

1 A bill to be entitled
2 An act relating to carrying and possession of weapons
3 and firearms; amending s. 790.001, F.S.; revising the
4 definition of the term "law enforcement officer";
5 amending s. 790.013, F.S.; prohibiting the carrying of
6 a concealed handgun or an unconcealed firearm without
7 a license and the possession of such handgun or
8 firearm without valid identification; providing
9 penalties; repealing s. 790.02, F.S., relating to
10 arrests without warrant and upon probable cause;
11 repealing s. 790.051, F.S., relating to an exemption
12 from licensing requirements for law enforcement
13 officers; amending s. 790.053, F.S.; allowing the open
14 carrying of any otherwise legal firearm or electric
15 weapon or device; deleting provisions prohibiting open
16 carry; amending s. 790.06, F.S.; deleting provisions
17 relating to the collection of fees for licenses to
18 carry concealed weapons or concealed firearms;
19 revising the list of places into which a person may
20 not carry a handgun or concealed weapon or concealed
21 firearm; providing exceptions; amending s. 790.0625,
22 F.S.; deleting provisions relating to collection of
23 fees by tax collectors for licenses to carry concealed
24 weapons or concealed firearms; amending s. 790.065,
25 F.S.; conforming provisions to changes made by the

26 act; amending s. 790.115, F.S.; deleting a provision
27 allowing school districts to restrict the possession
28 of a weapon or firearm in a vehicle in compliance with
29 specified provisions; amending s. 790.222, F.S.;
30 revising the definition of the term "bump-fire stock";
31 amending s. 790.25, F.S.; conforming provisions to
32 changes made by the act; revising a provision
33 concerning possession of a handgun or other weapon
34 within the interior of a private conveyance; amending
35 s. 790.251, F.S.; deleting specified exceptions to
36 statutory protections of the right to keep and bear
37 arms in motor vehicles; repealing s. 790.401, F.S.,
38 relating to risk protection orders; amending ss.
39 27.53, 394.463, 943.051, 943.0585, 943.059, and
40 985.11, F.S.; conforming provisions to changes made by
41 the act; providing an effective date.

42
43 WHEREAS, the Legislature finds that the Second Amendment to
44 the United States Constitution guarantees that the right to keep
45 and bear arms is a fundamental individual right that is
46 incorporated to the state and shall not be infringed, and

47 WHEREAS, the Legislature acknowledges that s. 8(a), Art. I
48 of the State Constitution declares that "The right of the people
49 to keep and bear arms in defense of themselves and of the lawful
50 authority of the state shall not be infringed, except that the

51 manner of bearing arms may be regulated by law," and

52 WHEREAS, the Florida appellate courts have found the
 53 issuance of a license to carry a concealed weapon or firearm to
 54 be a privilege and not a vested right, and

55 WHEREAS, the Legislature finds that any regulation of a
 56 manner of bearing arms that constitutes a general ban on
 57 unconcealed carry or a general ban on the carry or possession of
 58 an entire class of arms that is in common use for lawful
 59 purposes would be an unconstitutional infringement of the
 60 fundamental individual rights of the people guaranteed by both
 61 the Second Amendment to the United States Constitution and s. 8,
 62 Art. I of the State Constitution, and

63 WHEREAS, the Legislature seeks to protect the fundamental
 64 individual right to keep and bear arms, NOW, THEREFORE,

65

66 Be It Enacted by the Legislature of the State of Florida:

67

68 **Section 1. Paragraph (g) is added to subsection (12) of**
 69 **section 790.001, Florida Statutes, to read:**

70 790.001 Definitions.—As used in this chapter, except where
 71 the context otherwise requires:

72 (12) "Law enforcement officer" means:

73 (g) A person holding a judicial office, as defined in s.

74 105.011(1).

75 **Section 2. Section 790.013, Florida Statutes, is amended**

76 **to read:**

77 790.013 Carrying of concealed weapons, ~~or~~ concealed
 78 handguns, or unconcealed firearms without a license.—A person
 79 who carries a concealed weapon, a ~~or~~ concealed handgun, or an
 80 unconcealed firearm without a license as authorized under s.
 81 790.01(1)(b) or s. 790.053(1)(b):

82 (1) Must carry valid identification at all times when he
 83 or she is in actual possession of a concealed weapon, a ~~or~~
 84 concealed handgun, or an unconcealed firearm and must display
 85 such identification upon demand by a law enforcement officer. A
 86 violation of this subsection is a noncriminal violation
 87 punishable by a \$25 fine, payable to the clerk of the court.

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

91 **Section 3.** Section 790.02, Florida Statutes, is repealed.

92 **Section 4.** Section 790.051, Florida Statutes, is repealed.

