A bill to be entitled
An act relating to carrying of firearms; amending s. 790.01, F.S.; deleting a requirement that a license to carry a concealed firearm is required in order to carry such a firearm; limiting the areas in which a person is prohibited from carrying a concealed firearm; revising criminal penalties; amending s. 790.015, F.S.; revising provisions relating to the carrying of concealed weapons by persons who are not residents of this state; amending s. 790.06, F.S.; conforming provisions to changes made by the act; authorizing the Department of Agriculture and Consumer Services to issue reciprocity licenses to carry concealed weapons or firearms; amending s. 790.145, F.S.; conforming provisions to changes made by the act; amending s. 790.25, F.S.; specifying that a person not otherwise prohibited by law from possessing a firearm may own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes; amending ss. 30.15, 790.053, 790.251, and 921.0022, F.S.; conforming provisions to changes made by the act; providing a directive to the Division of Law Revision; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Subsection (2) and paragraph (a) of subsection (3) of section 790.01, Florida Statutes, are amended to read:

790.01 Unlicensed carrying of concealed weapons or concealed firearms.—

(2) Except as provided in subsection (3), a person who is not licensed under s. 790.06 and who carries a concealed firearm on or about his or her person into any place described in s. 790.06(12)(a) commits a misdemeanor felony of the second third degree, punishable as provided in s. 775.082 or s. 775.083 or s. 775.084.

(3) This section does not apply to:

(a) A person who carries a concealed weapon, or a person who may lawfully possess a firearm and who carries a concealed firearm, on or about his or her person while in the act of evacuating during a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to chapter 252 or declared by a local authority pursuant to chapter 870. As used in this subsection, the term "in the act of evacuating" means the immediate and urgent movement of a person away from the evacuation zone within 48 hours after a mandatory evacuation is ordered. The 48 hours may be extended by an order issued by the Governor.

Section 2. Section 790.015, Florida Statutes, is amended to read:
790.015 Nonresidents who are United States citizens and hold a concealed weapons license in another state; Reciprocity.—

(1) Notwithstanding s. 790.01(1), a nonresident of Florida may carry a concealed weapon or concealed firearm while in this state if the nonresident:

(a) Is 21 years of age or older.

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

(c) Is a resident of the United States.

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

(3) All valid licenses to carry concealed weapons and firearms issued by other states are hereby given full faith and credit in this state. If the resident of another state who is the holder of a valid license to carry a concealed weapon or concealed firearm issued in another state establishes legal residence in this state by:

(a) Registering to vote;

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

or

(c) Filing for homestead tax exemption on property in this state.
the license shall remain in effect for 90 days following the

date on which the holder of the license establishes legal state

residence.

(4) This section applies only to nonresident concealed
weapon or concealed firearm licenseholders from states that

honor Florida concealed weapon or concealed firearm licensees.

(5) The requirement of paragraph (1)(a) does not apply to

a person who:

(a) Is a servicemember, as defined in s. 250.01; or

(b) Is a veteran of the United States Armed Forces who was

discharged under honorable conditions.

Section 3. Subsection (1), paragraph (g) of subsection
(2), and paragraph (e) of subsection (4) of section 790.06,
Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or firearm.—

(1) The Department of Agriculture and Consumer Services is

authorized to issue reciprocity licenses to carry concealed
weapons or concealed firearms to persons qualified as provided
in this section. Each such license must bear a color photograph
of the licensee. For the purposes of this section, concealed
weapons or concealed firearms are defined as a handgun,
electronic weapon or device, tear gas gun, knife, or billie, but
the term does not include a machine gun as defined in s.
790.001(9). Such licenses shall be valid throughout the state
for a period of 7 years from the date of issuance. Any person in

CODING: Words stricken are deletions; words underlined are additions.
compliance with the terms of such license may carry a concealed
weapon or concealed firearm notwithstanding the provisions of s.
790.01. The licensee must carry the license, together with valid
identification, at all times in which the licensee is in actual
possession of a concealed weapon or firearm and must display
both the license and proper identification upon demand by a law
enforcement officer. Violations of the provisions of this
subsection shall constitute a noncriminal violation with a
penalty of $25, payable to the clerk of the court.

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

(g) Desires a legal means to carry a concealed weapon or
firearm for lawful self-defense in states requiring licensure;

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

(e) A statement that the applicant desires a concealed
weapon or firearms license as a means of lawful self-defense in
states requiring licensure; and

Section 4. Section 790.145, Florida Statutes, is amended
to read:

790.145 Crimes in pharmacies; possession of weapons;
penalties.—

(1) Unless otherwise provided by law, any person who is in
possession of a concealed "firearm," as defined in s.

