



# Permitless carry of concealed weapons

# Legislation effective July 1st 2023

- ▶ This legislation will allow a person to carry a concealed weapon or firearm pursuant to a valid concealed weapons license or without a concealed weapons license providing that the criteria for obtaining license is met.
- ▶ It does not authorize open carry of firearm

# Concealed weapon definition

- ▶ Pursuant to state statute 790.001 (3) (a), a concealed weapon or concealed firearm means a handgun, electronic weapon or device, tear gas gun, knife, or billie.
- ▶ It does not include a machine gun as defined in 790.001 (9) of Florida state statutes.
- ▶ “Machine gun” means any firearm, as defined herein, which shoots, or is designed to shoot, automatically more than one shot, without manually reloading, by a single function of the trigger.

# Eligibility requirements

- ▶ Is a resident and a citizen of the United States, a permanent resident alien of the United States, or an eligible consular security official;
- ▶ Is 21 years of age or older;
- ▶ Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- ▶ Is not ineligible to possess a firearm because of a felony conviction;
- ▶ Has not been committed under chapter 397, Florida Statutes for abusing a controlled substance;
- ▶ Does not chronically and habitually use alcoholic beverages to the extent that his or her normal faculties are impaired;
- ▶ Has not been adjudicated an incapacitated person in a guardianship proceeding;

# Eligibility requirement's continued

- ▶ Has not been committed to a mental institution under chapter 394, Florida Statutes;
- ▶ Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony, unless three years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been expunged;
- ▶ Has not been issued an injunction that is currently in force and effect restraining the individual for committing acts of domestic violence or acts of repeat violence;
- ▶ • Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.
- ▶ •
- ▶ Has not had an adjudication of guilt withheld for or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless three years have elapsed since probation, or any other condition set by the court have been fulfilled or the record has been sealed or expunged.

# Identification requirements

- ▶ Section 790.013 requires that a person who carries a concealed weapon or firearm without a CWL must carry valid identification at all times when he or she is in possession of the weapon or firearm and shall display the identification upon demand by a law enforcement officer. A violation of this provision is punishable as a noncriminal violation and a \$25 fine. An individual who has a CWL no longer needs to carry the actual CWL license in addition to identification.

# Prohibited locations

- ▶ A person authorized to carry a weapon or firearm without a CWL may not carry the firearm or weapon in any location where a person with a CWL is not authorized to carry it. A violation is punishable as a second-degree misdemeanor. The locations include:

# Prohibited locations

- ▶ Any police, sheriff, or Highway Patrol station;
- ▶ Any detention facility, prison or jail;
- ▶ Any courthouse; any courtroom, except that a judge may carry a concealed weapon and determine who may carry a concealed weapon in the courtroom;
- ▶ Any polling place;
- ▶ Any meeting of the governing body of a county, public school district, municipality, or special district;
- ▶ Any meeting of the legislature or a legislative committee;
- ▶ Any school, college, or professional athletic event not related to firearms;



# Prohibited locations

- ▶ Any elementary or secondary school facility or administration building; Any career center;
- ▶ Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted for that purpose; Any college or university facility unless the holder is a registered student, employee, or faculty member of the college or university and the weapon is a stun gun or nonlethal electric weapon, or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
- ▶ The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, if the firearm is encased for shipment for purposes of checking the firearm as baggage to be lawfully transported on any aircraft; or
- ▶ Any place where the carrying of firearms is prohibited by federal law.

# Reciprocity

- ▶ A nonresident without a CWL issued by his or her state may carry a concealed weapon or concealed firearm in Florida if this person is at least 21 years old, a resident of the United States, and satisfies the criteria under Florida Statute for obtaining a CWL.
- ▶ The bill also deletes the reciprocity requirement of section 790.015(4) that limits recognition of a CWL issued by other states to only those states that honor a Florida CWL.

# Open carry

- ▶ The exemption for openly carrying a firearm in section 790.053 that currently applies to a CWL holder who briefly and openly displays a firearm to the ordinary sight of another person will also apply to a person who is authorized to carry a concealed firearm without a license. Otherwise, open carry is still not permitted, and the exemption does not apply if the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

# Private conveyances

- ▶ As under current law (section 790.25(5)), section s. 790.25(4)(a) of the new law provides that a person 18 years of age or older who is lawfully in possession of a firearm or weapon may carry the firearm in the interior of a private conveyance provided that it is securely encased or otherwise not readily accessible for immediate use. Also, as under current law, section 790.25(4)(b)1., permits a legal firearm other than a handgun to be carried anywhere in a private conveyance when the firearm is being carried for lawful use, such as fishing, camping, or hunting.

# Private conveyances

- ▶ Current law section 790.25(5)) allows a person with a CWL to carry a concealed weapon or firearm on his person while in a private conveyance. The new law, section 790.25(4)(b)2. affords similar rights to CWL holders and those who do not have a CWL but meet the CWL requirements of section 790.06. In other words, a person 21 years of older who satisfies the CWL criteria but does not have a CWL may carry a weapon or firearm on his or her person while traveling in a motor vehicle. However, a person 18-20 years of age may only carry a firearm in a vehicle if it is securely encased or otherwise not readily accessible for immediate use.

# Off duty law enforcement

- ▶ Section 790.052 (carrying concealed firearms by off-duty law enforcement officers) is amended to assure law enforcement officers that they have the same right to concealed carry off-duty as other citizens. As under current law, an officer's employing agency may establish policies that limit officers from carrying concealed weapons and firearms during off-duty hours.

# Florida State Statutes

## JUSTIFIABLE USE OF FORCE

- ▶ 776.012 Use or threatened use of force in defense of person.
- ▶ 776.031 Use or threatened use of force in defense of property.

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