

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; amending s. 790.401, F.S.;
38 providing an indigent person a right to counsel in
39 risk protection proceedings; deleting a prohibition on
40 the award of attorney fees in such proceedings;
41 revising provisions concerning the conduct of remote
42 hearings; authorizing, rather than requiring, a court
43 to issue a risk protection order in certain
44 circumstances; revising factors to be considered in
45 determining whether to grant a risk protection order;
46 deleting provisions for temporary ex parte risk
47 protection orders; deleting provisions eliminating
48 liability for acts or omissions related to obtaining
49 certain risk protection orders; amending ss. 27.53,
50 943.051, 943.0585, 943.059, and 985.11, F.S.;

51 conforming provisions to changes made by the act;
 52 providing an effective date.

53
 54 WHEREAS, the Legislature finds that the Second Amendment to
 55 the United States Constitution guarantees that the right to keep
 56 and bear arms is a fundamental individual right that is
 57 incorporated to the state and shall not be infringed, and

58 WHEREAS, the Legislature acknowledges that s. 8(a), Art. I
 59 of the State Constitution declares that "The right of the people
 60 to keep and bear arms in defense of themselves and of the lawful
 61 authority of the state shall not be infringed, except that the
 62 manner of bearing arms may be regulated by law," and

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

66 WHEREAS, the Legislature finds that any regulation of a
 67 manner of bearing arms that constitutes a general ban on
 68 unconcealed carry or a general ban on the carry or possession of
 69 an entire class of arms that is in common use for lawful
 70 purposes would be an unconstitutional infringement of the
 71 fundamental individual rights of the people guaranteed by both
 72 the Second Amendment to the United States Constitution and s. 8,
 73 Art. I of the State Constitution, and

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

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

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

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

(12) "Law enforcement officer" means:

(g) A person holding a judicial office, as defined in s. 105.011(1).

Section 2. Section 790.013, Florida Statutes, is amended to read:

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

(1)(a) Must carry valid identification at all times when he or she is in actual possession of a concealed weapon, ~~a~~ concealed handgun, or an unconcealed firearm and must display such identification upon demand by a law enforcement officer.

(b) A violation of this subsection is a noncriminal violation punishable by a \$25 fine, payable to the clerk of the court.

(2) Is subject to s. 790.06(12) in the same manner as a

101 person who is licensed to carry a concealed weapon or concealed
 102 firearm.

103 Section 3. Section 790.02, Florida Statutes, is repealed.

104 Section 4. Section 790.051, Florida Statutes, is repealed.

105 Section 5. Section 790.053, Florida Statutes, is amended
 106 to read:

107 790.053 Open carrying of weapons.—

108 ~~(1) Except as otherwise provided by law and in subsection~~
 109 ~~(2), it is lawful ~~unlawful~~ for any person to openly carry on or~~
 110 ~~about his or her person any otherwise legal firearm or electric~~
 111 ~~weapon or device. It is not a violation of this section for a~~
 112 ~~person who carries a concealed firearm as authorized in s.~~
 113 ~~790.01(1) to briefly and openly display the firearm to the~~
 114 ~~ordinary sight of another person, unless the firearm is~~
 115 ~~intentionally displayed in an angry or threatening manner, not~~
 116 ~~in necessary self-defense.~~

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

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

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

123 ~~(3) Any person violating this section commits a~~
 124 ~~misdemeanor of the second degree, punishable as provided in s.~~
 125 ~~775.082 or s. 775.083.~~

126 Section 6. Subsections (16) through (18) of section
127 790.06, Florida Statutes, are renumbered as subsections (15)
128 through (17), respectively, and paragraph (b) of subsection (5),
129 paragraphs (b) and (e) of subsection (6), subsection (11),
130 paragraph (a) of subsection (12), and present subsection (15) of
131 that section are amended to read:

132 790.06 License to carry concealed weapon or concealed
133 firearm.—

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

137 (b) ~~A nonrefundable license fee of up to \$55 if he or she~~
138 ~~has not previously been issued a statewide license or of up to~~
139 ~~\$45 for renewal of a statewide license.~~ The cost of processing
140 fingerprints as required in paragraph (c) shall be borne by the
141 state from general revenue applicant. However, an individual
142 holding an active certification from the Criminal Justice
143 Standards and Training Commission as a law enforcement officer,
144 correctional officer, or correctional probation officer as
145 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) is
146 exempt from the licensing requirements of this section. If such
147 individual wishes to receive a concealed weapon or concealed
148 firearm license, he or she is exempt from the background
149 investigation and ~~all background investigation fees but must pay~~
150 ~~the current license fees regularly required to be paid by~~

HB 1619

2024

151 ~~nonexempt applicants~~. Further, a law enforcement officer, a
152 correctional officer, or a correctional probation officer as
153 defined in s. 943.10(1), (2), or (3) is exempt from the required
154 ~~fees and~~ background investigation for 1 year after his or her
155 retirement.

156 (6)

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

160 (e) A consular security official of a foreign government
161 that maintains diplomatic relations and treaties of commerce,
162 friendship, and navigation with the United States and is
163 certified as such by the foreign government and by the
164 appropriate embassy in this country must be issued a license
165 within 20 days after the date of the receipt of a completed
166 application, certification document, color photograph as
167 specified in paragraph (5)(e), ~~and a nonrefundable license fee~~
168 ~~of \$300~~. Consular security official licenses shall be valid for
169 1 year and may be renewed upon completion of the application
170 process as provided in this section.

