

By Representative Miller

1 A bill to be entitled
2 An act relating to weapons and firearms;
3 amending s. 790.001, F.S.; revising a
4 definition; amending s. 790.06, F.S.; revising
5 conditions precedent to the issuance of a
6 license to carry a concealed weapon or firearm;
7 requiring the denial or revocation of a license
8 under specified circumstances; providing an
9 additional condition under which a license
10 shall be suspended or revoked pursuant to ch.
11 120, F.S.; expanding provisions relating to
12 areas upon which concealed weapons or firearms
13 shall not be carried; increasing the penalty
14 for violation; amending s. 790.065, F.S.,
15 relating to sale and delivery of firearms;
16 including a specified misdemeanor penalty
17 within conditions which constitute conditional
18 nonapproval of a licensee; providing for
19 suspension of a specified time limitation under
20 certain conditions; revising procedure to
21 provide for issuance of a nonapproval number to
22 potential buyers prohibited from owning a
23 firearm; providing a time limit within which
24 specified records shall be destroyed; repealing
25 s. 790.065(13), F.S., as created by chapter
26 89-191, Laws of Florida; nullifying the
27 scheduled repeal of s. 790.065, F.S., on the
28 effective date of federal law which provides
29 access to national criminal history information
30 and requires national criminal history checks
31 on potential buyers or transferees on firearms;

1 repealing s. 790.065(14), F.S., as created by
2 chapter 93-197, Laws of Florida; nullifying the
3 scheduled repeal of s. 790.065, F.S., on
4 October 1, 1999; amending s. 790.0655, F.S.;
5 revising provisions relating to the mandatory
6 3-day waiting period between the purchase and
7 delivery of a handgun; providing a penalty;
8 creating s. 790.0657, F.S.; providing for
9 regulation of the sale of firearms at gun
10 shows; providing definitions; requiring that
11 persons promoting the sale of firearms in the
12 state through gun shows register with the
13 Florida Department of Law Enforcement;
14 requiring the promoter of any gun show at which
15 firearms are being sold to be a firearms
16 dealer; requiring all sales and transfers of
17 firearms at a gun show to be subject to
18 background check provisions of s. 790.065,
19 F.S.; providing a first degree misdemeanor
20 penalty for the sale or transfer of a firearm
21 within 1,000 feet of a gun show by specified
22 unauthorized persons; requiring gun show
23 promoters to pay a fee to defray the cost of
24 firearm purchase program services; providing an
25 appropriation to fund such services; amending
26 s. 790.08, F.S.; authorizing the submission of
27 seized handguns to the Florida Department of
28 Law Enforcement; requiring the department to
29 forward serial numbers of seized handguns to
30 the Federal Bureau of Alcohol, Tobacco, and
31 Firearms for specified tracing and

1 identification purposes; amending s. 790.10,
2 F.S.; increasing the penalty for improper
3 exhibition of dangerous weapons or firearms;
4 amending s. 790.115, F.S., relating to the
5 prohibition against possessing or discharging
6 weapons or firearms on school property;
7 clarifying language relative to a specified
8 exception; amending s. 790.17, F.S.; providing
9 that a person may not knowingly or willfully
10 rent, barter, lend, or give a firearm to a
11 minor; providing a penalty; increasing the
12 penalty for sale or transfer of a firearm to a
13 minor; amending s. 790.22, F.S.; revising
14 penalty requirements for offenses involving
15 possession of a firearm by a minor under 18
16 years of age; amending s. 790.23, F.S.;
17 providing an additional condition which
18 constitutes unlawful ownership or possession of
19 specified firearms or weapons; amending s.
20 790.25, F.S.; providing additional exclusions
21 from the protections of provisions governing
22 lawful ownership, possession, and use of
23 firearms and other weapons; including
24 correctional officers among persons who may
25 lawfully own, possess, and use firearms and
26 other weapons; amending s. 790.256, F.S.;
27 requiring the Department of Children and Family
28 Services to prepare specified public service
29 announcements; amending s. 790.27, F.S.;
30 increasing the penalty for selling, delivering,
31 or possessing any firearm on which the

1 manufacturer's or importer's serial number has
2 been unlawfully altered or removed; amending s.
3 790.33, F.S.; authorizing the option of any
4 county to require handgun registration and
5 reporting of handgun title transfers; providing
6 an effective date.