93 **Section 5. Section 790.053, Florida Statutes, is amended**

94 **to read:**

95 790.053 Open carrying of weapons.—

96 ~~(1)~~ Except as otherwise provided by law ~~and in subsection~~
 97 ~~(2)~~, it is lawful ~~unlawful~~ for any person to openly carry on or
 98 about his or her person any otherwise legal firearm or electric
 99 weapon or device. ~~It is not a violation of this section for a~~
 100 ~~person who carries a concealed firearm as authorized in s.~~

101 ~~790.01(1) to briefly and openly display the firearm to the~~
102 ~~ordinary sight of another person, unless the firearm is~~
103 ~~intentionally displayed in an angry or threatening manner, not~~
104 ~~in necessary self-defense.~~

105 ~~(2) A person may openly carry, for purposes of lawful~~
106 ~~self-defense:~~

107 ~~(a) A self-defense chemical spray.~~

108 ~~(b) A nonlethal stun gun or dart-firing stun gun or other~~
109 ~~nonlethal electric weapon or device that is designed solely for~~
110 ~~defensive purposes.~~

111 ~~(3) Any person violating this section commits a~~
112 ~~misdemeanor of the second degree, punishable as provided in s.~~
113 ~~775.082 or s. 775.083.~~

114 **Section 6. Subsections (16) through (18) of section**
115 **790.06, Florida Statutes, are renumbered as subsections (15)**
116 **through (17), respectively, and paragraph (b) of subsection (5),**
117 **paragraphs (b) and (e) of subsection (6), subsection (11),**
118 **paragraph (a) of subsection (12), and present subsection (15) of**
119 **that section are amended to read:**

120 790.06 License to carry concealed weapon or concealed
121 firearm.—

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

125 (b) ~~A nonrefundable license fee of up to \$55 if he or she~~

126 ~~has not previously been issued a statewide license or of up to~~
127 ~~\$45 for renewal of a statewide license.~~ The cost of processing
128 fingerprints as required in paragraph (c) shall be borne by the
129 state from general revenue ~~applicant~~. However, an individual
130 holding an active certification from the Criminal Justice
131 Standards and Training Commission as a law enforcement officer,
132 correctional officer, or correctional probation officer as
133 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) is
134 exempt from the licensing requirements of this section. If such
135 individual wishes to receive a concealed weapon or concealed
136 firearm license, he or she is exempt from the background
137 investigation ~~and all background investigation fees but must pay~~
138 ~~the current license fees regularly required to be paid by~~
139 ~~nonexempt applicants~~. Further, a law enforcement officer, a
140 correctional officer, or a correctional probation officer as
141 defined in s. 943.10(1), (2), or (3) is exempt from the required
142 ~~fees and~~ background investigation for 1 year after his or her
143 retirement.

144 (6)

145 (b) The sheriff's office shall provide fingerprinting
146 service if requested by the applicant ~~and may charge a fee not~~
147 ~~to exceed \$5 for this service.~~

148 (e) A consular security official of a foreign government
149 that maintains diplomatic relations and treaties of commerce,
150 friendship, and navigation with the United States and is

151 certified as such by the foreign government and by the
152 appropriate embassy in this country must be issued a license
153 within 20 days after the date of the receipt of a completed
154 application, certification document, color photograph as
155 specified in paragraph (5) (e), ~~and a nonrefundable license fee~~
156 ~~of \$300~~. Consular security official licenses shall be valid for
157 1 year and may be renewed upon completion of the application
158 process as provided in this section.

159 (11) (a) At least 90 days before the expiration date of the
160 license, the Department of Agriculture and Consumer Services
161 shall mail to each licensee a written notice of the expiration
162 and a renewal form prescribed by the Department of Agriculture
163 and Consumer Services. The licensee must renew his or her
164 license on or before the expiration date by filing with the
165 Department of Agriculture and Consumer Services the renewal form
166 containing an affidavit submitted under oath and under penalty
167 of perjury stating that the licensee remains qualified pursuant
168 to the criteria specified in subsections (2) and (3), and a
169 color photograph as specified in paragraph (5) (e), ~~and the~~
170 ~~required renewal fee~~. Out-of-state residents must also submit a
171 complete set of fingerprints ~~and fingerprint processing fee~~. The
172 license shall be renewed upon receipt of the completed renewal
173 form, color photograph, ~~appropriate payment of fees~~, and, if
174 applicable, fingerprints. ~~Additionally, a licensee who fails to~~
175 ~~file a renewal application on or before its expiration date must~~

176 ~~renew his or her license by paying a late fee of \$15.~~ A license
177 may not be renewed 180 days or more after its expiration date,
178 and such a license is deemed to be permanently expired. A person
179 whose license has been permanently expired may reapply for
180 licensure; however, an application for licensure ~~and fees~~ under
181 subsection (5) must be submitted, and a background investigation
182 shall be conducted pursuant to this section. A person who
183 knowingly files false information under this subsection is
184 subject to criminal prosecution under s. 837.06.

185 (b) A license issued to a servicemember, as defined in s.
186 250.01, is subject to paragraph (a); however, such a license
187 does not expire while the servicemember is serving on military
188 orders that have taken him or her over 35 miles from his or her
189 residence and shall be extended, as provided in this paragraph,
190 for up to 180 days after his or her return to such residence. ~~If~~
191 ~~the license renewal requirements in paragraph (a) are met within~~
192 ~~the 180-day extension period, the servicemember may not be~~
193 ~~charged any additional costs, such as, but not limited to, late~~
194 ~~fees or delinquency fees, above the normal license fees.~~ The
195 servicemember must present to the Department of Agriculture and
196 Consumer Services a copy of his or her official military orders
197 or a written verification from the member's commanding officer
198 before the end of the 180-day period in order to qualify for the
199 extension.