171 (11)(a) At least 90 days before the expiration date of the
172 license, the Department of Agriculture and Consumer Services
173 shall mail to each licensee a written notice of the expiration
174 and a renewal form prescribed by the Department of Agriculture
175 and Consumer Services. The licensee must renew his or her

176 license on or before the expiration date by filing with the
177 Department of Agriculture and Consumer Services the renewal form
178 containing an affidavit submitted under oath and under penalty
179 of perjury stating that the licensee remains qualified pursuant
180 to the criteria specified in subsections (2) and (3), and a
181 color photograph as specified in paragraph (5)(e), ~~and the~~
182 ~~required renewal fee~~. Out-of-state residents must also submit a
183 complete set of fingerprints ~~and fingerprint processing fee~~. The
184 license shall be renewed upon receipt of the completed renewal
185 form, color photograph, ~~appropriate payment of fees~~, and, if
186 applicable, fingerprints. ~~Additionally, a licensee who fails to~~
187 ~~file a renewal application on or before its expiration date must~~
188 ~~renew his or her license by paying a late fee of \$15~~. A license
189 may not be renewed 180 days or more after its expiration date,
190 and such a license is deemed to be permanently expired. A person
191 whose license has been permanently expired may reapply for
192 licensure; however, an application for licensure ~~and fees~~ under
193 subsection (5) must be submitted, and a background investigation
194 shall be conducted pursuant to this section. A person who
195 knowingly files false information under this subsection is
196 subject to criminal prosecution under s. 837.06.

197 (b) A license issued to a servicemember, as defined in s.
198 250.01, is subject to paragraph (a); however, such a license
199 does not expire while the servicemember is serving on military
200 orders that have taken him or her over 35 miles from his or her

201 residence and shall be extended, as provided in this paragraph,
 202 for up to 180 days after his or her return to such residence. ~~If~~
 203 ~~the license renewal requirements in paragraph (a) are met within~~
 204 ~~the 180-day extension period, the servicemember may not be~~
 205 ~~charged any additional costs, such as, but not limited to, late~~
 206 ~~fees or delinquency fees, above the normal license fees.~~ The
 207 servicemember must present to the Department of Agriculture and
 208 Consumer Services a copy of his or her official military orders
 209 or a written verification from the member's commanding officer
 210 before the end of the 180-day period in order to qualify for the
 211 extension.

212 (12) (a) A license issued under this section does not
 213 authorize any person to openly carry a handgun or carry a
 214 concealed weapon or concealed firearm into:

- 215 1. Any place of nuisance as defined in s. 823.05;
- 216 2. Any police, sheriff, or highway patrol station;
- 217 3. Any detention facility, prison, or jail;
- 218 4. Any courthouse, except that nothing in this
 219 subparagraph precludes a judge from carrying a weapon or firearm
 220 or determining who will carry a concealed weapon or concealed
 221 firearm in his or her courtroom or chambers, and this exception
 222 shall not extend to any parking facility in or near any
 223 courthouse;

224 5. Any courtroom, except that nothing in this section
 225 precludes a judge from carrying a ~~concealed~~ weapon or ~~concealed~~

226 | firearm or determining who will carry a concealed weapon or
 227 | concealed firearm in his or her courtroom;

228 | ~~6. Any polling place;~~

229 | 6.7. Any meeting of the governing body of a county, public
 230 | school district, municipality, or special district;

231 | 7.8. Any meeting of the Legislature or a committee
 232 | thereof, except that nothing in this section precludes a member
 233 | of the Legislature from carrying a concealed weapon or concealed
 234 | firearm in such meeting or in the Capitol Complex, as defined in
 235 | s. 281.01;

236 | ~~9. Any school, college, or professional athletic event not~~
 237 | ~~related to firearms;~~

238 | 8.10. Any elementary or secondary school facility or
 239 | administration building;

240 | ~~11. Any career center;~~

241 | 9.12. Any portion of an establishment licensed to dispense
 242 | alcoholic beverages for consumption on the premises, which
 243 | portion of the establishment is primarily devoted to such
 244 | purpose;

245 | ~~13. Any college or university facility unless the licensee~~
 246 | ~~is a registered student, employee, or faculty member of such~~
 247 | ~~college or university and the weapon is a stun gun or nonlethal~~
 248 | ~~electric weapon or device designed solely for defensive purposes~~
 249 | ~~and the weapon does not fire a dart or projectile;~~

250 | 10.14. The inside of the passenger terminal and sterile

HB 1619

2024

251 area of any airport, provided that no person shall be prohibited
252 from carrying any legal firearm into the terminal, which firearm
253 is encased for shipment for purposes of checking such firearm as
254 baggage to be lawfully transported on any aircraft; or

255 11.15. Any place where the carrying of firearms is
256 prohibited by federal law.

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

260 Section 7. Subsections (6) through (8) of section
261 790.0625, Florida Statutes, are renumbered as subsections (5)
262 through (7), respectively, and present subsections (5) and (8)
263 of that section are amended to read:

264 790.0625 Appointment of tax collectors to accept
265 applications for a concealed weapon or firearm license; ~~fees;~~
266 penalties.-

267 ~~(5) A tax collector appointed under this section may~~
268 ~~collect and retain a convenience fee of \$22 for each new~~
269 ~~application and \$12 for each renewal application and shall remit~~
270 ~~weekly to the department the license fees pursuant to s. 790.06~~
271 ~~for deposit in the Division of Licensing Trust Fund.~~

272 (7)~~(8)~~ Upon receipt of a completed renewal application
273 and, a new color photograph, ~~and appropriate payment of fees,~~ a
274 tax collector authorized to accept renewal applications for
275 concealed weapon or firearm licenses under this section may,

276 upon approval and confirmation of license issuance by the
 277 department, print and deliver a concealed weapon or firearm
 278 license to a licensee renewing his or her license at the tax
 279 collector's office.

280 Section 8. Paragraph (a) of subsection (1) of section
 281 790.065, Florida Statutes, is amended to read:

282 790.065 Sale and delivery of firearms.—

283 (1)(a) A licensed importer, licensed manufacturer, or
 284 licensed dealer may not sell or deliver from her or his
 285 inventory at her or his licensed premises any firearm to another
 286 person, other than a licensed importer, licensed manufacturer,
 287 licensed dealer, or licensed collector, until she or he has:

288 1. Obtained a completed form from the potential buyer or
 289 transferee, which form shall have been promulgated by the
 290 Department of Law Enforcement and provided by the licensed
 291 importer, licensed manufacturer, or licensed dealer, which shall
 292 include the name, date of birth, gender, race, and social
 293 security number or other identification number of such potential
 294 buyer or transferee and has inspected proper identification
 295 including an identification containing a photograph of the
 296 potential buyer or transferee.