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790.001(6), or a "destructive device," as defined in s. 790.001(4), within the premises of a "pharmacy," as defined in chapter 465, commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The provisions of This section does do not apply to:

(a) To Any law enforcement officer; or

(b) To Any person employed and authorized by the owner, operator, or manager of a pharmacy to carry a firearm or destructive device on such premises; or

(c) To any person licensed to carry a concealed weapon.

Section 5. Paragraph (r) is added to subsection (3) of section 790.25, Florida Statutes, and subsection (5) of that section is amended, to read:

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

(3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06 do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

   (r) A person not otherwise prohibited by law from possessing a firearm.

(5) POSSESSION IN PRIVATE CONVEYANCE.—Notwithstanding subsection (2), it is lawful and is not a violation of s. 790.01 for a person 18 years of age or older to possess a concealed
firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use. Nothing herein contained prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. Nothing herein contained shall be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other weapons, including lawful self-defense as provided in s. 776.012.

Section 6. Paragraph (k) of subsection (1) of section 30.15, Florida Statutes, is amended to read:

30.15 Powers, duties, and obligations.—

(1) Sheriffs, in their respective counties, in person or by deputy, shall:

(k) Assist district school boards and charter school governing boards in complying with s. 1006.12. A sheriff must, at a minimum, provide access to a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises, as required under this paragraph. Persons certified as school guardians pursuant to this paragraph have no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an
active assailant incident.

1. a. If a local school board has voted by a majority to implement a guardian program, the sheriff in that county shall establish a guardian program to provide training, pursuant to subparagraph 2., to school district or charter school employees, either directly or through a contract with another sheriff's office that has established a guardian program.

b. A charter school governing board in a school district that has not voted, or has declined, to implement a guardian program may request the sheriff in the county to establish a guardian program for the purpose of training the charter school employees. If the county sheriff denies the request, the charter school governing board may contract with a sheriff that has established a guardian program to provide such training. The charter school governing board must notify the superintendent and the sheriff in the charter school's county of the contract prior to its execution.

c. The sheriff conducting the training pursuant to subparagraph 2. will be reimbursed for screening-related and training-related costs and for providing a one-time stipend of $500 to each school guardian who participates in the school guardian program.

2. A sheriff who establishes a program shall consult with the Department of Law Enforcement on programmatic guiding principles, practices, and resources, and shall certify as
school guardians, without the power of arrest, school employees, as specified in s. 1006.12(3), who:

a. Hold a valid license issued under s. 790.06.

b. Complete a 144-hour training program, consisting of 12 hours of certified nationally recognized diversity training and 132 total hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors, which must include:

(I) Eighty hours of firearms instruction based on the Criminal Justice Standards and Training Commission's Law Enforcement Academy training model, which must include at least 10 percent but no more than 20 percent more rounds fired than associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.

(II) Sixteen hours of instruction in precision pistol.

(III) Eight hours of discretionary shooting instruction using state-of-the-art simulator exercises.

(IV) Eight hours of instruction in active shooter or assailant scenarios.

(V) Eight hours of instruction in defensive tactics.

(VI) Twelve hours of instruction in legal issues.

b. Pass a psychological evaluation administered by a psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office. The Department of Law

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Enforcement is authorized to provide the sheriff's office with mental health and substance abuse data for compliance with this paragraph.

c. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office.

d. Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.

The sheriff who conducts the guardian training shall issue a school guardian certificate to individuals who meet the requirements of this section to the satisfaction of the sheriff, and shall maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian certified by the sheriff. An individual who is certified under this paragraph may serve as a school guardian under s. 1006.12(3) only if he or she is appointed by the applicable school district superintendent or charter school principal.

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

790.053 Open carrying of weapons.—
(1) Except as otherwise provided by law and in subsection (2), it is unlawful for any person to openly carry on or about
his or her person any firearm or electric weapon or device. It is not a violation of this section for a person licensed to carry a concealed firearm as provided in s. 790.06(1), and who is lawfully carrying a firearm in a concealed manner, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

Section 8. Paragraph (c) of subsection (2) of section 790.251, Florida Statutes, is amended to read:
790.251 Protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes; prohibited acts; duty of public and private employers; immunity from liability; enforcement.—
(2) DEFINITIONS.—As used in this section, the term:
(c) "Employee" means any person who possesses a valid license issued pursuant to s. 790.06 and:
1. Works for salary, wages, or other remuneration;
2. Is an independent contractor; or
3. Is a volunteer, intern, or other similar individual for an employer.

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

Section 9. Paragraph (e) of subsection (3) of section
HB 273

276 921.0022, Florida Statutes, is amended to read:
277 921.0022 Criminal Punishment Code; offense severity
278 ranking chart.—
279 (3) OFFENSE SEVERITY RANKING CHART
280 (e) LEVEL 5

Florida   Felony
Statute    Degree   Description

282
316.027(2)(a)  3rd  Accidents involving personal
                injuries other than serious
                bodily injury, failure to stop;
                leaving scene.

