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1                                   A bill to be entitled  
 2           An act relating to sale or transfer of firearms at gun  
 3           shows; amending s. 790.001, F.S.; providing  
 4           definitions; creating s. 790.0653, F.S.; prohibiting  
 5           any person other than a licensed dealer from being a  
 6           gun show vendor; prohibiting the sale or transfer of a  
 7           weapon at a gun show unless a licensed dealer is a  
 8           party to the transaction; providing criminal  
 9           penalties; amending ss. 790.06, 790.115, 790.145,  
 10          790.1612, 810.095, and. 921.0024, F.S.; conforming  
 11          cross-references; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Section 790.001, Florida Statutes, is amended  
 16           to read:

17           790.001 Definitions.—As used in this chapter, except where  
 18           the context otherwise requires:

19           (1)~~(19)~~ "Ammunition" means an object consisting of all of  
 20           the following:

- 21           (a) A fixed metallic or nonmetallic hull or casing
- 22           containing a primer.
- 23           (b) One or more projectiles, one or more bullets, or shot.
- 24           (c) Gunpowder.

25  
 26 All of the specified components must be present for an object to  
 27 be ammunition.

28           (2)~~(1)~~ "Antique firearm" means any firearm manufactured in

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29 | or before 1918 (including any matchlock, flintlock, percussion  
30 | cap, or similar early type of ignition system) or replica  
31 | thereof, whether actually manufactured before or after the year  
32 | 1918, and also any firearm using fixed ammunition manufactured  
33 | in or before 1918, for which ammunition is no longer  
34 | manufactured in the United States and is not readily available  
35 | in the ordinary channels of commercial trade.

36 |       (3)~~(2)~~ "Concealed firearm" means any firearm, as defined  
37 | in subsection (9)~~(6)~~, which is carried on or about a person in  
38 | such a manner as to conceal the firearm from the ordinary sight  
39 | of another person.

40 |       (4)~~(3)~~(a) "Concealed weapon" means any dirk, metallic  
41 | knuckles, slungshot, billie, tear gas gun, chemical weapon or  
42 | device, or other deadly weapon carried on or about a person in  
43 | such a manner as to conceal the weapon from the ordinary sight  
44 | of another person.

45 |       (b) "Tear gas gun" or "chemical weapon or device" means  
46 | any weapon of such nature, except a device known as a "self-  
47 | defense chemical spray." "Self-defense chemical spray" means a  
48 | device carried solely for purposes of lawful self-defense that  
49 | is compact in size, designed to be carried on or about the  
50 | person, and contains not more than two ounces of chemical.

51 |       (5)~~(15)~~ "Dart-firing stun gun" means any device having one  
52 | or more darts that are capable of delivering an electrical  
53 | current.

54 |       (6)~~(4)~~ "Destructive device" means any bomb, grenade, mine,  
55 | rocket, missile, pipebomb, or similar device containing an  
56 | explosive, incendiary, or poison gas and includes any frangible

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57 container filled with an explosive, incendiary, explosive gas,  
58 or expanding gas, which is designed or so constructed as to  
59 explode by such filler and is capable of causing bodily harm or  
60 property damage; any combination of parts either designed or  
61 intended for use in converting any device into a destructive  
62 device and from which a destructive device may be readily  
63 assembled; any device declared a destructive device by the  
64 Bureau of Alcohol, Tobacco, and Firearms; any type of weapon  
65 which will, is designed to, or may readily be converted to expel  
66 a projectile by the action of any explosive and which has a  
67 barrel with a bore of one-half inch or more in diameter; and  
68 ammunition for such destructive devices, but not including  
69 shotgun shells or any other ammunition designed for use in a  
70 firearm other than a destructive device. "Destructive device"  
71 does not include:

72 (a) A device which is not designed, redesigned, used, or  
73 intended for use as a weapon;

74 (b) Any device, although originally designed as a weapon,  
75 which is redesigned so that it may be used solely as a  
76 signaling, line-throwing, safety, or similar device;

77 (c) Any shotgun other than a short-barreled shotgun; or

78 (d) Any nonautomatic rifle (other than a short-barreled  
79 rifle) generally recognized or particularly suitable for use for  
80 the hunting of big game.

81 (7)~~(14)~~ "Electric weapon or device" means any device  
82 which, through the application or use of electrical current, is  
83 designed, redesigned, used, or intended to be used for offensive  
84 or defensive purposes, the destruction of life, or the

85 | infliction of injury.