297 ~~2. Collected a fee from the potential buyer for processing~~
 298 ~~the criminal history check of the potential buyer. The fee shall~~
 299 ~~be established by the Department of Law Enforcement and may not~~
 300 ~~exceed \$8 per transaction. The Department of Law Enforcement may~~

HB 1619

2024

301 ~~reduce, or suspend collection of, the fee to reflect payment~~
302 ~~received from the Federal Government applied to the cost of~~
303 ~~maintaining the criminal history check system established by~~
304 ~~this section as a means of facilitating or supplementing the~~
305 ~~National Instant Criminal Background Check System. The~~
306 ~~Department of Law Enforcement shall, by rule, establish~~
307 ~~procedures for the fees to be transmitted by the licensee to the~~
308 ~~Department of Law Enforcement. Such procedures must provide that~~
309 ~~fees may be paid or transmitted by electronic means, including,~~
310 ~~but not limited to, debit cards, credit cards, or electronic~~
311 ~~funds transfers. All such fees shall be deposited into the~~
312 ~~Department of Law Enforcement Operating Trust Fund, but shall be~~
313 ~~segregated from all other funds deposited into such trust fund~~
314 ~~and must be accounted for separately. Such segregated funds must~~
315 ~~not be used for any purpose other than the operation of the~~
316 ~~criminal history checks required by this section. The Department~~
317 ~~of Law Enforcement, each year before February 1, shall make a~~
318 ~~full accounting of all receipts and expenditures of such funds~~
319 ~~to the President of the Senate, the Speaker of the House of~~
320 ~~Representatives, the majority and minority leaders of each house~~
321 ~~of the Legislature, and the chairs of the appropriations~~
322 ~~committees of each house of the Legislature. In the event that~~
323 ~~the cumulative amount of funds collected exceeds the cumulative~~
324 ~~amount of expenditures by more than \$2.5 million, excess funds~~
325 ~~may be used for the purpose of purchasing soft body armor for~~

326 ~~law enforcement officers.~~

327 ~~2.3-~~ Requested, by means of a toll-free telephone call or
 328 other electronic means, the Department of Law Enforcement to
 329 conduct a check of the information as reported and reflected in
 330 the Florida Crime Information Center and National Crime
 331 Information Center systems as of the date of the request.

332 ~~3.4-~~ Received a unique approval number for that inquiry
 333 from the Department of Law Enforcement, and recorded the date
 334 and such number on the consent form.

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

337 790.115 Possessing or discharging weapons or firearms at a
 338 school-sponsored event or on school property prohibited;
 339 penalties; exceptions.—

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

346 1. In a case to a firearms program, class or function
 347 which has been approved in advance by the principal or chief
 348 administrative officer of the school as a program or class to
 349 which firearms could be carried;

350 2. In a case to a career center having a firearms training

351 range; or

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

356
 357 For the purposes of this section, "school" means any preschool,
 358 elementary school, middle school, junior high school, secondary
 359 school, career center, or postsecondary school, whether public
 360 or nonpublic.

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

365 2. A person who stores or leaves a loaded firearm within
 366 the reach or easy access of a minor who obtains the firearm and
 367 commits a violation of subparagraph 1. commits a misdemeanor of
 368 the second degree, punishable as provided in s. 775.082 or s.
 369 775.083; ~~except that this does not apply if the firearm was~~
 370 ~~stored or left in a securely locked box or container or in a~~
 371 ~~location which a reasonable person would have believed to be~~
 372 ~~secure, or was securely locked with a firearm-mounted push-~~
 373 ~~button combination lock or a trigger lock; if the minor obtains~~
 374 ~~the firearm as a result of an unlawful entry by any person; or~~
 375 ~~to members of the Armed Forces, National Guard, or State~~

376 Militia, or to police or other law enforcement officers, with
 377 respect to firearm possession by a minor which occurs during or
 378 incidental to the performance of their official duties.

379 Section 10. Section 790.222, Florida Statutes, is amended
 380 to read:

381 790.222 Bump-fire stocks prohibited.—A person may not
 382 import into this state or transfer, distribute, sell, keep for
 383 sale, offer for sale, possess, or give to another person a bump-
 384 fire stock. A person who violates this section commits a felony
 385 of the third degree, punishable as provided in s. 775.082, s.
 386 775.083, or s. 775.084. As used in this section, the term "bump-
 387 fire stock" means a conversion kit, a tool, an accessory, or a
 388 device used to alter the rate of fire of a firearm to mimic
 389 automatic weapon fire ~~or which is used to increase the rate of~~
 390 ~~fire to a faster rate than is possible for a person to fire such~~
 391 ~~semiautomatic firearm unassisted by a kit, a tool, an accessory,~~
 392 ~~or a device.~~

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

395 790.25 Lawful ownership, possession, and use of firearms
 396 and other weapons.—

397 (2) LAWFUL USES.—Notwithstanding ss. 790.01, ~~790.053,~~ and
 398 790.06, the following persons may own, possess, and lawfully use
 399 firearms and other weapons, ammunition, and supplies for lawful
 400 purposes if they are not otherwise prohibited from owning or

401 possessing a firearm under state or federal law:

402 (a) Members of the Militia, National Guard, Florida State
 403 Guard, Army, Navy, Air Force, Marine Corps, Space Force, Coast
 404 Guard, organized reserves, and other armed forces of the state
 405 and of the United States, when on duty, when training or
 406 preparing themselves for military duty, or while subject to
 407 recall or mobilization;

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

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

414 (d) Sheriffs, marshals, prison or jail wardens, police
 415 officers, Florida highway patrol officers, game wardens, revenue
 416 officers, forest officials, special officers appointed under the
 417 provisions of chapter 354, and other peace and law enforcement
 418 officers and their deputies and assistants and full-time paid
 419 peace officers of other states and of the Federal Government who
 420 are carrying out official duties while in this state;

421 (e) Officers or employees of the state or United States
 422 duly authorized to carry a concealed weapon or a concealed
 423 firearm;

424 (f) Guards or messengers of common carriers, express
 425 companies, armored car carriers, mail carriers, banks, and other

426 financial institutions, while actually employed in and about the
427 shipment, transportation, or delivery of any money, treasure,
428 bullion, bonds, or other thing of value within this state;

