

1 A bill to be entitled

2 An act relating to carrying of firearms; amending s.
3 790.01, F.S.; deleting a requirement that a license to
4 carry a concealed firearm is required in order to
5 carry such a firearm; limiting the areas in which a
6 person is prohibited from carrying a concealed
7 firearm; revising criminal penalties; amending s.
8 790.015, F.S.; revising provisions relating to the
9 carrying of concealed weapons by persons who are not
10 residents of this state; amending s. 790.06, F.S.;
11 conforming provisions to changes made by the act;
12 authorizing the Department of Agriculture and Consumer
13 Services to issue reciprocity licenses to carry
14 concealed weapons or firearms; amending s. 790.145,
15 F.S.; conforming provisions to changes made by the
16 act; amending s. 790.25, F.S.; specifying that a
17 person not otherwise prohibited by law from possessing
18 a firearm may own, possess, and lawfully use firearms
19 and other weapons, ammunition, and supplies for lawful
20 purposes; amending ss. 30.15, 790.053, 790.251, and
21 921.0022, F.S.; conforming provisions to changes made
22 by the act; providing a directive to the Division of
23 Law Revision; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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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:

51 790.015 ~~Nonresidents who are United States citizens and~~
 52 ~~hold a concealed weapons license in another state;~~ Reciprocity.-

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

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

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

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

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

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

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

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

73 ~~(c) Filing for homestead tax exemption on property in this~~
 74 ~~state.~~

75

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

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

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

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

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

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

90 790.06 License to carry concealed weapon or firearm.—

91 (1) The Department of Agriculture and Consumer Services is
92 authorized to issue reciprocity licenses to carry concealed
93 weapons or concealed firearms to persons qualified as provided
94 in this section. Each such license must bear a color photograph
95 of the licensee. For the purposes of this section, concealed
96 weapons or concealed firearms are defined as a handgun,
97 electronic weapon or device, tear gas gun, knife, or billie, but
98 the term does not include a machine gun as defined in s.
99 790.001(9). Such licenses shall be valid throughout the state
100 for a period of 7 years from the date of issuance. ~~Any person in~~

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

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

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

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

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

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

122 790.145 Crimes in pharmacies; possession of weapons;
123 penalties.—

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

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

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

131 | (a) ~~To~~ Any law enforcement officer; or

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

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

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

139 | 790.25 Lawful ownership, possession, and use of firearms
 140 | and other weapons.—

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

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

148 | (5) POSSESSION IN PRIVATE CONVEYANCE.—Notwithstanding
 149 | subsection (2), it is lawful and is not a violation of s. 790.01
 150 | for a person 18 years of age or older to possess a concealed

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

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

165 30.15 Powers, duties, and obligations.—

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

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

176 active assailant incident.

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

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

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

198 2. A sheriff who establishes a program shall consult with
199 the Department of Law Enforcement on programmatic guiding
200 principles, practices, and resources, and shall certify as

201 school guardians, without the power of arrest, school employees,
202 as specified in s. 1006.12(3), who:

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

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

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

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

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

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

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

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

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

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

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

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

235
 236 The sheriff who conducts the guardian training shall issue a
 237 school guardian certificate to individuals who meet the
 238 requirements of this section to the satisfaction of the sheriff,
 239 and shall maintain documentation of weapon and equipment
 240 inspections, as well as the training, certification, inspection,
 241 and qualification records of each school guardian certified by
 242 the sheriff. An individual who is certified under this paragraph
 243 may serve as a school guardian under s. 1006.12(3) only if he or
 244 she is appointed by the applicable school district
 245 superintendent or charter school principal.

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

248 790.053 Open carrying of weapons.—

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

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

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

260 790.251 Protection of the right to keep and bear arms in
261 motor vehicles for self-defense and other lawful purposes;
262 prohibited acts; duty of public and private employers; immunity
263 from liability; enforcement.-

264 (2) DEFINITIONS.-As used in this section, the term:

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

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

271
272 As used in this section, the term "firearm" includes ammunition
273 and accoutrements attendant to the lawful possession and use of
274 a firearm.

275 Section 9. Paragraph (e) of subsection (3) of section

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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

281 |

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.
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283 |

316.1935(4) (a)	2nd	Aggravated fleeing or eluding.
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284 |

316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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285 |

322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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286 |

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

287

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.

288

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

289

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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.
	626.902 (1) (c)	2nd	Representing an unauthorized

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insurer; repeat offender.

296

~~790.01(2)~~ 3rd ~~Carrying a concealed firearm.~~

297

790.162 2nd Threat to throw or discharge destructive device.

298

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

299

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

300

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

301

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

302

800.04(6)(c) 3rd Lewd or lascivious conduct; offender less than 18 years of age.

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303	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
304	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
305	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
306	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
307	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
308	812.131 (2) (b)	3rd	Robbery by sudden snatching.
309	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.

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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.
314			

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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.
	828.12 (2)	3rd	Tortures any animal with intent

to inflict intense pain,
serious physical injury, or
death.

320

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.

321

843.01

3rd

Resist officer with violence to
person; resist arrest with
violence.

322

847.0135(5)(b)

2nd

Lewd or lascivious exhibition
using computer; offender 18
years or older.

323

847.0137
(2) & (3)

3rd

Transmission of pornography by
electronic device or equipment.

324

847.0138
(2) & (3)

3rd

Transmission of material
harmful to minors to a minor by
electronic device or equipment.

325

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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).
	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.

329

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.

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

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.

334

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

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