86 |       (8)~~(5)~~ "Explosive" means any chemical compound or mixture  
 87 | that has the property of yielding readily to combustion or  
 88 | oxidation upon application of heat, flame, or shock, including  
 89 | but not limited to dynamite, nitroglycerin, trinitrotoluene, or  
 90 | ammonium nitrate when combined with other ingredients to form an  
 91 | explosive mixture, blasting caps, and detonators; but not  
 92 | including:

93 |           (a) Shotgun shells, cartridges, or ammunition for  
 94 | firearms;

95 |           (b) Fireworks as defined in s. 791.01;

96 |           (c) Smokeless propellant powder or small arms ammunition  
 97 | primers, if possessed, purchased, sold, transported, or used in  
 98 | compliance with s. 552.241;

99 |           (d) Black powder in quantities not to exceed that  
 100 | authorized by chapter 552, or by any rules adopted thereunder by  
 101 | the Department of Financial Services, when used for, or intended  
 102 | to be used for, the manufacture of target and sporting  
 103 | ammunition or for use in muzzle-loading flint or percussion  
 104 | weapons.

105 |

106 | The exclusions contained in paragraphs (a)-(d) do not apply to  
 107 | the term "explosive" as used in the definition of "firearm" in  
 108 | subsection (9)~~(6)~~.

109 |       (9)~~(6)~~ "Firearm" means any weapon (including a starter  
 110 | gun) which will, is designed to, or may readily be converted to  
 111 | expel a projectile by the action of an explosive; the frame or  
 112 | receiver of any such weapon; any firearm muffler or firearm

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113 | silencer; any destructive device; or any machine gun. The term  
114 | "firearm" does not include an antique firearm unless the antique  
115 | firearm is used in the commission of a crime.

116 | (10) "Gun show" means an event or function that is  
117 | sponsored to facilitate, in whole or in part, the purchase,  
118 | sale, offer for sale, or collection of firearms at which not  
119 | less than three gun show vendors exhibit, sell, offer for sale,  
120 | transfer, or exchange firearms. The term includes the entire  
121 | premises provided for the gun show, including, but not limited  
122 | to, parking areas for the gun show.

123 | (11) "Gun show vendor" means a licensed dealer who  
124 | exhibits, sells, offers for sale, transfers, or exchanges any  
125 | firearm at a gun show, regardless of whether the dealer arranges  
126 | with a gun show promoter for a fixed location from which to  
127 | exhibit, sell, offer for sale, transfer, or exchange any  
128 | firearm.

129 | (12)-(7)- "Indictment" means an indictment or an information  
130 | in any court under which a crime punishable by imprisonment for  
131 | a term exceeding 1 year may be prosecuted.

132 | (13)-(8)- "Law enforcement officer" means:

133 | (a) All officers or employees of the United States or the  
134 | State of Florida, or any agency, commission, department, board,  
135 | division, municipality, or subdivision thereof, who have  
136 | authority to make arrests;

137 | (b) Officers or employees of the United States or the  
138 | State of Florida, or any agency, commission, department, board,  
139 | division, municipality, or subdivision thereof, duly authorized  
140 | to carry a concealed weapon;

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141 (c) Members of the Armed Forces of the United States, the  
142 organized reserves, state militia, or Florida National Guard,  
143 when on duty, when preparing themselves for, or going to or  
144 from, military duty, or under orders;

145 (d) An employee of the state prisons or correctional  
146 systems who has been so designated by the Department of  
147 Corrections or by a warden of an institution;

148 (e) All peace officers;

149 (f) All state attorneys and United States attorneys and  
150 their respective assistants and investigators.

151 ~~(14)-(9)~~ "Machine gun" means any firearm, as defined  
152 herein, which shoots, or is designed to shoot, automatically  
153 more than one shot, without manually reloading, by a single  
154 function of the trigger.

155 ~~(15)-(16)~~ "Readily accessible for immediate use" means that  
156 a firearm or other weapon is carried on the person or within  
157 such close proximity and in such a manner that it can be  
158 retrieved and used as easily and quickly as if carried on the  
159 person.

160 ~~(16)-(17)~~ "Securely encased" means in a glove compartment,  
161 whether or not locked; snapped in a holster; in a gun case,  
162 whether or not locked; in a zippered gun case; or in a closed  
163 box or container which requires a lid or cover to be opened for  
164 access.