429 (g) Regularly enrolled members of any organization duly
430 authorized to purchase or receive weapons or firearms from the
431 United States or from this state, or regularly enrolled members
432 of clubs organized for target, skeet, or trap shooting, while at
433 or going to or from shooting practice; or regularly enrolled
434 members of clubs organized for modern or antique firearms
435 collecting, while such members are at or going to or from their
436 collectors' gun shows, conventions, or exhibits;

437 (h) A person engaged in fishing, camping, or lawful
438 hunting or going to or returning from a fishing, camping, or
439 lawful hunting expedition;

440 (i) A person engaged in the business of manufacturing,
441 repairing, or dealing in firearms, or the agent or
442 representative of any such person while engaged in the lawful
443 course of such business;

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

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

449 (l) A person traveling in a public conveyance when the
450 weapon or firearm is securely encased and not in the person's

451 manual possession;

452 (m) A person while carrying a handgun unloaded and in a
 453 secure wrapper, concealed or otherwise, from the place of
 454 purchase to his or her home or place of business or to a place
 455 of repair or back to his or her home or place of business;

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

458 (o) Investigators employed by the several public defenders
 459 of the state, while actually carrying out official duties,
 460 provided such investigators:

461 1. Are employed full time;

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

466 3. Are individually designated by an affidavit of consent
 467 signed by the employing public defender and filed with the clerk
 468 of the circuit court in the county in which the employing public
 469 defender resides.

470 (p) Investigators employed by the capital collateral
 471 regional counsel, while actually carrying out official duties,
 472 provided such investigators:

473 1. Are employed full time;

474 2. Meet the official training standards for firearms as
 475 established by the Criminal Justice Standards and Training

476 Commission as provided in s. 943.12(1) and the requirements of
477 ss. 493.6108(1)(a) and 943.13(1)-(4); and

478 3. Are individually designated by an affidavit of consent
479 signed by the capital collateral regional counsel and filed with
480 the clerk of the circuit court in the county in which the
481 investigator is headquartered.

482 (q)1. A tactical medical professional who is actively
483 operating in direct support of a tactical operation by a law
484 enforcement agency provided that:

485 a. The tactical medical professional is lawfully able to
486 possess firearms and has an active concealed weapon or concealed
487 firearm license issued pursuant to s. 790.06.

488 b. The tactical medical professional is appointed to a law
489 enforcement tactical team of a law enforcement agency by the
490 head of the law enforcement agency.

491 c. The law enforcement agency has an established policy
492 providing for the appointment, training, and deployment of the
493 tactical medical professional.

494 d. The tactical medical professional successfully
495 completes a firearms safety training and tactical training as
496 established or designated by the appointing law enforcement
497 agency.

498 e. The law enforcement agency provides and the tactical
499 medical professional participates in annual firearm training and
500 tactical training.

501 2. While actively operating in direct support of a
 502 tactical operation by a law enforcement agency, a tactical
 503 medical professional:

504 a. May carry a firearm in the same manner as a law
 505 enforcement officer, as defined in s. 943.10 and,
 506 notwithstanding any other law, at any place a tactical law
 507 enforcement operation occurs.

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

511 c. Has the same immunities and privileges as a law
 512 enforcement officer, as defined in s. 943.10, in a civil or
 513 criminal action arising out of a tactical law enforcement
 514 operation when acting within the scope of his or her official
 515 duties.

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

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

522 5. For the purposes of this paragraph, the term "tactical
 523 medical professional" means a paramedic, as defined in s.
 524 401.23, a physician, as defined in s. 458.305, or an osteopathic
 525 physician, as defined in s. 459.003, who is appointed to provide

526 | direct support to a tactical law enforcement unit by providing
 527 | medical services at high-risk incidents, including, but not
 528 | limited to, hostage incidents, narcotics raids, hazardous
 529 | surveillance, sniper incidents, armed suicidal persons,
 530 | barricaded suspects, high-risk felony warrant service, fugitives
 531 | refusing to surrender, and active shooter incidents.

532 | (4) POSSESSION IN PRIVATE CONVEYANCE.—

533 | (a) Notwithstanding s. 790.01, a person 18 years of age or
 534 | older who is in lawful possession of a handgun or other weapon
 535 | may possess such a handgun or weapon within the interior of a
 536 | private conveyance if the handgun or weapon is securely encased
 537 | or otherwise not readily accessible for immediate use. ~~A person~~
 538 | ~~who possesses a handgun or other weapon as authorized under this~~
 539 | ~~paragraph may not carry the handgun or weapon on his or her~~
 540 | ~~person.~~

541 | Section 12. Paragraphs (a) and (b) of subsection (7) of
 542 | section 790.251, Florida Statutes, are amended to read:

543 | 790.251 Protection of the right to keep and bear arms in
 544 | motor vehicles for self-defense and other lawful purposes;
 545 | prohibited acts; duty of public and private employers; immunity
 546 | from liability; enforcement.—

547 | (7) EXCEPTIONS.—The prohibitions in subsection (4) do not
 548 | apply to:

549 | ~~(a) Any school property as defined and regulated under s.~~
 550 | ~~790.115.~~

551 ~~(b) Any correctional institution regulated under s. 944.47~~
552 ~~or chapter 957.~~

553 Section 13. Subsections (5) through (12) and (14) of
554 section 790.401, Florida Statutes, are renumbered as subsections
555 (4) through (11) and (12), respectively, paragraphs (e) through
556 (j) of subsection (2) are redesignated as paragraphs (d) through
557 (i), respectively, and paragraph (c) and present paragraph (d)
558 of subsection (2), paragraphs (a), (b), (c), (g), and (h) of
559 subsection (3), present subsection (4), paragraphs (a) and (c)
560 of present subsection (6), paragraph (a) of present subsection
561 (7), paragraph (d) of present subsection (8), and present
562 subsections (9) and (13) of that section are amended to read:

563 790.401 Risk protection orders.—

564 (2) PETITION FOR A RISK PROTECTION ORDER.—There is created
565 an action known as a petition for a risk protection order.

566 (c) An indigent respondent is entitled to appointment of
567 counsel to the same extent that an indigent person would be
568 entitled to appointment of counsel in a felony criminal case
569 ~~Such petition for a risk protection order does not require~~
570 ~~either party to be represented by an attorney.~~

571 ~~(d) Notwithstanding any other law, attorney fees may not~~
572 ~~be awarded in any proceeding under this section.~~

573 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

574 (a) Upon receipt of a petition, the court must order a
575 hearing to be held no later than 14 days after the date of the

576 order and must issue a notice of hearing to the respondent for
577 the same.