200 (12) (a) A license issued under this section does not

201 authorize any person to openly carry a handgun or carry a
 202 concealed weapon or concealed firearm into:

- 203 1. Any place of nuisance as defined in s. 823.05;
- 204 2. Any police, sheriff, or highway patrol station;
- 205 3. Any detention facility, prison, or jail;
- 206 4. Any courthouse, except that nothing in this
 207 subparagraph precludes a judge from carrying a weapon or firearm
 208 or determining who will carry a concealed weapon or concealed
 209 firearm in his or her courtroom or chambers, and this exception
 210 shall not extend to any parking facility in or near any
 211 courthouse;
- 212 5. Any courtroom, except that nothing in this section
 213 precludes a judge from carrying a ~~concealed~~ weapon or ~~concealed~~
 214 firearm or determining who will carry a concealed weapon or
 215 concealed firearm in his or her courtroom;
- 216 ~~6. Any polling place;~~
- 217 ~~6.7.~~ Any meeting of the governing body of a county, public
 218 school district, municipality, or special district;
- 219 ~~7.8.~~ Any meeting of the Legislature or a committee
 220 thereof, except that nothing in this section precludes a member
 221 of the Legislature from carrying a concealed weapon or concealed
 222 firearm in such meeting or in the Capitol Complex, as defined in
 223 s. 281.01;
- 224 ~~9. Any school, college, or professional athletic event not~~
 225 ~~related to firearms;~~

226 8.10. Any elementary or secondary school facility or
 227 administration building;

228 ~~11. Any career center;~~

229 9.12. Any portion of an establishment licensed to dispense
 230 alcoholic beverages for consumption on the premises, which
 231 portion of the establishment is primarily devoted to such
 232 purpose;

233 ~~13. Any college or university facility unless the licensee
 234 is a registered student, employee, or faculty member of such
 235 college or university and the weapon is a stun gun or nonlethal
 236 electric weapon or device designed solely for defensive purposes
 237 and the weapon does not fire a dart or projectile;~~

238 10.14. The inside of the passenger terminal and sterile
 239 area of any airport, provided that no person shall be prohibited
 240 from carrying any legal firearm into the terminal, which firearm
 241 is encased for shipment for purposes of checking such firearm as
 242 baggage to be lawfully transported on any aircraft; or

243 11.15. Any place where the carrying of firearms is
 244 prohibited by federal law.

245 ~~(15) All funds received by the sheriff pursuant to the
 246 provisions of this section shall be deposited into the general
 247 revenue fund of the county and shall be budgeted to the sheriff.~~

248 **Section 7. Subsections (6) through (8) of section**
 249 **790.0625, Florida Statutes, are renumbered as subsections (5)**
 250 **through (7), respectively, and present subsections (5) and (8)**

251 **of that section are amended to read:**

252 790.0625 Appointment of tax collectors to accept
 253 applications for a concealed weapon or firearm license; ~~fees;~~
 254 penalties.—

255 ~~(5) A tax collector appointed under this section may~~
 256 ~~collect and retain a convenience fee of \$22 for each new~~
 257 ~~application, \$12 for each renewal application, \$12 for each~~
 258 ~~replacement license, \$9 for fingerprinting services associated~~
 259 ~~with the completion of an application submitted online or by~~
 260 ~~mail, and \$9 for photographing services associated with the~~
 261 ~~completion of an application submitted online or by mail, and~~
 262 ~~shall remit weekly to the department the license fees pursuant~~
 263 ~~to s. 790.06 for deposit in the Division of Licensing Trust~~
 264 ~~Fund.~~

265 (7)~~(8)~~ Upon receipt of a completed renewal application
 266 and~~, a new color photograph, and payment of required fees,~~ a tax
 267 collector authorized to accept renewal applications for
 268 concealed weapon or firearm licenses under this section may,
 269 upon approval and confirmation of license issuance by the
 270 department, print and deliver a concealed weapon or firearm
 271 license to a licensee renewing his or her license at the tax
 272 collector's office.

273 **Section 8. Paragraph (a) of subsection (1) of section**
 274 **790.065, Florida Statutes, is amended to read:**

275 790.065 Sale and delivery of firearms.—

276 (1) (a) A licensed importer, licensed manufacturer, or
277 licensed dealer may not sell or deliver from her or his
278 inventory at her or his licensed premises any firearm to another
279 person, other than a licensed importer, licensed manufacturer,
280 licensed dealer, or licensed collector, until she or he has:

281 1. Obtained a completed form from the potential buyer or
282 transferee, which form shall have been promulgated by the
283 Department of Law Enforcement and provided by the licensed
284 importer, licensed manufacturer, or licensed dealer, which shall
285 include the name, date of birth, gender, race, and social
286 security number or other identification number of such potential
287 buyer or transferee and has inspected proper identification
288 including an identification containing a photograph of the
289 potential buyer or transferee.