7

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

9

10 Section 1. Subsection (17) of section 790.001, Florida
11 Statutes, is amended to read:

12 790.001 Definitions.--As used in this chapter, except
13 where the context otherwise requires:

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

19 Section 2. Paragraphs (d) and (k) of subsection (2),
20 paragraph (c) of subsection (10), and subsections (3) and (12)
21 of section 790.06, Florida Statutes, are amended to read:

22 790.06 License to carry concealed weapon or firearm.--

23 (2) The Department of State shall issue a license if
24 the applicant:

25 (d) Is not ineligible to possess a firearm pursuant to
26 s. 790.23 by virtue of having been convicted of a felony or of
27 a misdemeanor crime of domestic violence;

28 (k) Has not had adjudication of guilt withheld or
29 imposition of sentence suspended on any felony or on any
30 misdemeanor crime of domestic violence unless 3 years have
31 elapsed since probation or any other conditions set by the

1 court have been fulfilled, or the record has been sealed or
2 expunged.

3 (3) The Department of State shall ~~may~~ deny a license
4 if the applicant has been found guilty of one or more crimes
5 of violence constituting a misdemeanor unless 3 years have
6 elapsed since probation or any other conditions set by the
7 court have been fulfilled, or the record has been sealed or
8 expunged, and shall ~~or may~~ revoke a license if the licensee
9 has been found guilty of one or more crimes of violence within
10 the preceding 3 years. The department shall, upon
11 notification by a law enforcement agency, a court, or the
12 Florida Department of Law Enforcement and subsequent written
13 verification, suspend a license or the processing of an
14 application for a license if the licensee or applicant is
15 arrested or formally charged with a crime which would
16 disqualify such person from having a license under this
17 section, until final disposition of the case.

18 (10) A license issued under this section shall be
19 suspended or revoked pursuant to chapter 120 if the licensee:

20 (c) Is convicted of a felony or of a misdemeanor crime
21 of domestic violence which would make the licensee ineligible
22 to possess a firearm pursuant to s. 790.23;

23 (12) No license issued pursuant to this section shall
24 authorize any person to carry a concealed weapon or firearm
25 into any place of nuisance as defined in s. 823.05; any
26 police, sheriff, or highway patrol station; any detention
27 facility, prison, or jail; any courthouse; any courtroom,
28 except that nothing in this section would preclude a judge
29 from carrying a concealed weapon or determining who will carry
30 a concealed weapon in his or her courtroom; any polling place;
31 any meeting of the governing body of a county, public school

1 district, municipality, or special district; any meeting of
2 the Legislature or a committee thereof; any school, college,
3 or professional athletic event not related to firearms; any
4 school administration building; any portion of an
5 establishment licensed to dispense alcoholic beverages for
6 consumption on the premises, which portion of the
7 establishment is primarily devoted to such purpose; any
8 elementary or secondary school facility; any area technical
9 center; any college or university facility unless the licensee
10 is a registered student, employee, or faculty member of such
11 college or university and the weapon is a stun gun or
12 nonlethal electric weapon or device designed solely for
13 defensive purposes and the weapon does not fire a dart or
14 projectile; inside the passenger terminal and sterile area of
15 any airport, provided that no person shall be prohibited from
16 carrying any legal firearm into the terminal, which firearm is
17 encased for shipment for purposes of checking such firearm as
18 baggage to be lawfully transported on any aircraft; any public
19 property controlled by local government, other than the
20 right-of-way of streets, roads, or highways, where the local
21 government prominently displays a sign which indicates that
22 the carrying of a concealed weapon or firearm on such property
23 is prohibited; or any place where the carrying of firearms is
24 prohibited by federal law. Any person who willfully violates
25 any provision of this subsection commits a felony ~~misdemeanor~~
26 of the third ~~second~~ degree, punishable as provided in s.
27 775.082, ~~or~~ s. 775.083, or s. 775.084.

28 Section 3. Paragraphs (a) and (c) of subsection (2)
29 and paragraphs (a) and (c) of subsection (4) of section
30 790.065, Florida Statutes, are amended to read:

31 790.065 Sale and delivery of firearms.--

1 (2) Upon receipt of a request for a criminal history
2 record check, the Department of Law Enforcement shall, during
3 the licensee's call or by return call, forthwith:

4 (a) Review criminal history records to determine if
5 the potential buyer or transferee has been convicted of a
6 felony or of a misdemeanor crime of domestic violence and is
7 prohibited from receipt or possession of a firearm pursuant to
8 s. 790.23 or has had adjudication of guilt withheld or
9 imposition of sentence suspended on any felony or on any
10 misdemeanor crime of domestic violence unless 3 years have
11 elapsed since probation or any other conditions set by the
12 court have been fulfilled or expunction has occurred.