578 1. The clerk of the court shall cause a copy of the notice
579 of hearing and petition to be forwarded on or before the next
580 business day to the appropriate law enforcement agency for
581 service upon the respondent as provided in subsection (4) ~~(5)~~.

582 ~~2. The court may, as provided in subsection (4), issue a~~
583 ~~temporary ex parte risk protection order pending the hearing~~
584 ~~ordered under this subsection. Such temporary ex parte order~~
585 ~~must be served concurrently with the notice of hearing and~~
586 ~~petition as provided in subsection (5).~~

587 ~~2.3.~~ The court may conduct a hearing by remote video
588 conference ~~telephone pursuant to a local court rule to~~
589 ~~reasonably accommodate a disability or exceptional~~
590 ~~circumstances.~~ The court must receive assurances of the
591 petitioner's identity before conducting a telephonic hearing.

592 (b) Upon notice and a hearing on the matter, if the court
593 finds by clear and convincing evidence that the respondent poses
594 a significant danger of causing personal injury to himself or
595 herself or others by having in his or her custody or control, or
596 by purchasing, possessing, or receiving, a firearm or any
597 ammunition, the court may ~~must~~ issue a risk protection order for
598 a period that it deems appropriate, up to and including but not
599 exceeding 12 months.

600 (c) In determining whether grounds for a risk protection

601 order exist, the court may consider any relevant evidence,
602 including, but not limited to, any of the following:

603 1. A recent act or threat of violence by the respondent
604 against himself or herself or others, whether or not such
605 violence or threat of violence involves a firearm.

606 2. An act or threat of violence by the respondent within
607 the past 12 months, including, but not limited to, acts or
608 threats of violence by the respondent against himself or herself
609 or others.

610 3. Evidence of the respondent being seriously mentally ill
611 or having recurring mental health issues.

612 4. A violation by the respondent of a risk protection
613 order or a no contact order issued under s. 741.30, s. 784.046,
614 or s. 784.0485.

615 5. A previous or existing risk protection order issued
616 against the respondent.

617 6. A violation of a previous or existing risk protection
618 order issued against the respondent.

619 7. Whether the respondent, in this state or any other
620 state, has been convicted of, had adjudication withheld on, or
621 pled nolo contendere to a crime that constitutes domestic
622 violence as defined in s. 741.28.

623 8. Whether the respondent has used, or has threatened to
624 use, against himself or herself or others any weapons.

625 9. The unlawful or reckless use, display, or brandishing

626 of a firearm by the respondent.

627 10. The recurring use of, or threat to use, physical force
628 by the respondent against another person or the respondent
629 stalking another person.

630 11. Whether the respondent, in this state or any other
631 state, has been arrested for, convicted of, had adjudication
632 withheld on, or pled nolo contendere to a crime involving
633 violence or a threat of violence.

634 12. Corroborated evidence of the abuse of controlled
635 substances or alcohol by the respondent.

636 13. Evidence of recent acquisition of firearms or
637 ammunition by the respondent is only relevant if the respondent
638 previously did not own or possess firearms or ammunition and one
639 or more of the other factors in this paragraph is present.

640 ~~14. Any relevant information from family and household~~
641 ~~members concerning the respondent.~~

642 ~~15. Witness testimony, taken while the witness is under~~
643 ~~oath, relating to the matter before the court.~~

644 (g) A risk protection order must include all of the
645 following:

646 1. A statement of the grounds supporting the issuance of
647 the order;

648 2. The date the order was issued;

649 3. The date the order ends;

650 4. Whether a mental health evaluation or chemical

HB 1619

2024

651 dependency evaluation of the respondent is required;

652 5. The address of the court in which any responsive
653 pleading should be filed;

654 6. A description of the requirements for the surrender of
655 all firearms and ammunition that the respondent owns, under
656 subsection (6) ~~(7)~~; and

657 7. The following statement:

658 "To the subject of this protection order: This order will last
659 until the date noted above. If you have not done so already, you
660 must surrender immediately to the (insert name of local law
661 enforcement agency) all firearms and ammunition that you own in
662 your custody, control, or possession and any license to carry a
663 concealed weapon or firearm issued to you under s. 790.06,
664 Florida Statutes. You may not have in your custody or control,
665 or purchase, possess, receive, or attempt to purchase or
666 receive, a firearm or ammunition while this order is in effect.
667 You have the right to request one hearing to vacate this order,
668 starting after the date of the issuance of this order, and to
669 request another hearing after every extension of the order, if
670 any. You may seek the advice of an attorney as to any matter
671 connected with this order."

672 (h) If the court issues a risk protection order, the court
673 must inform the respondent that he or she is entitled to request
674 a hearing to vacate the order in the manner provided by
675 subsection (5) ~~(6)~~. The court shall provide the respondent with

676 a form to request a hearing to vacate.

677 ~~(4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.—~~

678 ~~(a) A petitioner may request that a temporary ex parte~~
679 ~~risk protection order be issued before a hearing for a risk~~
680 ~~protection order, without notice to the respondent, by including~~
681 ~~in the petition detailed allegations based on personal knowledge~~
682 ~~that the respondent poses a significant danger of causing~~
683 ~~personal injury to himself or herself or others in the near~~
684 ~~future by having in his or her custody or control, or by~~
685 ~~purchasing, possessing, or receiving, a firearm or ammunition.~~

686 ~~(b) In considering whether to issue a temporary ex parte~~
687 ~~risk protection order under this section, the court shall~~
688 ~~consider all relevant evidence, including the evidence described~~
689 ~~in paragraph (3)(c).~~

690 ~~(c) If a court finds there is reasonable cause to believe~~
691 ~~that the respondent poses a significant danger of causing~~
692 ~~personal injury to himself or herself or others in the near~~
693 ~~future by having in his or her custody or control, or by~~
694 ~~purchasing, possessing, or receiving, a firearm or ammunition,~~
695 ~~the court must issue a temporary ex parte risk protection order.~~