165 ~~(17)-(10)~~ "Short-barreled shotgun" means a shotgun having  
166 one or more barrels less than 18 inches in length and any weapon  
167 made from a shotgun (whether by alteration, modification, or  
168 otherwise) if such weapon as modified has an overall length of

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169 less than 26 inches.

170 (18)~~(11)~~ "Short-barreled rifle" means a rifle having one  
 171 or more barrels less than 16 inches in length and any weapon  
 172 made from a rifle (whether by alteration, modification, or  
 173 otherwise) if such weapon as modified has an overall length of  
 174 less than 26 inches.

175 (19)~~(12)~~ "Slungshot" means a small mass of metal, stone,  
 176 sand, or similar material fixed on a flexible handle, strap, or  
 177 the like, used as a weapon.

178 (20)~~(18)~~ "Sterile area" means the area of an airport to  
 179 which access is controlled by the inspection of persons and  
 180 property in accordance with federally approved airport security  
 181 programs.

182 (21)~~(13)~~ "Weapon" means any dirk, knife, metallic  
 183 knuckles, slungshot, billie, tear gas gun, chemical weapon or  
 184 device, or other deadly weapon except a firearm or a common  
 185 pocketknife, plastic knife, or blunt-bladed table knife.

186 Section 2. Section 790.0653, Florida Statutes, is created  
 187 to read:

188 790.0653 Gun shows.—

189 (1) A person must be a licensed dealer to be a gun show  
 190 vendor. A gun show vendor must be a party to any sale, transfer,  
 191 or exchange of a weapon at a gun show.

192 (2) A person who violates subsection (1) commits a felony  
 193 of the third degree, punishable as provided in s. 775.082, s.  
 194 775.083, or s. 775.084.

195 Section 3. Subsection (1) of section 790.06, Florida  
 196 Statutes, is amended to read:

197           790.06 License to carry concealed weapon or firearm.—  
 198           (1) The Department of Agriculture and Consumer Services is  
 199 authorized to issue licenses to carry concealed weapons or  
 200 concealed firearms to persons qualified as provided in this  
 201 section. Each such license must bear a color photograph of the  
 202 licensee. For the purposes of this section, concealed weapons or  
 203 concealed firearms are defined as a handgun, electronic weapon  
 204 or device, tear gas gun, knife, or billie, but the term does not  
 205 include a machine gun as defined in s. 790.001~~(9)~~. Such licenses  
 206 shall be valid throughout the state for a period of 7 years from  
 207 the date of issuance. Any person in compliance with the terms of  
 208 such license may carry a concealed weapon or concealed firearm  
 209 notwithstanding the provisions of s. 790.01. The licensee must  
 210 carry the license, together with valid identification, at all  
 211 times in which the licensee is in actual possession of a  
 212 concealed weapon or firearm and must display both the license  
 213 and proper identification upon demand by a law enforcement  
 214 officer. Violations of the provisions of this subsection shall  
 215 constitute a noncriminal violation with a penalty of \$25,  
 216 payable to the clerk of the court.

217           Section 4. Subsection (1) and paragraphs (a) and (b) of  
 218 subsection (2) of section 790.115, Florida Statutes, are amended  
 219 to read:

220           790.115 Possessing or discharging weapons or firearms at a  
 221 school-sponsored event or on school property prohibited;  
 222 penalties; exceptions.—

223           (1) A person who exhibits any sword, sword cane, firearm,  
 224 electric weapon or device, destructive device, or other weapon



225 as defined in s. 790.001~~(13)~~, including a razor blade, box  
 226 cutter, or common pocketknife, except as authorized in support  
 227 of school-sanctioned activities, in the presence of one or more  
 228 persons in a rude, careless, angry, or threatening manner and  
 229 not in lawful self-defense, at a school-sponsored event or on  
 230 the grounds or facilities of any school, school bus, or school  
 231 bus stop, or within 1,000 feet of the real property that  
 232 comprises a public or private elementary school, middle school,  
 233 or secondary school, during school hours or during the time of a  
 234 sanctioned school activity, commits a felony of the third  
 235 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 236 775.084. This subsection does not apply to the exhibition of a  
 237 firearm or weapon on private real property within 1,000 feet of  
 238 a school by the owner of such property or by a person whose  
 239 presence on such property has been authorized, licensed, or  
 240 invited by the owner.

