

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 491](#)

TITLE: Use of Artificial Intelligence by Governmental Agencies to Detect Concealed Firearms

SPONSOR(S): Miller

COMPANION BILL: [SB 562](#) (Ingoglia)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

13 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

CS/HB 491 prohibits a governmental agency from using artificial intelligence (AI), or contracting with any other entity to use AI, in conjunction with a camera or similar technology to detect concealed firearms in a public place. The bill does *not* prohibit a governmental agency from using AI, or contracting with any other entity to use AI, to detect concealed firearms on the grounds of a school or at any location that a person with a concealed weapons or concealed firearms license is not authorized to carry a concealed weapon or concealed firearm into. The bill specifies that an aggrieved party may seek injunctive relief against a governmental agency or other entity under contract with a governmental agency to prevent or remedy a violation of the prohibition.

Fiscal or Economic Impact:

To the extent that a governmental agency or other entity contracting with a governmental agency use AI to detect concealed firearms in violation of the prohibition in the bill and an aggrieved party files for injunctive relief, the bill may have a negative indeterminate fiscal impact on such a governmental agency or entity from the costs associated with such litigation.

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ANALYSIS

EFFECT OF THE BILL:

CS/HB 491 prohibits a governmental agency from using, or contracting with any other entity to use, [artificial intelligence](#) (AI) in conjunction with any camera, video recording, live-streaming device, or similar technology to detect [concealed firearms](#) in a public place. The bill specifies that a governmental agency is *not* prohibited from using AI, or contracting with any other entity to use AI, to detect concealed firearms:

- On the grounds of a [school](#) as defined in [s. 790.115, F.S.](#); or
- At any location listed in [s. 790.06\(12\), F.S.](#), which specifies the locations that a person with a [concealed weapons or concealed firearms license](#) is not authorized to carry a concealed weapon or concealed firearm into. (Section [1](#))

The bill authorizes an aggrieved party to seek injunctive relief against a governmental agency or other entity under contract with a governmental agency to prevent or remedy a violation. (Section [1](#))

The bill provides the following definitions:

- “Governmental agency” means any state, county, local, or municipal governmental entity or any unit of local government created or established by law.
- “Public place” includes all walks, alleys, streets, boulevards, avenues, lanes, roads, highways, or other ways or thoroughfares dedicated to public use or owned or maintained by public authority; and all grounds and buildings owned, leased by, operated, or maintained by public authority. (Section [1](#))

STORAGE NAME: h0491.CRM

DATE: 3/26/2025

The effective date of the bill is July 1, 2025. (Section [2](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

To the extent that a state governmental agency uses AI to detect concealed firearms in violation of the prohibition in the bill and an aggrieved party files for injunctive relief, the bill may have a negative indeterminate fiscal impact on state government from the costs associated with such litigation.

LOCAL GOVERNMENT:

To the extent that local governmental agencies use AI to detect concealed firearms in violation of the prohibition in the bill and an aggrieved party files for injunctive relief, the bill may have a negative indeterminate fiscal impact on such local governmental agencies from the costs associated with such litigation.

PRIVATE SECTOR:

To the extent that there are entities that are currently contracting with governmental agencies to detect concealed firearms in public places, the bill may have an indeterminate negative fiscal impact on such entities which would no longer be able to contract with a governmental agency to perform such services. To the extent that entities contract with governmental agencies to use AI to detect concealed firearms in violation of the prohibition in the bill and an aggrieved party files for injunctive relief, the bill may have a negative indeterminate fiscal impact on such entities from the costs associated with such litigation.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Artificial Intelligence

Artificial intelligence (AI) is the use of computer systems to perform tasks that normally require human intelligence, such as learning and decision-making.¹ It enables computer systems to receive information that is either provided to them by others or gathered by them (e.g. through camera lenses or other sensors), which they can then process and respond to in some meaningful way. Applications and devices equipped with AI can see and identify objects, understand and respond to human language, and learn from new information and experiences.²

Several private businesses have developed AI software that can automatically monitor security cameras to identify whether a person is carrying a firearm.³ Such systems are generally deployed in public places where large crowds are expected, or in locations where firearms are generally prohibited, such as schools.⁴ If a firearm is detected by the AI software and subsequently verified by officials monitoring the camera system, a report is then forwarded to the appropriate law enforcement agency.⁵ Current AI technology cannot detect concealed firearms or holstered firearms.⁶

Firearms

Concealed Firearms

¹ National Conference of State Legislatures, *Artificial Intelligence 2024 Legislation*, <https://www.ncsl.org/technology-and-communication/artificial-intelligence-2024-legislation#:~:text=Defines%20AI%20as%20an%20engineered,influence%20physical%20or%20virtual%20environments>. (last visited Mar. 24, 2025).

² IBM, *What is AI?*, <https://www.ibm.com/think/topics/artificial-intelligence> (last visited Mar., 24, 2025).