13 (c)1. Review any records available to it to determine
14 whether the potential buyer or transferee has been indicted or
15 has had an information filed against her or him for an offense
16 that is a felony or that is a misdemeanor crime of domestic
17 violence under either state or federal law, or, as mandated by
18 federal law, has had an injunction for protection against
19 domestic violence entered against the potential buyer or
20 transferee under s. 741.30, has had an injunction for
21 protection against repeat violence entered against the
22 potential buyer or transferee under s. 784.046, or has been
23 arrested for a dangerous crime as specified in s.
24 907.041(4)(a) or for any of the following enumerated offenses:

- 25 a. Criminal anarchy under ss. 876.01 and 876.02.
26 b. Extortion under s. 836.05.
27 c. Explosives violations under s. 552.22(1) and (2).
28 d. Controlled substances violations under chapter 893.
29 e. Resisting an officer with violence under s. 843.01.
30 f. Weapons and firearms violations under this chapter.
31 g. Treason under s. 876.32.

- 1 h. Assisting self-murder under s. 782.08.
2 i. Sabotage under s. 876.38.
3 j. Stalking or aggravated stalking under s. 784.048.

4
5 If the review indicates any such indictment, information, or
6 arrest, the department shall provide to the licensee a
7 conditional nonapproval number.

8 2. Within 24 working hours, the department shall
9 determine the disposition of the indictment, information, or
10 arrest and inform the licensee as to whether the potential
11 buyer is prohibited from receiving or possessing a firearm.
12 For purposes of this paragraph, "working hours" means the
13 hours from 8 a.m. to 5 p.m. Monday through Friday, excluding
14 legal holidays.

15 3. The office of the clerk of court, at no charge to
16 the department, shall respond to any department request for
17 data on the disposition of the indictment, information, or
18 arrest as soon as possible, but in no event later than 8
19 working hours.

20 4. The department shall determine as quickly as
21 possible within the allotted time period whether the potential
22 buyer is prohibited from receiving or possessing a firearm.

23 5. If the potential buyer is not so prohibited, the
24 department shall provide the licensee with a conditional
25 approval number.~~or~~

26 6. If the department cannot determine the disposition
27 information within the allotted time period, or if the
28 department cannot determine compliance with s. 741.30(4), the
29 time limitation prescribed by this section may be suspended
30 until receipt of the final disposition or proof of restoration
31

1 ~~of civil and firearm rights the department shall provide the~~
2 ~~licensee with a conditional approval number.~~

3 7.6. If the buyer is so prohibited, the conditional
4 nonapproval number shall become a nonapproval number.

5 8.7. The department shall continue its attempts to
6 obtain the disposition information and may retain a record of
7 all approval numbers granted without sufficient disposition
8 information. If the department later obtains disposition
9 information which indicates:

10 a. That the potential buyer is not prohibited from
11 owning a firearm, it shall treat the record of the transaction
12 in accordance with this section; or

13 b. That the potential buyer is prohibited from owning
14 a firearm, it shall provide the licensee with a nonapproval
15 number immediately revoke the conditional approval number and
16 notify local law enforcement.

17 9.8. During the time that disposition of the
18 indictment, information, or arrest is pending and until the
19 department is notified by the potential buyer that there has
20 been a final disposition of the indictment, information, or
21 arrest, the conditional nonapproval number shall remain in
22 effect.

23 (4)(a) Any records containing any of the information
24 set forth in subsection (1) pertaining to a buyer or
25 transferee who is not found to be prohibited from receipt or
26 transfer of a firearm by reason of Florida and federal law
27 which records are created by the Department of Law Enforcement
28 to conduct the criminal history record check shall be
29 confidential and exempt from the provisions of s. 119.07(1)
30 and may not be disclosed by the Department of Law Enforcement
31 or any officer or employee thereof to any person or to another

1 agency. The Department of Law Enforcement shall destroy any
2 such records forthwith after it communicates the approval and
3 nonapproval numbers to the licensee and, in any event, such
4 records shall be destroyed within 30 days ~~48 hours~~ after the
5 day of the response to the licensee's request.