241 (2) (a) A person shall not possess any firearm, electric  
 242 weapon or device, destructive device, or other weapon as defined  
 243 in s. 790.001~~(13)~~, including a razor blade or box cutter, except  
 244 as authorized in support of school-sanctioned activities, at a  
 245 school-sponsored event or on the property of any school, school  
 246 bus, or school bus stop; however, a person may carry a firearm:

247 1. In a case to a firearms program, class or function  
 248 which has been approved in advance by the principal or chief  
 249 administrative officer of the school as a program or class to  
 250 which firearms could be carried;

251 2. In a case to a career center having a firearms training  
 252 range; or

253 3. In a vehicle pursuant to s. 790.25(5); except that  
 254 school districts may adopt written and published policies that  
 255 waive the exception in this subparagraph for purposes of student  
 256 and campus parking privileges.

257  
 258 For the purposes of this section, "school" means any preschool,  
 259 elementary school, middle school, junior high school, secondary  
 260 school, career center, or postsecondary school, whether public  
 261 or nonpublic.

262 (b) A person who willfully and knowingly possesses any  
 263 electric weapon or device, destructive device, or other weapon  
 264 as defined in s. 790.001~~(13)~~, including a razor blade or box  
 265 cutter, except as authorized in support of school-sanctioned  
 266 activities, in violation of this subsection commits a felony of  
 267 the third degree, punishable as provided in s. 775.082, s.  
 268 775.083, or s. 775.084.

269 Section 5. Subsection (1) of section 790.145, Florida  
 270 Statutes, is amended to read:

271 790.145 Crimes in pharmacies; possession of weapons;  
 272 penalties.—

273 (1) Unless otherwise provided by law, any person who is in  
 274 possession of a concealed "firearm," as defined in s.  
 275 790.001~~(6)~~, or a "destructive device," as defined in s.  
 276 790.001~~(4)~~, within the premises of a "pharmacy," as defined in  
 277 chapter 465, commits ~~is guilty of~~ a felony of the third degree,  
 278 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

279 Section 6. Section 790.1612, Florida Statutes, is amended  
 280 to read:

281           790.1612 Authorization for governmental manufacture,  
 282 possession, and use of destructive devices.—The governing body  
 283 of any municipality or county and the Division of State Fire  
 284 Marshal of the Department of Financial Services have the power  
 285 to authorize the manufacture, possession, and use of destructive  
 286 devices as defined in s. 790.001~~(4)~~.

287           Section 7. Subsection (1) of section 810.095, Florida  
 288 Statutes, is amended to read:

289           810.095 Trespass on school property with firearm or other  
 290 weapon prohibited.—

291           (1) It is a felony of the third degree, punishable as  
 292 provided in s. 775.082, s. 775.083, or s. 775.084, for a person  
 293 who is trespassing upon school property to bring onto, or to  
 294 possess on, such school property any weapon as defined in s.  
 295 790.001~~(13)~~ or any firearm.

296           Section 8. Paragraph (b) of subsection (1) of section  
 297 921.0024, Florida Statutes, is amended to read:

298           921.0024 Criminal Punishment Code; worksheet computations;  
 299 scoresheets.—

300           (1)

301           (b) WORKSHEET KEY:

302  
 303 Legal status points are assessed when any form of legal status  
 304 existed at the time the offender committed an offense before the  
 305 court for sentencing. Four (4) sentence points are assessed for  
 306 an offender's legal status.

307  
 308 Community sanction violation points are assessed when a

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309 community sanction violation is before the court for sentencing.  
310 Six (6) sentence points are assessed for each community sanction  
311 violation and each successive community sanction violation,  
312 unless any of the following apply:

313 1. If the community sanction violation includes a new  
314 felony conviction before the sentencing court, twelve (12)  
315 community sanction violation points are assessed for the  
316 violation, and for each successive community sanction violation  
317 involving a new felony conviction.

318 2. If the community sanction violation is committed by a  
319 violent felony offender of special concern as defined in s.  
320 948.06:

321 a. Twelve (12) community sanction violation points are  
322 assessed for the violation and for each successive violation of  
323 felony probation or community control where:

324 (I) The violation does not include a new felony  
325 conviction; and

326 (II) The community sanction violation is not based solely  
327 on the probationer or offender's failure to pay costs or fines  
328 or make restitution payments.