696 ~~(d) The court must hold a temporary ex parte risk~~
697 ~~protection order hearing in person or by telephone on the day~~
698 ~~the petition is filed or on the business day immediately~~
699 ~~following the day the petition is filed.~~

700 ~~(e) A temporary ex parte risk protection order must~~

HB 1619

2024

701 ~~include all of the following:~~

702 1. ~~A statement of the grounds asserted for the order;~~

703 2. ~~The date the order was issued;~~

704 3. ~~The address of the court in which any responsive~~

705 ~~pleading may be filed;~~

706 4. ~~The date and time of the scheduled hearing;~~

707 5. ~~A description of the requirements for the surrender of~~

708 ~~all firearms and ammunition that the respondent owns, under~~

709 ~~subsection (7); and~~

710 6. ~~The following statement:~~

711 ~~"To the subject of this protection order: This order is valid~~

712 ~~until the date noted above. You are required to surrender all~~

713 ~~firearms and ammunition that you own in your custody, control,~~

714 ~~or possession. You may not have in your custody or control, or~~

715 ~~purchase, possess, receive, or attempt to purchase or receive, a~~

716 ~~firearm or ammunition while this order is in effect. You must~~

717 ~~surrender immediately to the (insert name of local law~~

718 ~~enforcement agency) all firearms and ammunition in your custody,~~

719 ~~control, or possession and any license to carry a concealed~~

720 ~~weapon or firearm issued to you under s. 790.06, Florida~~

721 ~~Statutes. A hearing will be held on the date and at the time~~

722 ~~noted above to determine if a risk protection order should be~~

723 ~~issued. Failure to appear at that hearing may result in a court~~

724 ~~issuing an order against you which is valid for 1 year. You may~~

725 ~~seek the advice of an attorney as to any matter connected with~~

726 ~~this order."~~

727 ~~(f) A temporary ex parte risk protection order ends upon~~
 728 ~~the hearing on the risk protection order.~~

729 ~~(g) A temporary ex parte risk protection order must be~~
 730 ~~served by a law enforcement officer in the same manner as~~
 731 ~~provided for in subsection (5) for service of the notice of~~
 732 ~~hearing and petition and must be served concurrently with the~~
 733 ~~notice of hearing and petition.~~

734 ~~(h) If the court denies the petitioner's request for a~~
 735 ~~temporary ex parte risk protection order, the court must state~~
 736 ~~the particular reasons for the denial.~~

737 (5)~~(6)~~ TERMINATION AND EXTENSION OF ORDERS.—

738 (a) The respondent may submit one written request for a
 739 hearing to vacate a risk protection order issued under this
 740 section, starting after the date of the issuance of the order,
 741 and may request another hearing after every extension of the
 742 order, if any.

743 1. Upon receipt of the request for a hearing to vacate a
 744 risk protection order, the court shall set a date for a hearing.
 745 Notice of the request must be served on the petitioner in
 746 accordance with subsection (4) ~~(5)~~. The hearing must occur no
 747 sooner than 14 days and no later than 30 days after the date of
 748 service of the request upon the petitioner.

749 2. The respondent shall have the burden of proving by
 750 clear and convincing evidence that the respondent does not pose

HB 1619

2024

751 a significant danger of causing personal injury to himself or
752 herself or others by having in his or her custody or control,
753 purchasing, possessing, or receiving a firearm or ammunition.
754 The court may consider any relevant evidence, including evidence
755 of the considerations listed in paragraph (3) (c).

756 3. If the court finds after the hearing that the
757 respondent has met his or her burden of proof, the court must
758 vacate the order.

759 4. The law enforcement agency holding any firearm or
760 ammunition or license to carry a concealed weapon or firearm
761 that has been surrendered pursuant to this section shall be
762 notified of the court order to vacate the risk protection order.

763 (c) The petitioner may, by motion, request an extension of
764 a risk protection order at any time within 30 days before the
765 end of the order.

766 1. Upon receipt of the motion to extend, the court shall
767 order that a hearing be held no later than 14 days after the
768 date the order is issued and shall schedule such hearing.

769 a. The court may schedule a hearing by telephone in the
770 manner provided by subparagraph (3) (a) 2. ~~(3) (a) 3.~~

771 b. The respondent must be personally serviced in the same
772 manner provided by subsection (5).

773 2. In determining whether to extend a risk protection
774 order issued under this section, the court may consider all
775 relevant evidence, including evidence of the considerations

776 listed in paragraph (3) (c).

777 3. If the court finds by clear and convincing evidence
 778 that the requirements for issuance of a risk protection order as
 779 provided in subsection (3) continue to be met, the court must
 780 extend the order. However, if, after notice, the motion for
 781 extension is uncontested and no modification of the order is
 782 sought, the order may be extended on the basis of a motion or
 783 affidavit stating that there has been no material change in
 784 relevant circumstances since entry of the order and stating the
 785 reason for the requested extension.

786 4. The court may extend a risk protection order for a
 787 period that it deems appropriate, up to and including but not
 788 exceeding 12 months, subject to an order to vacate as provided
 789 in paragraph (a) or to another extension order by the court.

790 (6)~~(7)~~ SURRENDER OF FIREARMS AND AMMUNITION.—

791 (a) Upon issuance of a risk protection order under this
 792 section, including a temporary ex parte risk protection order,
 793 the court shall order the respondent to surrender to the local
 794 law enforcement agency all firearms and ammunition owned by the
 795 respondent in the respondent's custody, control, or possession
 796 except as provided in subsection (8) ~~(9)~~, and any license to
 797 carry a concealed weapon or firearm issued under s. 790.06, held
 798 by the respondent.

799 (7)~~(8)~~ RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

800 (d) Any firearm and ammunition surrendered by a respondent

HB 1619

2024

801 pursuant to subsection (6) ~~(7)~~ which remains unclaimed for 1
802 year by the lawful owner after an order to vacate the risk
803 protection order shall be disposed of in accordance with the law
804 enforcement agency's policies and procedures for the disposal of
805 firearms in police custody.

