

1                   A bill to be entitled  
2           An act relating to carrying of firearms without  
3           licenses; amending s. 790.01, F.S.; deleting a  
4           requirement that a license to carry a concealed  
5           firearm is required in order to carry such a firearm;  
6           limiting the areas in which a person is prohibited  
7           from carrying a concealed firearm; revising criminal  
8           penalties; amending s. 790.015, F.S.; revising  
9           provisions relating to the carrying of concealed  
10          weapons by persons who are not residents of this  
11          state; amending s. 790.06, F.S.; conforming provisions  
12          to changes made by the act; authorizing the Department  
13          of Agriculture and Consumer Services to issue  
14          reciprocity licenses to carry concealed weapons or  
15          firearms; amending s. 790.145, F.S.; conforming  
16          provisions to changes made by the act; amending s.  
17          790.25, F.S.; specifying that a person not otherwise  
18          prohibited by law from possessing a firearm may own,  
19          possess, and lawfully use firearms and other weapons,  
20          ammunition, and supplies for lawful purposes; amending  
21          ss. 30.15, 790.053, 790.251, and 921.0022, F.S.;  
22          conforming provisions to changes made by the act;  
23          providing a directive to the Division of Law Revision;  
24          providing an effective date.

25

26 | Be It Enacted by the Legislature of the State of Florida:

27 |

28 |       Section 1. Subsection (2) and paragraph (a) of subsection  
29 | (3) of section 790.01, Florida Statutes, are amended to read:

30 |       790.01 Unlicensed carrying of concealed weapons or  
31 | ~~concealed~~ firearms.—

32 |       (2) Except as provided in subsection (3), a person who ~~is~~  
33 | ~~not licensed under s. 790.06 and who~~ carries a concealed firearm  
34 | on or about his or her person into any place described in s.  
35 | 790.06(12)(a) commits a misdemeanor ~~felony~~ of the second ~~third~~  
36 | degree, punishable as provided in s. 775.082 or ~~s. 775.083, or~~  
37 | ~~s. 775.084.~~

38 |       (3) This section does not apply to:

39 |       (a) A person who carries a concealed weapon, or a person  
40 | who may lawfully possess a firearm and who carries a ~~concealed~~  
41 | firearm, on or about his or her person while in the act of  
42 | evacuating during a mandatory evacuation order issued during a  
43 | state of emergency declared by the Governor pursuant to chapter  
44 | 252 or declared by a local authority pursuant to chapter 870. As  
45 | used in this subsection, the term "in the act of evacuating"  
46 | means the immediate and urgent movement of a person away from  
47 | the evacuation zone within 48 hours after a mandatory evacuation  
48 | is ordered. The 48 hours may be extended by an order issued by  
49 | the Governor.

50 |       Section 2. Section 790.015, Florida Statutes, is amended

51 to read:

52 790.015 ~~Nonresidents who are United States citizens and~~  
 53 ~~hold a concealed weapons license in another state;~~ Reciprocity.-

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

57 ~~(a) Is 21 years of age or older.~~

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

61 ~~(c) Is a resident of the United States.~~

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

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

71 ~~(a) Registering to vote;~~

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

73 ~~or~~

74 ~~(c) Filing for homestead tax exemption on property in this~~  
 75 ~~state,~~

76  
 77 ~~the license shall remain in effect for 90 days following the~~  
 78 ~~date on which the holder of the license establishes legal state~~  
 79 ~~residence.~~

80 ~~(4) This section applies only to nonresident concealed~~  
 81 ~~weapon or concealed firearm licenseholders from states that~~  
 82 ~~honor Florida concealed weapon or concealed firearm licenses.~~

83 ~~(5) The requirement of paragraph (1)(a) does not apply to~~  
 84 ~~a person who:~~

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

86 ~~(b) Is a veteran of the United States Armed Forces who was~~  
 87 ~~discharged under honorable conditions.~~

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

91 790.06 License to carry concealed weapon or firearm.—

92 (1) The Department of Agriculture and Consumer Services is  
 93 authorized to issue reciprocity licenses to carry concealed  
 94 weapons or concealed firearms to persons qualified as provided  
 95 in this section. Each such license must bear a color photograph  
 96 of the licensee. For the purposes of this section, concealed  
 97 weapons or concealed firearms are defined as a handgun,  
 98 electronic weapon or device, tear gas gun, knife, or billie, but  
 99 the term does not include a machine gun as defined in s.