6 (c) Nothing in this chapter shall be construed to
7 allow the State of Florida to maintain records containing the
8 names of purchasers or transferees who receive unique approval
9 numbers or to maintain records of firearm transactions beyond
10 the 30-day period provided in paragraph (a).

11 (d) Any officer or employee, or former officer or
12 employee of the Department of Law Enforcement or law
13 enforcement agency who intentionally and maliciously violates
14 the provisions of this subsection commits a felony of the
15 third degree punishable as provided in s. 775.082 or s.
16 775.083.

17 Section 4. Subsection (13) of section 790.065, Florida
18 Statutes, as created by chapter 89-191, Laws of Florida, is
19 repealed.

20 Section 5. Subsection (14) of section 790.065, Florida
21 Statutes, as created by chapter 93-197, Laws of Florida, is
22 repealed.

23 Section 6. Paragraph (a) of subsection (1) and
24 paragraph (a) of subsection (3) of section 790.0655, Florida
25 Statutes, are amended to read:

26 790.0655 Purchase and delivery of handguns; mandatory
27 waiting period; exceptions; penalties.--

28 (1)(a) There shall be a mandatory 3-day waiting
29 period, which shall be 3 days, excluding weekends and legal
30 holidays, between the purchase and the delivery ~~at retail~~ of
31 any handgun, whether at retail or through private sale at a

1 gun show, as defined in s. 790.0657. "Purchase" means the
2 transfer of money or other valuable consideration to the
3 retailer. "Handgun" means a firearm capable of being carried
4 and used by one hand, such as a pistol or revolver. "Retailer"
5 means and includes every person engaged in the business of
6 making sales at retail or for distribution, or use, or
7 consumption, or storage to be used or consumed in this state,
8 as defined in s. 212.02(13)~~(14)~~.

9 (b) Records of handgun sales must be available for
10 inspection by any law enforcement agency, as defined in s.
11 934.02, during normal business hours.

12 (2) The 3-day waiting period shall not apply in the
13 following circumstances:

14 (a) When a handgun is being purchased by a holder of a
15 concealed weapons permit as defined in s. 790.06.

16 (b) To a trade-in of another handgun.

17 (3) It is a felony of the third degree, punishable as
18 provided in s. 775.082, s. 775.083, or s. 775.084:

19 (a) For any retailer, ~~or~~ any employee or agent of a
20 retailer, or any person offering a handgun for sale at a gun
21 show, as defined in s. 790.0657, to deliver a handgun before
22 the expiration of the 3-day waiting period, subject to the
23 exceptions provided in subsection (2).

24 (b) For a purchaser to obtain delivery of a handgun by
25 fraud, false pretense, or false representation.

26 Section 7. Section 790.0657, Florida Statutes, is
27 created to read:

28 790.0657 Gun shows; definitions; regulation;
29 penalty.--

30 (1) For the purpose of this section, the following
31 terms have the following meanings:

1 (a) "Firearms dealer" means any person licensed as a
2 firearms dealer pursuant to 18 U.S.C. ss. 921 et. seq.

3 (b) "Gun show" means any gathering or exhibition
4 conducted by a firearms dealer for the purpose of exchanging,
5 selling, or trading firearms, which gathering or exhibition is
6 open to the public and is not conducted on the permanent
7 premises of a firearms dealer.

8 (c) "Gun show promoter" means a firearms dealer who
9 conducts Florida criminal history background checks prior to
10 the sale or transfer of any firearm at a gun show as required
11 under subsection (3).

12 (2) The promoter of any gun show at which firearms are
13 being sold must be a firearms dealer. Any person promoting the
14 sale of firearms in the state through gun shows must register
15 with the Florida Department of Law Enforcement.

16 (3) Every sale and transfer of a firearm at a gun show
17 must be conducted by the promoter of the gun show in
18 accordance with the background check provisions of s. 790.065.

19 (4) A person who participates in the sale or transfer
20 of a firearm within 1,000 feet of a gun show and who is not
21 authorized by the promoter of the gun show to conduct sales at
22 the gun show commits a misdemeanor of the first degree,
23 punishable as provided in s. 775.082 or s. 775.083. This
24 subsection does not apply to sales conducted on private real
25 property by the owner of such property or by a person whose
26 presence on such property has been authorized, licensed, or
27 invited by the owner.