806 (8) ~~(9)~~ TRANSFER OF FIREARMS AND AMMUNITION.—A respondent
807 may elect to transfer all firearms and ammunition owned by the
808 respondent that have been surrendered to or seized by a local
809 law enforcement agency pursuant to subsection (6) ~~(7)~~ to another
810 person who is willing to receive the respondent's firearms and
811 ammunition. The law enforcement agency must allow such a
812 transfer only if it is determined that the chosen recipient:

813 (a) Currently is eligible to own or possess a firearm and
814 ammunition under federal and state law after confirmation
815 through a background check;

816 (b) Attests to storing the firearms and ammunition in a
817 manner such that the respondent does not have access to or
818 control of the firearms and ammunition until the risk protection
819 order against the respondent is vacated or ends without
820 extension; and

821 (c) Attests not to transfer the firearms or ammunition
822 back to the respondent until the risk protection order against
823 the respondent is vacated or ends without extension.

824 ~~(13) LIABILITY.—Except as provided in subsection (8) or~~
825 ~~subsection (11), this section does not impose criminal or civil~~

826 ~~liability on any person or entity for acts or omissions related~~
827 ~~to obtaining a risk protection order or temporary ex parte risk~~
828 ~~protection order, including, but not limited to, providing~~
829 ~~notice to the petitioner, a family or household member of the~~
830 ~~respondent, and any known third party who may be at risk of~~
831 ~~violence or failure to provide such notice, or reporting,~~
832 ~~declining to report, investigating, declining to investigate,~~
833 ~~filing, or declining to file, a petition under this section.~~

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

836 27.53 Appointment of assistants and other staff; method of
837 payment.—

838 (1) The public defender of each judicial circuit is
839 authorized to employ and establish, in such numbers as
840 authorized by the General Appropriations Act, assistant public
841 defenders and other staff and personnel pursuant to s. 29.006,
842 who shall be paid from funds appropriated for that purpose.
843 Notwithstanding s. 790.01 ~~ss. 790.01 and 790.02~~, an investigator
844 employed by a public defender, while actually carrying out
845 official duties, is authorized to carry a concealed weapon or
846 concealed firearm if the investigator complies with s.
847 790.25(2)(o). However, such investigators are not eligible for
848 membership in the Special Risk Class of the Florida Retirement
849 System. The public defenders of all judicial circuits shall
850 jointly develop a coordinated classification and pay plan which

851 shall be submitted on or before January 1 of each year to the
852 Justice Administrative Commission, the office of the President
853 of the Senate, and the office of the Speaker of the House of
854 Representatives. Such plan shall be developed in accordance with
855 policies and procedures of the Executive Office of the Governor
856 established in s. 216.181. Each assistant public defender
857 appointed by a public defender under this section shall serve at
858 the pleasure of the public defender. Each investigator employed
859 by a public defender shall have full authority to serve any
860 witness subpoena or court order issued, by any court or judge
861 within the judicial circuit served by such public defender, in a
862 criminal case in which such public defender has been appointed
863 to represent the accused.

864 (4) The five criminal conflict and civil regional counsels
865 may employ and establish, in the numbers authorized by the
866 General Appropriations Act, assistant regional counsels and
867 other staff and personnel in each judicial district pursuant to
868 s. 29.006, who shall be paid from funds appropriated for that
869 purpose. Notwithstanding s. 790.01 ~~ss. 790.01 and 790.02~~, an
870 investigator employed by an office of criminal conflict and
871 civil regional counsel, while actually carrying out official
872 duties, is authorized to carry a concealed weapon or concealed
873 firearm if the investigator complies with s. 790.25(2)(o).
874 However, such investigators are not eligible for membership in
875 the Special Risk Class of the Florida Retirement System. The

876 five regional counsels shall jointly develop a coordinated
 877 classification and pay plan for submission to the Justice
 878 Administrative Commission, the President of the Senate, and the
 879 Speaker of the House of Representatives by January 1 of each
 880 year. The plan must be developed in accordance with policies and
 881 procedures of the Executive Office of the Governor established
 882 in s. 216.181. Each assistant regional counsel appointed by the
 883 regional counsel under this section shall serve at the pleasure
 884 of the regional counsel. Each investigator employed by the
 885 regional counsel shall have full authority to serve any witness
 886 subpoena or court order issued by any court or judge in a
 887 criminal case in which the regional counsel has been appointed
 888 to represent the accused.

889 Section 15. Paragraph (b) of subsection (3) of section
 890 943.051, Florida Statutes, is amended to read:

891 943.051 Criminal justice information; collection and
 892 storage; fingerprinting.—

893 (3)

894 (b) A minor who is charged with or found to have committed
 895 the following offenses shall be fingerprinted and the
 896 fingerprints shall be submitted electronically to the
 897 department, unless the minor is issued a civil citation pursuant
 898 to s. 985.12:

- 899 1. Assault, as defined in s. 784.011.
- 900 2. Battery, as defined in s. 784.03.

901 3. Carrying a concealed weapon, as defined in s.
 902 790.01(2) .

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

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

906 6. Assault or battery on a law enforcement officer, a
 907 firefighter, or other specified officers, as defined in s.
 908 784.07(2)(a) and (b) .

909 ~~7. Open carrying of a weapon, as defined in s. 790.053.~~

910 7.8. Exposure of sexual organs, as defined in s. 800.03.

911 ~~8.9.~~ Unlawful possession of a firearm, as defined in s.
 912 790.22(5) .

913 ~~9.10.~~ Petit theft, as defined in s. 812.014(3) .

914 ~~10.11.~~ Cruelty to animals, as defined in s. 828.12(1) .

915 ~~11.12.~~ Arson, as defined in s. 806.031(1) .

916 ~~12.13.~~ Unlawful possession or discharge of a weapon or
 917 firearm at a school-sponsored event or on school property, as
 918 provided in s. 790.115.

