

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

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

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

23           790.053 Open carrying of weapons.—

24           (1) Except as otherwise provided by law and in subsection  
 25           (2), it is unlawful for any person to openly carry on or about

26 | his or her person any firearm or electric weapon or device. ~~It~~  
 27 | ~~is not a violation of this section for a person licensed to~~  
 28 | ~~carry a concealed firearm as provided in s. 790.06(1), and who~~  
 29 | ~~is lawfully carrying a firearm in a concealed manner, to briefly~~  
 30 | ~~and openly display the firearm to the ordinary sight of another~~  
 31 | ~~person, unless the firearm is intentionally displayed in an~~  
 32 | ~~angry or threatening manner, not in necessary self-defense.~~

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

35 | (a) A self-defense chemical spray.

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

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

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

44 | 1. A noncriminal violation with a penalty of:

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

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

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

51 violation.

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

54 790.06 License to carry concealed weapon or firearm.—

55 (1) The Department of Agriculture and Consumer Services is  
56 authorized to issue licenses to carry concealed weapons or  
57 concealed firearms to persons qualified as provided in this  
58 section. Each such license must bear a color photograph of the  
59 licensee. For the purposes of this section, the term "concealed  
60 weapons or concealed firearms" means ~~are defined as~~ a handgun,  
61 electronic weapon or device, tear gas gun, knife, or billie, but  
62 the term does not include a machine gun as defined in s.  
63 790.001(9). Such licenses shall be valid throughout the state  
64 for a period of 7 years after ~~from~~ the date of issuance. Any  
65 person in compliance with the terms of such license may carry a  
66 concealed weapon or concealed firearm notwithstanding the  
67 provisions of s. 790.01. The licensee must carry the license,  
68 together with valid identification, at all times in which the  
69 licensee is in actual possession of a concealed weapon or  
70 firearm and must display both the license and proper  
71 identification upon demand by a law enforcement officer. A  
72 person licensed to carry a concealed firearm under this section  
73 whose firearm is temporarily and openly displayed to the  
74 ordinary sight of another person does not violate s. 790.053 and  
75 may not be arrested or charged with a noncriminal or criminal

76 | violation of s. 790.053. Violations of the provisions of this  
77 | subsection shall constitute a noncriminal violation with a  
78 | penalty of \$25, payable to the clerk of the court.

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

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

85 | (3)

86 | (b) A minor who is charged with or found to have committed  
87 | the following offenses shall be fingerprinted and the  
88 | fingerprints shall be submitted electronically to the  
89 | department, unless the minor is issued a civil citation pursuant  
90 | to s. 985.12:

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

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

93 | 3. Carrying a concealed weapon, as defined in s.  
94 | 790.01(1).

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

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

98 | 6. Assault or battery on a law enforcement officer, a  
99 | firefighter, or other specified officers, as defined in s.  
100 | 784.07(2)(a) and (b).

- 101 7. Open carrying of a weapon, as defined in s. 790.053.
- 102 8. Exposure of sexual organs, as defined in s. 800.03.
- 103 9. Unlawful possession of a firearm, as defined in s.
- 104 790.22(5).
- 105 10. Petit theft, as defined in s. 812.014(3).
- 106 11. Cruelty to animals, as defined in s. 828.12(1).
- 107 12. Arson, as defined in s. 806.031(1).
- 108 13. Unlawful possession or discharge of a weapon or
- 109 firearm at a school-sponsored event or on school property, as
- 110 provided in s. 790.115.

111 Section 4. For the purpose of incorporating the amendment  
 112 made by this act to section 790.053, Florida Statutes, in a  
 113 reference thereto, paragraph (b) of subsection (1) of section  
 114 985.11, Florida Statutes, is reenacted to read:

115 985.11 Fingerprinting and photographing.—

116 (1)

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

- 123 1. Assault, as defined in s. 784.011.
- 124 2. Battery, as defined in s. 784.03.
- 125 3. Carrying a concealed weapon, as defined in s.

126 | 790.01(1).

127 |       4. Unlawful use of destructive devices or bombs, as

128 | defined in s. 790.1615(1).

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

130 |       6. Assault on a law enforcement officer, a firefighter, or

131 | other specified officers, as defined in s. 784.07(2)(a).

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

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

134 |       9. Unlawful possession of a firearm, as defined in s.

135 | 790.22(5).

136 |       10. Petit theft, as defined in s. 812.014.

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

138 |       12. Arson, resulting in bodily harm to a firefighter, as

139 | defined in s. 806.031(1).

140 |       13. Unlawful possession or discharge of a weapon or

141 | firearm at a school-sponsored event or on school property as

142 | defined in s. 790.115.

143 |

144 | A law enforcement agency may fingerprint and photograph a child

145 | taken into custody upon probable cause that such child has

146 | committed any other violation of law, as the agency deems

147 | appropriate. Such fingerprint records and photographs shall be

148 | retained by the law enforcement agency in a separate file, and

149 | these records and all copies thereof must be marked "Juvenile

150 | Confidential." These records are not available for public

151 disclosure and inspection under s. 119.07(1) except as provided  
152 in ss. 943.053 and 985.04(2), but shall be available to other  
153 law enforcement agencies, criminal justice agencies, state  
154 attorneys, the courts, the child, the parents or legal  
155 custodians of the child, their attorneys, and any other person  
156 authorized by the court to have access to such records. In  
157 addition, such records may be submitted to the Department of Law  
158 Enforcement for inclusion in the state criminal history records  
159 and used by criminal justice agencies for criminal justice  
160 purposes. These records may, in the discretion of the court, be  
161 open to inspection by anyone upon a showing of cause. The  
162 fingerprint and photograph records shall be produced in the  
163 court whenever directed by the court. Any photograph taken  
164 pursuant to this section may be shown by a law enforcement  
165 officer to any victim or witness of a crime for the purpose of  
166 identifying the person who committed such crime.

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