100 790.001(9). Such licenses shall be valid throughout the state

101 | for a period of 7 years from the date of issuance. ~~Any person in~~  
 102 | ~~compliance with the terms of such license may carry a concealed~~  
 103 | ~~weapon or concealed firearm notwithstanding the provisions of s.~~  
 104 | ~~790.01. The licensee must carry the license, together with valid~~  
 105 | ~~identification, at all times in which the licensee is in actual~~  
 106 | ~~possession of a concealed weapon or firearm and must display~~  
 107 | ~~both the license and proper identification upon demand by a law~~  
 108 | ~~enforcement officer. Violations of the provisions of this~~  
 109 | ~~subsection shall constitute a noncriminal violation with a~~  
 110 | ~~penalty of \$25, payable to the clerk of the court.~~

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

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

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

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

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

123 |             790.145 Crimes in pharmacies; possession of weapons;  
 124 | penalties.—

125 |         (1) Unless otherwise provided by law, any person who is in

126 possession of a ~~concealed "firearm," as defined in s.~~  
 127 ~~790.001(6), or a "destructive device," as defined in s.~~  
 128 790.001(4), within the premises of a "pharmacy," as defined in  
 129 chapter 465, commits ~~is guilty of~~ a felony of the third degree,  
 130 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

131 (2) ~~The provisions of~~ This section does ~~de~~ not apply to:

132 (a) ~~To~~ Any law enforcement officer; or

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

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

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

140 790.25 Lawful ownership, possession, and use of firearms  
 141 and other weapons.—

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

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

149 (5) POSSESSION IN PRIVATE CONVEYANCE.—Notwithstanding  
 150 subsection (2), it is lawful and is not a violation of s. 790.01

151 for a person 18 years of age or older to possess a concealed  
 152 firearm or other weapon for self-defense or other lawful purpose  
 153 within the interior of a private conveyance, without a license,  
 154 if the firearm or other weapon is securely encased or is  
 155 otherwise not readily accessible for immediate use. Nothing  
 156 herein contained prohibits the carrying of a legal firearm ~~other~~  
 157 ~~than a handgun~~ anywhere in a private conveyance when such  
 158 firearm is being carried for a lawful use. ~~Nothing herein~~  
 159 ~~contained shall be construed to authorize the carrying of a~~  
 160 ~~concealed firearm or other weapon on the person.~~ This subsection  
 161 shall be liberally construed in favor of the lawful use,  
 162 ownership, and possession of firearms and other weapons,  
 163 including lawful self-defense as provided in s. 776.012.

164 Section 6. Paragraph (k) of subsection (1) of section  
 165 30.15, Florida Statutes, is amended to read:

166 30.15 Powers, duties, and obligations.—

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

169 (k) Assist district school boards and charter school  
 170 governing boards in complying with s. 1006.12. A sheriff must,  
 171 at a minimum, provide access to a Coach Aaron Feis Guardian  
 172 Program to aid in the prevention or abatement of active  
 173 assailant incidents on school premises, as required under this  
 174 paragraph. Persons certified as school guardians pursuant to  
 175 this paragraph have no authority to act in any law enforcement

176 capacity except to the extent necessary to prevent or abate an  
177 active assailant incident.

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

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

194 c. The sheriff conducting the training pursuant to  
195 subparagraph 2. will be reimbursed for screening-related and  
196 training-related costs and for providing a one-time stipend of  
197 \$500 to each school guardian who participates in the school  
198 guardian program.