290 ~~2. Collected a fee from the potential buyer for processing~~
291 ~~the criminal history check of the potential buyer. The fee shall~~
292 ~~be established by the Department of Law Enforcement and may not~~
293 ~~exceed \$8 per transaction. The Department of Law Enforcement may~~
294 ~~reduce, or suspend collection of, the fee to reflect payment~~
295 ~~received from the Federal Government applied to the cost of~~
296 ~~maintaining the criminal history check system established by~~
297 ~~this section as a means of facilitating or supplementing the~~
298 ~~National Instant Criminal Background Check System. The~~
299 ~~Department of Law Enforcement shall, by rule, establish~~
300 ~~procedures for the fees to be transmitted by the licensee to the~~

301 ~~Department of Law Enforcement. Such procedures must provide that~~
302 ~~fees may be paid or transmitted by electronic means, including,~~
303 ~~but not limited to, debit cards, credit cards, or electronic~~
304 ~~funds transfers. All such fees shall be deposited into the~~
305 ~~Department of Law Enforcement Operating Trust Fund, but shall be~~
306 ~~segregated from all other funds deposited into such trust fund~~
307 ~~and must be accounted for separately. Such segregated funds must~~
308 ~~not be used for any purpose other than the operation of the~~
309 ~~criminal history checks required by this section. The Department~~
310 ~~of Law Enforcement, each year before February 1, shall make a~~
311 ~~full accounting of all receipts and expenditures of such funds~~
312 ~~to the President of the Senate, the Speaker of the House of~~
313 ~~Representatives, the majority and minority leaders of each house~~
314 ~~of the Legislature, and the chairs of the appropriations~~
315 ~~committees of each house of the Legislature. In the event that~~
316 ~~the cumulative amount of funds collected exceeds the cumulative~~
317 ~~amount of expenditures by more than \$2.5 million, excess funds~~
318 ~~may be used for the purpose of purchasing soft body armor for~~
319 ~~law enforcement officers.~~

320 2.3. Requested, by means of a toll-free telephone call or
321 other electronic means, the Department of Law Enforcement to
322 conduct a check of the information as reported and reflected in
323 the Florida Crime Information Center and National Crime
324 Information Center systems as of the date of the request.

325 3.4. Received a unique approval number for that inquiry

326 from the Department of Law Enforcement, and recorded the date
 327 and such number on the consent form.

328 **Section 9. Paragraphs (a) and (c) of subsection (2) of**
 329 **section 790.115, Florida Statutes, are amended to read:**

330 790.115 Possessing or discharging weapons or firearms at a
 331 school-sponsored event or on school property prohibited;
 332 penalties; exceptions.—

333 (2) (a) A person shall not possess any firearm, electric
 334 weapon or device, destructive device, or other weapon as defined
 335 in s. 790.001, including a razor blade or box cutter, except as
 336 authorized in support of school-sanctioned activities, at a
 337 school-sponsored event or on the property of any school, school
 338 bus, or school bus stop; however, a person may carry a firearm:

339 1. In a case to a firearms program, class or function
 340 which has been approved in advance by the principal or chief
 341 administrative officer of the school as a program or class to
 342 which firearms could be carried;

343 2. In a case to a career center having a firearms training
 344 range; or

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

349
 350 For the purposes of this section, "school" means any preschool,

351 elementary school, middle school, junior high school, secondary
352 school, career center, or postsecondary school, whether public
353 or nonpublic.

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

358 2. A person who stores or leaves a loaded firearm within
359 the reach or easy access of a minor who obtains the firearm and
360 commits a violation of subparagraph 1. commits a misdemeanor of
361 the second degree, punishable as provided in s. 775.082 or s.
362 775.083; except that this does not apply if the firearm was
363 stored or left in a securely locked box or container or in a
364 location which a reasonable person would have believed to be
365 secure, or was securely locked with a firearm-mounted push-
366 button combination lock or a trigger lock; if the minor obtains
367 the firearm as a result of an unlawful entry by any person; or
368 to members of the Armed Forces, National Guard, or State
369 Militia, or to police or other law enforcement officers, with
370 respect to firearm possession by a minor which occurs during or
371 incidental to the performance of their official duties.

372 **Section 10. Section 790.222, Florida Statutes, is amended**
373 **to read:**

374 790.222 Bump-fire stocks prohibited.—A person may not
375 import into this state or transfer, distribute, sell, keep for

376 sale, offer for sale, possess, or give to another person a bump-
377 fire stock. A person who violates this section commits a felony
378 of the third degree, punishable as provided in s. 775.082, s.
379 775.083, or s. 775.084. As used in this section, the term "bump-
380 fire stock" means a conversion kit, a tool, an accessory, or a
381 device used to alter the rate of fire of a firearm to mimic
382 automatic weapon fire ~~or which is used to increase the rate of~~
383 ~~fire to a faster rate than is possible for a person to fire such~~
384 ~~semiautomatic firearm unassisted by a kit, a tool, an accessory,~~
385 ~~or a device.~~

