

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 violations of carrying a concealed weapon
 5 or firearm; reducing the penalties applicable to a
 6 person licensed to carry a concealed weapon or firearm
 7 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:

20
 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. \$25, payable to the clerk of the court, for a first
 46 | violation; or

47 | b. \$500, payable to the clerk of court, for a second
 48 | 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, are 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, concealed weapons or
60 concealed firearms are defined as a handgun, electronic weapon
61 or device, tear gas gun, knife, or billie, but the term does not
62 include a machine gun as defined in s. 790.001(9). Such licenses
63 shall be valid throughout the state for a period of 7 years from
64 the date of issuance. Any person in compliance with the terms of
65 such license may carry a concealed weapon or concealed firearm
66 notwithstanding the provisions of s. 790.01. The licensee must
67 carry the license, together with valid identification, at all
68 times in which the licensee is in actual possession of a
69 concealed weapon or firearm and must display both the license
70 and proper identification upon demand by a law enforcement
71 officer. A person licensed to carry a concealed firearm under
72 this section whose firearm is temporarily and openly displayed
73 to the ordinary sight of another person does not violate s.
74 790.053 and may not be arrested or charged with a noncriminal or
75 criminal violation of s. 790.053. Violations of the provisions

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

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

82 | 943.051 Criminal justice information; collection and
 83 | storage; fingerprinting.—

84 | (3)

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

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

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

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

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

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

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

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

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

102 9. Unlawful possession of a firearm, as defined in s.
103 790.22(5).

104 10. Petit theft, as defined in s. 812.014(3).

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

106 12. Arson, as defined in s. 806.031(1).

107 13. Unlawful possession or discharge of a weapon or
108 firearm at a school-sponsored event or on school property, as
109 provided in s. 790.115.

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

114 985.11 Fingerprinting and photographing.—

115 (1)

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

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

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

124 3. Carrying a concealed weapon, as defined in s.
125 790.01(1).

- 126 4. Unlawful use of destructive devices or bombs, as
 127 defined in s. 790.1615(1).
- 128 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 129 6. Assault on a law enforcement officer, a firefighter, or
 130 other specified officers, as defined in s. 784.07(2)(a).
- 131 7. Open carrying of a weapon, as defined in s. 790.053.
- 132 8. Exposure of sexual organs, as defined in s. 800.03.
- 133 9. Unlawful possession of a firearm, as defined in s.
 134 790.22(5).
- 135 10. Petit theft, as defined in s. 812.014.
- 136 11. Cruelty to animals, as defined in s. 828.12(1).
- 137 12. Arson, resulting in bodily harm to a firefighter, as
 138 defined in s. 806.031(1).
- 139 13. Unlawful possession or discharge of a weapon or
 140 firearm at a school-sponsored event or on school property as
 141 defined in s. 790.115.
- 142
- 143 A law enforcement agency may fingerprint and photograph a child
 144 taken into custody upon probable cause that such child has
 145 committed any other violation of law, as the agency deems
 146 appropriate. Such fingerprint records and photographs shall be
 147 retained by the law enforcement agency in a separate file, and
 148 these records and all copies thereof must be marked "Juvenile
 149 Confidential." These records are not available for public
 150 disclosure and inspection under s. 119.07(1) except as provided

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

166 Section 5. This act shall take effect July 1, 2017.