329 b. Twenty-four (24) community sanction violation points  
330 are assessed for the violation and for each successive violation  
331 of felony probation or community control where the violation  
332 includes a new felony conviction.

333

334 Multiple counts of community sanction violations before the  
335 sentencing court shall not be a basis for multiplying the  
336 assessment of community sanction violation points.

337  
338 Prior serious felony points: If the offender has a primary  
339 offense or any additional offense ranked in level 8, level 9, or  
340 level 10, and one or more prior serious felonies, a single  
341 assessment of thirty (30) points shall be added. For purposes of  
342 this section, a prior serious felony is an offense in the  
343 offender's prior record that is ranked in level 8, level 9, or  
344 level 10 under s. 921.0022 or s. 921.0023 and for which the  
345 offender is serving a sentence of confinement, supervision, or  
346 other sanction or for which the offender's date of release from  
347 confinement, supervision, or other sanction, whichever is later,  
348 is within 3 years before the date the primary offense or any  
349 additional offense was committed.

350  
351 Prior capital felony points: If the offender has one or more  
352 prior capital felonies in the offender's criminal record, points  
353 shall be added to the subtotal sentence points of the offender  
354 equal to twice the number of points the offender receives for  
355 the primary offense and any additional offense. A prior capital  
356 felony in the offender's criminal record is a previous capital  
357 felony offense for which the offender has entered a plea of nolo  
358 contendere or guilty or has been found guilty; or a felony in  
359 another jurisdiction which is a capital felony in that  
360 jurisdiction, or would be a capital felony if the offense were  
361 committed in this state.

362  
363 Possession of a firearm, semiautomatic firearm, or machine gun:  
364 If the offender is convicted of committing or attempting to

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365 | commit any felony other than those enumerated in s. 775.087(2)  
366 | while having in his or her possession: a firearm as defined in  
367 | s. 790.001~~(6)~~, an additional eighteen (18) sentence points are  
368 | assessed; or if the offender is convicted of committing or  
369 | attempting to commit any felony other than those enumerated in  
370 | s. 775.087(3) while having in his or her possession a  
371 | semiautomatic firearm as defined in s. 775.087(3) or a machine  
372 | gun as defined in s. 790.001~~(9)~~, an additional twenty-five (25)  
373 | sentence points are assessed.

374 |  
375 | Sentencing multipliers:

376 |  
377 | Drug trafficking: If the primary offense is drug trafficking  
378 | under s. 893.135, the subtotal sentence points are multiplied,  
379 | at the discretion of the court, for a level 7 or level 8  
380 | offense, by 1.5. The state attorney may move the sentencing  
381 | court to reduce or suspend the sentence of a person convicted of  
382 | a level 7 or level 8 offense, if the offender provides  
383 | substantial assistance as described in s. 893.135(4).

384 |  
385 | Law enforcement protection: If the primary offense is a  
386 | violation of the Law Enforcement Protection Act under s.  
387 | 775.0823(2), (3), or (4), the subtotal sentence points are  
388 | multiplied by 2.5. If the primary offense is a violation of s.  
389 | 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
390 | are multiplied by 2.0. If the primary offense is a violation of  
391 | s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
392 | Protection Act under s. 775.0823(10) or (11), the subtotal

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393 | sentence points are multiplied by 1.5.

394

395 | Grand theft of a motor vehicle: If the primary offense is grand  
396 | theft of the third degree involving a motor vehicle and in the  
397 | offender's prior record, there are three or more grand thefts of  
398 | the third degree involving a motor vehicle, the subtotal  
399 | sentence points are multiplied by 1.5.

400

401 | Offense related to a criminal gang: If the offender is convicted  
402 | of the primary offense and committed that offense for the  
403 | purpose of benefiting, promoting, or furthering the interests of  
404 | a criminal gang as prohibited under s. 874.04, the subtotal  
405 | sentence points are multiplied by 1.5.

406

407 | Domestic violence in the presence of a child: If the offender is  
408 | convicted of the primary offense and the primary offense is a  
409 | crime of domestic violence, as defined in s. 741.28, which was  
410 | committed in the presence of a child under 16 years of age who  
411 | is a family or household member as defined in s. 741.28(3) with  
412 | the victim or perpetrator, the subtotal sentence points are  
413 | multiplied by 1.5.

414 | Section 9. This act shall take effect October 1, 2013.