386 **Section 11. Subsection (2) and paragraph (a) of subsection**
387 **(4) of section 790.25, Florida Statutes, are amended to read:**

388 790.25 Lawful ownership, possession, and use of firearms
389 and other weapons.—

390 (2) **LAWFUL USES.**—Notwithstanding ss. 790.01, ~~790.053,~~ and
391 790.06, the following persons may own, possess, and lawfully use
392 firearms and other weapons, ammunition, and supplies for lawful
393 purposes if they are not otherwise prohibited from owning or
394 possessing a firearm under state or federal law:

395 (a) Members of the Militia, National Guard, Florida State
396 Guard, Army, Navy, Air Force, Marine Corps, Space Force, Coast
397 Guard, organized reserves, and other armed forces of the state
398 and of the United States, when on duty, when training or
399 preparing themselves for military duty, or while subject to
400 recall or mobilization;

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

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

407 (d) Sheriffs, marshals, prison or jail wardens, police
 408 officers, Florida highway patrol officers, game wardens, revenue
 409 officers, forest officials, special officers appointed under the
 410 provisions of chapter 354, and other peace and law enforcement
 411 officers and their deputies and assistants and full-time paid
 412 peace officers of other states and of the Federal Government who
 413 are carrying out official duties while in this state;

414 (e) Officers or employees of the state or United States
 415 duly authorized to carry a concealed weapon or a concealed
 416 firearm;

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

422 (g) Regularly enrolled members of any organization duly
 423 authorized to purchase or receive weapons or firearms from the
 424 United States or from this state, or regularly enrolled members
 425 of clubs organized for target, skeet, or trap shooting, while at

426 or going to or from shooting practice; or regularly enrolled
427 members of clubs organized for modern or antique firearms
428 collecting, while such members are at or going to or from their
429 collectors' gun shows, conventions, or exhibits;

430 (h) A person engaged in fishing, camping, or lawful
431 hunting or going to or returning from a fishing, camping, or
432 lawful hunting expedition;

433 (i) A person engaged in the business of manufacturing,
434 repairing, or dealing in firearms, or the agent or
435 representative of any such person while engaged in the lawful
436 course of such business;

437 (j) A person discharging a weapon or firearm for testing
438 or target practice under safe conditions and in a safe place not
439 prohibited by law or going to or from such place;

440 (k) A person discharging a weapon or firearm in a safe and
441 secure indoor range for testing and target practice;

442 (l) A person traveling in a public conveyance when the
443 weapon or firearm is securely encased and not in the person's
444 manual possession;

445 (m) A person while carrying a handgun unloaded and in a
446 secure wrapper, concealed or otherwise, from the place of
447 purchase to his or her home or place of business or to a place
448 of repair or back to his or her home or place of business;

449 (n) A person possessing weapons or firearms at his or her
450 home or place of business;

451 (o) Investigators employed by the several public defenders
452 of the state, while actually carrying out official duties,
453 provided such investigators:

454 1. Are employed full time;

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

459 3. Are individually designated by an affidavit of consent
460 signed by the employing public defender and filed with the clerk
461 of the circuit court in the county in which the employing public
462 defender resides.

463 (p) Investigators employed by the capital collateral
464 regional counsel, while actually carrying out official duties,
465 provided such investigators:

466 1. Are employed full time;

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

471 3. Are individually designated by an affidavit of consent
472 signed by the capital collateral regional counsel and filed with
473 the clerk of the circuit court in the county in which the
474 investigator is headquartered.

475 (q)1. A tactical medical professional who is actively

476 | operating in direct support of a tactical operation by a law
477 | enforcement agency provided that:

478 | a. The tactical medical professional is lawfully able to
479 | possess firearms and has an active concealed weapon or concealed
480 | firearm license issued pursuant to s. 790.06.

481 | b. The tactical medical professional is appointed to a law
482 | enforcement tactical team of a law enforcement agency by the
483 | head of the law enforcement agency.

484 | c. The law enforcement agency has an established policy
485 | providing for the appointment, training, and deployment of the
486 | tactical medical professional.

487 | d. The tactical medical professional successfully
488 | completes a firearms safety training and tactical training as
489 | established or designated by the appointing law enforcement
490 | agency.

491 | e. The law enforcement agency provides and the tactical
492 | medical professional participates in annual firearm training and
493 | tactical training.

494 | 2. While actively operating in direct support of a
495 | tactical operation by a law enforcement agency, a tactical
496 | medical professional:

497 | a. May carry a firearm in the same manner as a law
498 | enforcement officer, as defined in s. 943.10 and,
499 | notwithstanding any other law, at any place a tactical law
500 | enforcement operation occurs.

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

504 c. Has the same immunities and privileges as a law
 505 enforcement officer, as defined in s. 943.10, in a civil or
 506 criminal action arising out of a tactical law enforcement
 507 operation when acting within the scope of his or her official
 508 duties.

509 3. This paragraph may not be construed to authorize a
 510 tactical medical professional to carry, transport, or store any
 511 firearm or ammunition on any fire apparatus or EMS vehicle.