919 Section 16. Paragraph (d) of subsection (1) of section
 920 943.0585, Florida Statutes, is amended to read:

921 943.0585 Court-ordered expunction of criminal history
 922 records.—

923 (1) ELIGIBILITY.—A person is eligible to petition a court
 924 to expunge a criminal history record if:

925 (d) The person has never, as of the date the application

926 for a certificate of expunction is filed, been adjudicated
 927 guilty in this state of a criminal offense or been adjudicated
 928 delinquent in this state for committing any felony or any of the
 929 following misdemeanors, unless the record of such adjudication
 930 of delinquency has been expunged pursuant to s. 943.0515:

- 931 1. Assault, as defined in s. 784.011;
- 932 2. Battery, as defined in s. 784.03;
- 933 3. Assault on a law enforcement officer, a firefighter, or
 934 other specified officers, as defined in s. 784.07(2)(a);
- 935 4. Carrying a concealed weapon, as defined in s.
 936 790.01(2);
- 937 ~~5. Open carrying of a weapon, as defined in s. 790.053;~~
- 938 5.6. Unlawful possession or discharge of a weapon or
 939 firearm at a school-sponsored event or on school property, as
 940 defined in s. 790.115;
- 941 6.7. Unlawful use of destructive devices or bombs, as
 942 defined in s. 790.1615(1);
- 943 7.8. Unlawful possession of a firearm, as defined in s.
 944 790.22(5);
- 945 8.9. Exposure of sexual organs, as defined in s. 800.03;
- 946 9.10. Arson, as defined in s. 806.031(1);
- 947 10.11. Petit theft, as defined in s. 812.014(3);
- 948 11.12. Neglect of a child, as defined in s. 827.03(1)(e);
- 949 or
- 950 12.13. Cruelty to animals, as defined in s. 828.12(1).

951 Section 17. Paragraph (b) of subsection (1) of section
 952 943.059, Florida Statutes, is amended to read:

953 943.059 Court-ordered sealing of criminal history
 954 records.—

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

957 (b) The person has never, before the date the application
 958 for a certificate of eligibility is filed, been adjudicated
 959 guilty in this state of a criminal offense, or been adjudicated
 960 delinquent in this state for committing any felony or any of the
 961 following misdemeanor offenses, unless the record of such
 962 adjudication of delinquency has been expunged pursuant to s.

963 943.0515:

- 964 1. Assault, as defined in s. 784.011;
- 965 2. Battery, as defined in s. 784.03;
- 966 3. Assault on a law enforcement officer, a firefighter, or
 967 other specified officers, as defined in s. 784.07(2)(a);
- 968 4. Carrying a concealed weapon, as defined in s.
 969 790.01(2);
- 970 ~~5. Open carrying of a weapon, as defined in s. 790.053;~~
- 971 5.6. Unlawful possession or discharge of a weapon or
 972 firearm at a school-sponsored event or on school property, as
 973 defined in s. 790.115;
- 974 ~~6.7.~~ Unlawful use of destructive devices or bombs, as
 975 defined in s. 790.1615(1);

976 ~~7.8.~~ Unlawful possession of a firearm by a minor, as
 977 defined in s. 790.22(5);
 978 ~~8.9.~~ Exposure of sexual organs, as defined in s. 800.03;
 979 ~~9.10.~~ Arson, as defined in s. 806.031(1);
 980 ~~10.11.~~ Petit theft, as defined in s. 812.014(3);
 981 ~~11.12.~~ Neglect of a child, as defined in s. 827.03(1)(e);
 982 or
 983 ~~12.13.~~ Cruelty to animals, as defined in s. 828.12(1).
 984 Section 18. Paragraph (b) of subsection (1) of section
 985 985.11, Florida Statutes, is amended to read:
 986 985.11 Fingerprinting and photographing.—
 987 (1)
 988 (b) Unless the child is issued a civil citation or is
 989 participating in a similar diversion program pursuant to s.
 990 985.12, a child who is charged with or found to have committed
 991 one of the following offenses shall be fingerprinted, and the
 992 fingerprints shall be submitted to the Department of Law
 993 Enforcement as provided in s. 943.051(3)(b):
 994 1. Assault, as defined in s. 784.011.
 995 2. Battery, as defined in s. 784.03.
 996 3. Carrying a concealed weapon, as defined in s.
 997 790.01(2).
 998 4. Unlawful use of destructive devices or bombs, as
 999 defined in s. 790.1615(1).
 1000 5. Neglect of a child, as defined in s. 827.03(1)(e).

1001 6. Assault on a law enforcement officer, a firefighter, or
 1002 other specified officers, as defined in s. 784.07(2)(a).

1003 ~~7. Open carrying of a weapon, as defined in s. 790.053.~~

1004 7.8. Exposure of sexual organs, as defined in s. 800.03.

1005 8.9. Unlawful possession of a firearm, as defined in s.
 1006 790.22(5).

1007 9.10. Petit theft, as defined in s. 812.014.

1008 10.11. Cruelty to animals, as defined in s. 828.12(1).

1009 11.12. Arson, resulting in bodily harm to a firefighter,
 1010 as defined in s. 806.031(1).

1011 12.13. Unlawful possession or discharge of a weapon or
 1012 firearm at a school-sponsored event or on school property as
 1013 defined in s. 790.115.

1014
 1015 A law enforcement agency may fingerprint and photograph a child
 1016 taken into custody upon probable cause that such child has
 1017 committed any other violation of law, as the agency deems
 1018 appropriate. Such fingerprint records and photographs shall be
 1019 retained by the law enforcement agency in a separate file, and
 1020 these records and all copies thereof must be marked "Juvenile
 1021 Confidential." These records are not available for public
 1022 disclosure and inspection under s. 119.07(1) except as provided
 1023 in ss. 943.053 and 985.04(2), but shall be available to other
 1024 law enforcement agencies, criminal justice agencies, state
 1025 attorneys, the courts, the child, the parents or legal

HB 1619

2024

1026 | custodians of the child, their attorneys, and any other person
1027 | authorized by the court to have access to such records. In
1028 | addition, such records may be submitted to the Department of Law
1029 | Enforcement for inclusion in the state criminal history records
1030 | and used by criminal justice agencies for criminal justice
1031 | purposes. These records may, in the discretion of the court, be
1032 | open to inspection by anyone upon a showing of cause. The
1033 | fingerprint and photograph records shall be produced in the
1034 | court whenever directed by the court. Any photograph taken
1035 | pursuant to this section may be shown by a law enforcement
1036 | officer to any victim or witness of a crime for the purpose of
1037 | identifying the person who committed such crime.

1038 | Section 19. This act shall take effect upon becoming a
1039 | law.