³ Daytona Beach News Journal, *Daytona Beach getting AI-powered software to detect guns and alert police in seconds*, <https://www.news-journalonline.com/story/news/local/volusia/2025/01/23/daytona-beach-getting-25-cameras-that-can-spot-and-report-guns/77893930007/> (last visited Mar. 24, 2025). Spectrum News 13, *AI gun detection software in place as part of safety measures at Seminole County schools*, <https://mynews13.com/fl/orlando/news/2024/11/19/hidden-program-in-place-to-protect-seminole-county-students> (last visited Mar. 24, 2025).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

Generally, a person is authorized to carry a concealed weapon⁷ or concealed firearm⁸ under [s. 790.01, F.S.](#), if he or she:

- Has a concealed weapons or concealed firearm license (CWL) issued under [s. 790.06, F.S.](#); or
- Does not have a CWL, but otherwise satisfies the criteria for receiving and maintaining a CWL, except that such person is not required to demonstrate competency with a firearm or affirmatively state he or she desires a legal means to carry a concealed weapon or concealed firearm for lawful self-defense.

A person who unlawfully carries a concealed weapon or electric weapon or device⁹ commits a first degree misdemeanor.¹⁰ A person who unlawfully carries a concealed firearm commits a third degree felony.¹¹

[Concealed Weapons or Concealed Firearms License](#)

[Section 790.06, F.S.](#), specifies the criteria that a person must meet in order to be issued a CWL, the process for issuing and renewing a CWL, the circumstances under which a CWL is subject to revocation, and specified limitations on where a CWL holder may carry a concealed weapon or concealed firearm. A CWL¹² does not authorize a person to carry a concealed weapon or concealed firearm into:

- Any place of nuisance as defined in [s. 823.05, F.S.](#);
- 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 or concealed firearm and determine who may carry a concealed weapon or concealed firearm in his or her courtroom;
- Any polling place;
- Any meeting of a local governing body;
- Any meeting of the Legislature or committee thereof;
- Any school, college, or professional athletic event not related to firearms;
- Any elementary or secondary school facility or administration building;¹³
- 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 to such purpose;

⁷ "Concealed weapon" means any dirk, metallic knuckles, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person. [S. 790.001\(4\)\(a\), F.S.](#)

⁸ "Concealed firearm" means any firearm, as defined in [s. 790.001\(9\), F.S.](#), which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person. [S. 790.001\(3\), F.S.](#)

⁹ "Electric weapon or device" means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury. [S. 790.001\(7\), F.S.](#)

¹⁰ [S. 790.01\(2\), F.S.](#) A first degree misdemeanor is punishable by one year in jail and a \$1,000 fine. [Ss. 775.082 or 775.083, F.S.](#)

¹¹ [S. 790.01\(3\), F.S.](#) A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

¹² A person who carries a concealed firearm without a CWL is likewise not authorized to carry a concealed firearm into any of the locations listed in [s. 790.06, F.S.](#) [S. 790.013\(2\), F.S.](#)

¹³ The Federal "Gun-Free School Zones Act," (Act) at [18 U.S.C. §922\(q\)](#), prohibits a person from knowingly possessing a firearm on the grounds of, or within 1,000 feet of the grounds of, a public, parochial, or private school. The Act does not apply to the possession of a firearm:

- On private property that is not part of school grounds;
- If the individual possessing the firearm is licensed to do so by the state in which the school zone is located or a political subdivision of the state, and the law of the state or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the state or political subdivision verify that the individual is qualified under law to receive the license;
- That is:
 - Not loaded; and
 - In a locked container, or a locked firearms rack that is on a motor vehicle;
- By an individual for use in a program approved by a school in the school zone;
- By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
- By a law enforcement officer acting in his or her official capacity; or
- That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

A violation of the Act is punishable by up to five years imprisonment and a \$5,000 fine. [18 U.S.C. §924\(a\)\(4\)](#).

- Any college or university facility unless the licensee is a registered student, employee, or faculty member of such 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 no person is prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or
- Any place where the carrying of firearms is prohibited by federal law.¹⁴

A CWL holder who knowingly and willfully carries a concealed weapon or concealed firearm into any unauthorized location commits a second degree misdemeanor.¹⁵

Possessing or Discharging Firearms on School Property

[Section 790.115, F.S.](#), generally prohibits a person from willfully and knowingly possessing a firearm on the property of a school, school bus, or school bus stop, except as authorized in support of school-sanctioned activities. A violation is punishable as a third degree felony.¹⁶ A person who discharges a firearm at a school-sanctioned event or on the property of any school, school bus, or school bus stop commits a second degree felony.¹⁷

“[School](#)” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	13 Y, 0 N, As CS	3/26/2025	Hall	Padgett

THE CHANGES ADOPTED BY THE COMMITTEE:

- Defined the terms “governmental agency” and “public place.”
- Narrowed the general prohibition against a person using artificial intelligence (AI) to detect firearms to in public areas to prohibit a governmental agency from using AI or contracting with an entity to use AI to detect *concealed* firearms in a public place.
- Specified that a governmental agency may use AI or contract with an entity to use AI to detect concealed firearms in specified locations.
- Removed a criminal penalty for a violation of the prohibition.
- Authorized an aggrieved party to seek an injunction for a violation of the prohibition.
- Changed the effective date of the bill to July 1, 2025.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹⁴ [S. 790.06\(12\)\(a\), F.S.](#)

¹⁵ [S. 790.06\(12\)\(d\), F.S.](#) A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

¹⁶ [S. 790.115\(2\)\(c\)1., F.S.](#)

¹⁷ [S. 790.115\(2\)\(d\), F.S.](#) A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)