512 4. The appointing law enforcement agency shall issue any
 513 firearm or ammunition that the tactical medical professional
 514 carries in accordance with this paragraph.

515 5. For the purposes of this paragraph, the term "tactical
 516 medical professional" means a paramedic, as defined in s.
 517 401.23, a physician, as defined in s. 458.305, or an osteopathic
 518 physician, as defined in s. 459.003, who is appointed to provide
 519 direct support to a tactical law enforcement unit by providing
 520 medical services at high-risk incidents, including, but not
 521 limited to, hostage incidents, narcotics raids, hazardous
 522 surveillance, sniper incidents, armed suicidal persons,
 523 barricaded suspects, high-risk felony warrant service, fugitives
 524 refusing to surrender, and active shooter incidents.

525 (4) POSSESSION IN PRIVATE CONVEYANCE.—

526 (a) Notwithstanding s. 790.01, a person 18 years of age or
527 older who is in lawful possession of a handgun or other weapon
528 may possess such a handgun or weapon within the interior of a
529 private conveyance if the handgun or weapon is securely encased
530 or otherwise not readily accessible for immediate use. ~~A person
531 who possesses a handgun or other weapon as authorized under this
532 paragraph may not carry the handgun or weapon on his or her
533 person.~~

534 **Section 12. Paragraphs (a) and (b) of subsection (7) of**
535 **section 790.251, Florida Statutes, are amended to read:**

536 790.251 Protection of the right to keep and bear arms in
537 motor vehicles for self-defense and other lawful purposes;
538 prohibited acts; duty of public and private employers; immunity
539 from liability; enforcement.—

540 (7) EXCEPTIONS.—The prohibitions in subsection (4) do not
541 apply to:

542 ~~(a) Any school property as defined and regulated under s.
543 790.115.~~

544 ~~(b) Any correctional institution regulated under s. 944.47
545 or chapter 957.~~

546 **Section 13. Section 790.401, Florida Statutes, is**
547 **repealed.**

548 **Section 14. Subsections (1) and (4) of section 27.53,**
549 **Florida Statutes, are amended to read:**

550 27.53 Appointment of assistants and other staff; method of

551 payment.—

552 (1) The public defender of each judicial circuit is
553 authorized to employ and establish, in such numbers as
554 authorized by the General Appropriations Act, assistant public
555 defenders and other staff and personnel pursuant to s. 29.006,
556 who shall be paid from funds appropriated for that purpose.
557 Notwithstanding s. 790.01 ~~ss. 790.01 and 790.02~~, an investigator
558 employed by a public defender, while actually carrying out
559 official duties, is authorized to carry a concealed weapon or
560 concealed firearm if the investigator complies with s.
561 790.25(2)(o). However, such investigators are not eligible for
562 membership in the Special Risk Class of the Florida Retirement
563 System. The public defenders of all judicial circuits shall
564 jointly develop a coordinated classification and pay plan which
565 shall be submitted on or before January 1 of each year to the
566 Justice Administrative Commission, the office of the President
567 of the Senate, and the office of the Speaker of the House of
568 Representatives. Such plan shall be developed in accordance with
569 policies and procedures of the Executive Office of the Governor
570 established in s. 216.181. Each assistant public defender
571 appointed by a public defender under this section shall serve at
572 the pleasure of the public defender. Each investigator employed
573 by a public defender shall have full authority to serve any
574 witness subpoena or court order issued, by any court or judge
575 within the judicial circuit served by such public defender, in a

576 criminal case in which such public defender has been appointed
577 to represent the accused.

578 (4) The five criminal conflict and civil regional counsels
579 may employ and establish, in the numbers authorized by the
580 General Appropriations Act, assistant regional counsels and
581 other staff and personnel in each judicial district pursuant to
582 s. 29.006, who shall be paid from funds appropriated for that
583 purpose. Notwithstanding s. 790.01 ~~ss. 790.01 and 790.02~~, an
584 investigator employed by an office of criminal conflict and
585 civil regional counsel, while actually carrying out official
586 duties, is authorized to carry a concealed weapon or concealed
587 firearm if the investigator complies with s. 790.25(2)(o).
588 However, such investigators are not eligible for membership in
589 the Special Risk Class of the Florida Retirement System. The
590 five regional counsels shall jointly develop a coordinated
591 classification and pay plan for submission to the Justice
592 Administrative Commission, the President of the Senate, and the
593 Speaker of the House of Representatives by January 1 of each
594 year. The plan must be developed in accordance with policies and
595 procedures of the Executive Office of the Governor established
596 in s. 216.181. Each assistant regional counsel appointed by the
597 regional counsel under this section shall serve at the pleasure
598 of the regional counsel. Each investigator employed by the
599 regional counsel shall have full authority to serve any witness
600 subpoena or court order issued by any court or judge in a

601 criminal case in which the regional counsel has been appointed
602 to represent the accused.