199 2. A sheriff who establishes a program shall consult with  
200 the Department of Law Enforcement on programmatic guiding



201 principles, practices, and resources, and shall certify as  
 202 school guardians, without the power of arrest, school employees,  
 203 as specified in s. 1006.12(3), who:

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

205 a.b. Complete a 144-hour training program, consisting of  
 206 12 hours of certified nationally recognized diversity training  
 207 and 132 total hours of comprehensive firearm safety and  
 208 proficiency training conducted by Criminal Justice Standards and  
 209 Training Commission-certified instructors, which must include:

210 (I) Eighty hours of firearms instruction based on the  
 211 Criminal Justice Standards and Training Commission's Law  
 212 Enforcement Academy training model, which must include at least  
 213 10 percent but no more than 20 percent more rounds fired than  
 214 associated with academy training. Program participants must  
 215 achieve an 85 percent pass rate on the firearms training.

216 (II) Sixteen hours of instruction in precision pistol.

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

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

221 (V) Eight hours of instruction in defensive tactics.

222 (VI) Twelve hours of instruction in legal issues.

223 ~~b.e.~~ Pass a psychological evaluation administered by a  
 224 psychologist licensed under chapter 490 and designated by the  
 225 Department of Law Enforcement and submit the results of the

226 evaluation to the sheriff's office. The Department of Law  
227 Enforcement is authorized to provide the sheriff's office with  
228 mental health and substance abuse data for compliance with this  
229 paragraph.

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

233 ~~d.e.~~ Successfully complete ongoing training, weapon  
234 inspection, and firearm qualification on at least an annual  
235 basis.

236

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

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

249 790.053 Open carrying of weapons.—

250 (1) Except as otherwise provided by law and in subsection

251 (2), it is unlawful for any person to openly carry on or about  
252 his or her person any ~~firearm or~~ electric weapon or device. ~~It~~  
253 ~~is not a violation of this section for a person licensed to~~  
254 ~~carry a concealed firearm as provided in s. 790.06(1), and who~~  
255 ~~is lawfully carrying a firearm in a concealed manner, to briefly~~  
256 ~~and openly display the firearm to the ordinary sight of another~~  
257 ~~person, unless the firearm is intentionally displayed in an~~  
258 ~~angry or threatening manner, not in necessary self-defense.~~

259 Section 8. Paragraph (c) of subsection (2) of section  
260 790.251, Florida Statutes, is amended to read:

261 790.251 Protection of the right to keep and bear arms in  
262 motor vehicles for self-defense and other lawful purposes;  
263 prohibited acts; duty of public and private employers; immunity  
264 from liability; enforcement.—

265 (2) DEFINITIONS.—As used in this section, the term:

266 (c) "Employee" means any person who ~~possesses a valid~~  
267 ~~license issued pursuant to s. 790.06 and:~~

- 268 1. Works for salary, wages, or other remuneration;
- 269 2. Is an independent contractor; or
- 270 3. Is a volunteer, intern, or other similar individual for  
271 an employer.

272

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

276 Section 9. Paragraph (e) of subsection (3) of section  
 277 921.0022, Florida Statutes, is amended to read:

278 921.0022 Criminal Punishment Code; offense severity  
 279 ranking chart.—

280 (3) OFFENSE SEVERITY RANKING CHART

281 (e) LEVEL 5

282

Florida	Felony	
Statute	Degree	Description

283

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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284

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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285

316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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286

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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287

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288 327.30 (5) 3rd Vessel accidents involving personal injury; leaving scene.

379.365 (2) (c) 1. 3rd 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.

289 379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

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290	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
291	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
292	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
293	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
294	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
295	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
296			

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297	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
298	<del>790.01(2)</del>	<del>3rd</del>	<del>Carrying a concealed firearm.</del>
299	790.162	2nd	Threat to throw or discharge destructive device.
300	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
301	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
302	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
303	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.

304

800.04 (7) (b) 2nd Lewd or lascivious exhibition;  
offender 18 years of age or  
older.

305

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

306

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

307

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

308

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

309

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

310

812.16 (2) 3rd Owning, operating, or





315	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
316	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
317	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
318	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
319	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
320			

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321	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
322	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
323	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
324	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
325	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.

326	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
327	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
328	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).
329	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.

330

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.

331

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.

332

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.  
 drugs) within 1,000 feet of  
 public housing facility.

333

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

334

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

335

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

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