283
316.1935(4)(a)  2nd  Aggravated fleeing or eluding.

284
316.80(2)  2nd  Unlawful conveyance of fuel;
                obtaining fuel fraudulently.

285
322.34(6)  3rd  Careless operation of motor
                vehicle with suspended license,
                resulting in death or serious
                bodily injury.

286
327.30(5)  3rd  Vessel accidents involving
<table>
<thead>
<tr>
<th>Section</th>
<th>Violation</th>
<th>3rd</th>
</tr>
</thead>
<tbody>
<tr>
<td>379.365(2)(c)1</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>379.367(4)</td>
<td>Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.</td>
<td></td>
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</table>
379.407(5)(b)3.  3rd  Possession of 100 or more undersized spiny lobsters.

381.0041(11)(b)  3rd  Donate blood, plasma, or organs knowing HIV positive.

440.10(1)(g)  2nd  Failure to obtain workers' compensation coverage.

440.105(5)  2nd  Unlawful solicitation for the purpose of making workers' compensation claims.

440.381(2)  3rd  Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

624.401(4)(b)2.  2nd  Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.

626.902(1)(c)  2nd  Representing an unauthorized
insurer; repeat offender.

790.01(2) 3rd Carrying a concealed firearm.

790.162 2nd Threat to throw or discharge destructive device.

790.163(1) 2nd False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

790.221(1) 2nd Possession of short-barreled shotgun or machine gun.

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

796.05(1) 2nd Live on earnings of a prostitute; 1st offense.

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; offender 18 years of age or older.

806.111(1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

812.0145(2)(b) 2nd Theft from person 65 years of age or older; $10,000 or more but less than $50,000.

812.015 3rd Retail theft; property stolen (8)(a) & (c)-(e) is valued at $750 or more and one or more specified acts.

812.019(1) 2nd Stolen property; dealing in or trafficking in.

812.131(2)(b) 3rd Robbery by sudden snatching.

812.16(2) 3rd Owning, operating, or conducting a chop shop.
310 817.034(4)(a)2.  2nd  Communications fraud, value $20,000 to $50,000.

311 817.234(11)(b)  2nd  Insurance fraud; property value $20,000 or more but less than $100,000.

312 817.2341(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.

313 817.568(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 information of 10 or more persons.
<table>
<thead>
<tr>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>817.611(2)(a)</td>
<td>2nd</td>
<td>Traffic in or possess 5 to 14 counterfeit credit cards or related documents.</td>
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<tr>
<td>817.625(2)(b)</td>
<td>2nd</td>
<td>Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.</td>
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<tr>
<td>825.1025(4)</td>
<td>3rd</td>
<td>Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.</td>
</tr>
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<td>827.071(4)</td>
<td>2nd</td>
<td>Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.</td>
</tr>
<tr>
<td>827.071(5)</td>
<td>3rd</td>
<td>Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.</td>
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<tr>
<td>828.12(2)</td>
<td>3rd</td>
<td>Tortures any animal with intent</td>
</tr>
<tr>
<td>Section</td>
<td>Grade</td>
<td>Description</td>
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<td>839.13(2)(b)</td>
<td>2nd</td>
<td>Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.</td>
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<tr>
<td>843.01</td>
<td>3rd</td>
<td>Resist officer with violence to person; resist arrest with violence.</td>
</tr>
<tr>
<td>847.0135(5)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious exhibition using computer; offender 18 years or older.</td>
</tr>
<tr>
<td>847.0137</td>
<td>3rd</td>
<td>Transmission of pornography by electronic device or equipment.</td>
</tr>
<tr>
<td>847.0138</td>
<td>3rd</td>
<td>Transmission of material harmful to minors to a minor by electronic device or equipment.</td>
</tr>
</tbody>
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CODING: Words **stricken** are deletions; words *underlined* are additions.
| 874.05(1)(b) | 2nd | Encouraging or recruiting another to join a criminal gang; second or subsequent offense. |
| 874.05(2)(a) | 2nd | Encouraging or recruiting person under 13 years of age to join a criminal gang. |
| 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). |
| 893.13(1)(c)2. | 2nd | Sell, manufacture, or deliver cannabis (or other 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) 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.

893.13(1)(d)1. 1st 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.

330 893.13(1)(e)2. 2nd 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 1,000 feet of property used for religious services or a specified business site.

331 893.13(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.
332

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

333

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

Section 10. The Division of Law Revision is directed to prepare a reviser's bill to change references to "licenses to carry a concealed firearm" and similar terms to "reciprocal licenses to carry a concealed firearm" and similar equivalent terms wherever they occur in the Florida Statutes.

Section 11. This act shall take effect upon becoming a law.