603 **Section 15. Paragraph (d) of subsection (2) of section**
604 **394.463, Florida Statutes, is amended to read:**

605 394.463 Involuntary examination.—

606 (2) INVOLUNTARY EXAMINATION.—

607 (d)1. A law enforcement officer taking custody of a person
608 under this subsection may seize and hold a firearm or any
609 ammunition the person possesses at the time of taking him or her
610 into custody if the person poses a potential danger to himself
611 or herself or others and has made a credible threat of violence
612 against another person.

613 2. If the law enforcement officer takes custody of the
614 person at the person's residence and the criteria in
615 subparagraph 1. have been met, the law enforcement officer may
616 seek the voluntary surrender of firearms or ammunition kept in
617 the residence which have not already been seized under
618 subparagraph 1. ~~If such firearms or ammunition are not~~
619 ~~voluntarily surrendered, or if the person has other firearms or~~
620 ~~ammunition that were not seized or voluntarily surrendered when~~
621 ~~he or she was taken into custody, a law enforcement officer may~~
622 ~~petition the appropriate court under s. 790.401 for a risk~~
623 ~~protection order against the person.~~

624 3. Firearms or ammunition seized or voluntarily
625 surrendered under this paragraph must be made available for

626 return no later than 24 hours after the person taken into
627 custody can document that he or she is no longer subject to
628 involuntary examination and has been released or discharged from
629 any inpatient or involuntary outpatient treatment provided or
630 ordered under paragraph (g), unless ~~a risk protection order~~
631 ~~entered under s. 790.401 directs the law enforcement agency to~~
632 ~~hold the firearms or ammunition for a longer period or the~~
633 person is subject to a firearm purchase disability under s.
634 790.065(2)⁷ or a firearm possession and firearm ownership
635 disability under s. 790.064. The process for the actual return
636 of firearms or ammunition seized or voluntarily surrendered
637 under this paragraph may not take longer than 7 days.

638 4. Law enforcement agencies must develop policies and
639 procedures relating to the seizure, storage, and return of
640 firearms or ammunition held under this paragraph.

641 **Section 16. Paragraph (b) of subsection (3) of section**
642 **943.051, Florida Statutes, is amended to read:**

643 943.051 Criminal justice information; collection and
644 storage; fingerprinting.—

645 (3)

646 (b) A minor who is charged with or found to have committed
647 the following offenses shall be fingerprinted and the
648 fingerprints shall be submitted electronically to the
649 department, unless the minor is issued a prearrest delinquency
650 citation pursuant to s. 985.12:

- 651 1. Assault, as defined in s. 784.011.
- 652 2. Battery, as defined in s. 784.03.
- 653 3. Carrying a concealed weapon, as defined in s.
- 654 790.01(2).
- 655 4. Unlawful use of destructive devices or bombs, as
- 656 defined in s. 790.1615(1).
- 657 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 658 6. Assault or battery on a law enforcement officer, a
- 659 firefighter, or other specified officers, as defined in s.
- 660 784.07(2)(a) and (b).
- 661 ~~7. Open carrying of a weapon, as defined in s. 790.053.~~
- 662 7.8. Exposure of sexual organs, as defined in s. 800.03.
- 663 ~~8.9.~~ Unlawful possession of a firearm, as defined in s.
- 664 790.22(5).
- 665 ~~9.10.~~ Petit theft, as defined in s. 812.014(3).
- 666 ~~10.11.~~ Cruelty to animals, as defined in s. 828.12(1).
- 667 ~~11.12.~~ Arson, as defined in s. 806.031(1).
- 668 ~~12.13.~~ Unlawful possession or discharge of a weapon or
- 669 firearm at a school-sponsored event or on school property, as
- 670 provided in s. 790.115.
- 671 **Section 17. Paragraph (d) of subsection (1) of section**
- 672 **943.0585, Florida Statutes, is amended to read:**
- 673 943.0585 Court-ordered expunction of criminal history
- 674 records.—
- 675 (1) ELIGIBILITY.—A person is eligible to petition a court

676 to expunge a criminal history record if:

677 (d) The person has never, as of the date the application
 678 for a certificate of expunction is filed, been adjudicated
 679 guilty in this state of a criminal offense or been adjudicated
 680 delinquent in this state for committing any felony or any of the
 681 following misdemeanors, unless the record of such adjudication
 682 of delinquency has been expunged pursuant to s. 943.0515:

- 683 1. Assault, as defined in s. 784.011;
- 684 2. Battery, as defined in s. 784.03;
- 685 3. Assault on a law enforcement officer, a firefighter, or
 686 other specified officers, as defined in s. 784.07(2)(a);
- 687 4. Carrying a concealed weapon, as defined in s.
 688 790.01(2);
- 689 ~~5. Open carrying of a weapon, as defined in s. 790.053;~~
- 690 5.6. Unlawful possession or discharge of a weapon or
 691 firearm at a school-sponsored event or on school property, as
 692 defined in s. 790.115;
- 693 ~~6.7.~~ Unlawful use of destructive devices or bombs, as
 694 defined in s. 790.1615(1);
- 695 ~~7.8.~~ Unlawful possession of a firearm, as defined in s.
 696 790.22(5);
- 697 ~~8.9.~~ Exposure of sexual organs, as defined in s. 800.03;
- 698 ~~9.10.~~ Arson, as defined in s. 806.031(1);
- 699 ~~10.11.~~ Petit theft, as defined in s. 812.014(3);
- 700 ~~11.12.~~ Neglect of a child, as defined in s. 827.03(1)(e);

701 or

702 12.13. Cruelty to animals, as defined in s. 828.12(1).

