of issuance. Any person in compliance with
65 the terms of such license may carry a concealed weapon or
66 concealed firearm notwithstanding the provisions of s. 790.01.
67 The licensee must carry the license, together with valid
68 identification, at all times in which the licensee is in actual
69 possession of a concealed weapon or firearm and must display
70 both the license and proper identification upon demand by a law
71 enforcement officer. A person licensed to carry a concealed
72 firearm under this section whose firearm is temporarily and
73 openly displayed to the ordinary sight of another person does
74 not violate s. 790.053 and may not be arrested or charged with a
75 noncriminal or criminal violation of s. 790.053. Violations of
76 the provisions of this subsection shall constitute a noncriminal
77 violation with a penalty of \$25, payable to the clerk of the
78 court.

79 Section 3. For the purpose of incorporating the amendment
80 made by this act to section 790.053, Florida Statutes, in a
81 reference thereto, paragraph (b) of subsection (3) of section
82 943.051, Florida Statutes, is reenacted to read:

83 943.051 Criminal justice information; collection and
84 storage; fingerprinting.—

85 (3)

86 (b) A minor who is charged with or found to have committed
87 the following offenses shall be fingerprinted and the

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88 fingerprints shall be submitted electronically to the
89 department, unless the minor is issued a civil citation pursuant
90 to s. 985.12:

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

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

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

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

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

97 6. Assault or battery on a law enforcement officer, a
98 firefighter, or other specified officers, as defined in s.
99 784.07(2)(a) and (b).

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

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

102 9. Unlawful possession of a firearm, as defined in s.
103 790.22(5).

104 10. Petit theft, as defined in s. 812.014(3).

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

106 12. Arson, as defined in s. 806.031(1).

107 13. Unlawful possession or discharge of a weapon or firearm
108 at a school-sponsored event or on school property, as provided
109 in s. 790.115.

110 Section 4. For the purpose of incorporating the amendment
111 made by this act to section 790.053, Florida Statutes, in a
112 reference thereto, paragraph (b) of subsection (1) of section
113 985.11, Florida Statutes, is reenacted to read:

114 985.11 Fingerprinting and photographing.—

115 (1)

116 (b) Unless the child is issued a civil citation or is

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117 participating in a similar diversion program pursuant to s.
118 985.12, a child who is charged with or found to have committed
119 one of the following offenses shall be fingerprinted, and the
120 fingerprints shall be submitted to the Department of Law
121 Enforcement as provided in s. 943.051(3)(b):

- 122 1. Assault, as defined in s. 784.011.
- 123 2. Battery, as defined in s. 784.03.
- 124 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 125 4. Unlawful use of destructive devices or bombs, as defined
126 in s. 790.1615(1).
- 127 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 128 6. Assault on a law enforcement officer, a firefighter, or
129 other specified officers, as defined in s. 784.07(2)(a).
- 130 7. Open carrying of a weapon, as defined in s. 790.053.
- 131 8. Exposure of sexual organs, as defined in s. 800.03.
- 132 9. Unlawful possession of a firearm, as defined in s.
133 790.22(5).
- 134 10. Petit theft, as defined in s. 812.014.
- 135 11. Cruelty to animals, as defined in s. 828.12(1).
- 136 12. Arson, resulting in bodily harm to a firefighter, as
137 defined in s. 806.031(1).
- 138 13. Unlawful possession or discharge of a weapon or firearm
139 at a school-sponsored event or on school property as defined in
140 s. 790.115.

141
142 A law enforcement agency may fingerprint and photograph a child
143 taken into custody upon probable cause that such child has
144 committed any other violation of law, as the agency deems
145 appropriate. Such fingerprint records and photographs shall be

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146 retained by the law enforcement agency in a separate file, and
147 these records and all copies thereof must be marked "Juvenile
148 Confidential." These records are not available for public
149 disclosure and inspection under s. 119.07(1) except as provided
150 in ss. 943.053 and 985.04(2), but shall be available to other
151 law enforcement agencies, criminal justice agencies, state
152 attorneys, the courts, the child, the parents or legal
153 custodians of the child, their attorneys, and any other person
154 authorized by the court to have access to such records. In
155 addition, such records may be submitted to the Department of Law
156 Enforcement for inclusion in the state criminal history records
157 and used by criminal justice agencies for criminal justice
158 purposes. These records may, in the discretion of the court, be
159 open to inspection by anyone upon a showing of cause. The
160 fingerprint and photograph records shall be produced in the
161 court whenever directed by the court. Any photograph taken
162 pursuant to this section may be shown by a law enforcement
163 officer to any victim or witness of a crime for the purpose of
164 identifying the person who committed such crime.

165 Section 5. This act shall take effect July 1, 2018.