703 **Section 18. Paragraph (b) of subsection (1) of section**
 704 **943.059, Florida Statutes, is amended to read:**

705 943.059 Court-ordered sealing of criminal history
 706 records.—

707 (1) ELIGIBILITY.—A person is eligible to petition a court
 708 to seal a criminal history record when:

709 (b) The person has never, before the date the application
 710 for a certificate of eligibility is filed, been adjudicated
 711 guilty in this state of a criminal offense, or been adjudicated
 712 delinquent in this state for committing any felony or any of the
 713 following misdemeanor offenses, unless the record of such
 714 adjudication of delinquency has been expunged pursuant to s.
 715 943.0515:

- 716 1. Assault, as defined in s. 784.011;
- 717 2. Battery, as defined in s. 784.03;
- 718 3. Assault on a law enforcement officer, a firefighter, or
 719 other specified officers, as defined in s. 784.07(2)(a);
- 720 4. Carrying a concealed weapon, as defined in s.
 721 790.01(2);
- 722 ~~5. Open carrying of a weapon, as defined in s. 790.053;~~
- 723 5.6. Unlawful possession or discharge of a weapon or
 724 firearm at a school-sponsored event or on school property, as
 725 defined in s. 790.115;

726 ~~6.7.~~ Unlawful use of destructive devices or bombs, as
 727 defined in s. 790.1615(1);

728 ~~7.8.~~ Unlawful possession of a firearm by a minor, as
 729 defined in s. 790.22(5);

730 ~~8.9.~~ Exposure of sexual organs, as defined in s. 800.03;

731 ~~9.10.~~ Arson, as defined in s. 806.031(1);

732 ~~10.11.~~ Petit theft, as defined in s. 812.014(3);

733 ~~11.12.~~ Neglect of a child, as defined in s. 827.03(1)(e);

734 or

735 ~~12.13.~~ Cruelty to animals, as defined in s. 828.12(1).

736 **Section 19. Paragraph (b) of subsection (1) of section**
 737 **985.11, Florida Statutes, is amended to read:**

738 985.11 Fingerprinting and photographing.—

739 (1)

740 (b) Unless the child is issued a prearrest delinquency
 741 citation pursuant to s. 985.12, a child who is charged with or
 742 found to have committed one of the following offenses shall be
 743 fingerprinted, and the fingerprints shall be submitted to the
 744 Department of Law Enforcement as provided in s. 943.051(3)(b):

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

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

747 3. Carrying a concealed weapon, as defined in s.
 748 790.01(2).

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

751 5. Neglect of a child, as defined in s. 827.03(1)(e).
 752 6. Assault on a law enforcement officer, a firefighter, or
 753 other specified officers, as defined in s. 784.07(2)(a).
 754 ~~7. Open carrying of a weapon, as defined in s. 790.053.~~
 755 7.8. Exposure of sexual organs, as defined in s. 800.03.
 756 ~~8.9.~~ Unlawful possession of a firearm, as defined in s.
 757 790.22(5).
 758 ~~9.10.~~ Petit theft, as defined in s. 812.014.
 759 ~~10.11.~~ Cruelty to animals, as defined in s. 828.12(1).
 760 ~~11.12.~~ Arson, resulting in bodily harm to a firefighter,
 761 as defined in s. 806.031(1).
 762 ~~12.13.~~ Unlawful possession or discharge of a weapon or
 763 firearm at a school-sponsored event or on school property as
 764 defined in s. 790.115.
 765
 766 A law enforcement agency may fingerprint and photograph a child
 767 taken into custody upon probable cause that such child has
 768 committed any other violation of law, as the agency deems
 769 appropriate. Such fingerprint records and photographs shall be
 770 retained by the law enforcement agency in a separate file, and
 771 these records and all copies thereof must be marked "Juvenile
 772 Confidential." These records are not available for public
 773 disclosure and inspection under s. 119.07(1) except as provided
 774 in ss. 943.053 and 985.04(2), but shall be available to other
 775 law enforcement agencies, criminal justice agencies, state

776 attorneys, the courts, the child, the parents or legal
777 custodians of the child, their attorneys, and any other person
778 authorized by the court to have access to such records. In
779 addition, such records may be submitted to the Department of Law
780 Enforcement for inclusion in the state criminal history records
781 and used by criminal justice agencies for criminal justice
782 purposes. These records may, in the discretion of the court, be
783 open to inspection by anyone upon a showing of cause. The
784 fingerprint and photograph records shall be produced in the
785 court whenever directed by the court. Any photograph taken
786 pursuant to this section may be shown by a law enforcement
787 officer to any victim or witness of a crime for the purpose of
788 identifying the person who committed such crime.

789 **Section 20.** This act shall take effect upon becoming a
790 law.