28 (5) The Florida Department of Law Enforcement shall
29 provide firearm purchase program services at designated gun
30 shows throughout the year. Each gun show promoter shall
31 provide full cooperation to the department and shall pay a fee

1 to be set by the department to defray the cost of such
2 services.

3 Section 8. There is hereby appropriated from the
4 General Revenue Fund to the Florida Department of Law
5 Enforcement the sum of \$607,596 for the purpose of funding
6 firearm purchase program services at gun shows as provided in
7 s. 790.0657, Florida Statutes, as created by this act.

8 Section 9. Subsection (1) of section 790.08, Florida
9 Statutes, is amended to read:

10 790.08 Taking possession of weapons and arms; reports;
11 disposition; custody.--

12 (1) Every officer making an arrest under s. 790.07, or
13 under any other law or municipal ordinance within the state,
14 shall take possession of any weapons, electric weapons or
15 devices, or arms mentioned in s. 790.07 found upon the person
16 arrested and deliver them to the sheriff of the county, or the
17 chief of police of the municipality wherein the arrest is
18 made, who shall retain the same until after the trial of the
19 person arrested. The sheriff of the county or the chief of
20 police of the municipality may submit all handguns to the
21 Florida Department of Law Enforcement for entry into the
22 database of the DRUGFIRE program. For any handgun submitted,
23 the Florida Department of Law Enforcement shall forward the
24 serial number of such handgun to the Federal Bureau of
25 Alcohol, Tobacco and Firearms National Tracing Center to
26 identify the movement of handguns recovered, or otherwise used
27 in illicit activities. The Florida Department of Law
28 Enforcement is responsible for returning all submitted
29 handguns to the proper local law enforcement authority for
30 compliance with the remaining provisions of this section.

31

1 Section 10. Section 790.10, Florida Statutes, is
2 amended to read:

3 790.10 Improper exhibition of dangerous weapons or
4 firearms.--If any person having or carrying any dirk, sword,
5 sword cane, firearm, electric weapon or device, or other
6 weapon shall, in the presence of one or more persons, exhibit
7 the same in a rude, careless, angry, or threatening manner,
8 not in necessary self-defense, the person so offending shall
9 be guilty of a felony ~~misdemeanor~~ of the third ~~first~~ degree,
10 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
11 775.084.

12 Section 11. Paragraph (a) of subsection (2) of section
13 790.115, Florida Statutes, is amended to read:

14 790.115 Possessing or discharging weapons or firearms
15 on school property prohibited; penalties; exceptions.--

16 (2)(a) A person shall not possess any firearm,
17 electric weapon or device, destructive device, or other
18 weapon, including a razor blade, box cutter, or knife, except
19 as authorized in support of school-sanctioned activities, on
20 the property of any school, school bus, or school bus stop;
21 however, a person may carry a firearm:

22 1. In a case to a firearms program, class or function
23 which has been approved in advance by the principal or chief
24 administrative officer of the school as a program or class to
25 which firearms could be carried;

26 2. In a case to a vocational school having a firearms
27 training range; or

28 3. In a vehicle pursuant to s. 790.25(5) if the
29 firearm is securely encased; except that school districts may
30 adopt written and published policies that waive the exception
31

1 in this subparagraph for purposes of student and campus
2 parking privileges.

3

4 For the purposes of this section, "school" means any
5 preschool, elementary school, middle school, junior high
6 school, secondary school, vocational school, or postsecondary
7 school, whether public or nonpublic.

8 (c)1. A person who willfully and knowingly possesses
9 any firearm in violation of this subsection commits a felony
10 of the third degree, punishable as provided in s. 775.082, s.
11 775.083, or s. 775.084.

12 2. A person who stores or leaves a loaded firearm
13 within the reach or easy access of a minor who obtains the
14 firearm and commits a violation of subparagraph 1. commits a
15 misdemeanor of the second degree, punishable as provided in s.
16 775.082 or s. 775.083; except that this does not apply if the
17 firearm was stored or left in a securely locked box or
18 container or in a location which a reasonable person would
19 have believed to be secure, or was securely locked with a
20 firearm-mounted push-button combination lock or a trigger
21 lock; if the minor obtains the firearm as a result of an
22 unlawful entry by any person; or to members of the Armed
23 Forces, National Guard, or State Militia, or to police or
24 other law enforcement officers, with respect to firearm
25 possession by a minor which occurs during or incidental to the
26 performance of their official duties.

27 (d) A person who discharges any weapon or firearm
28 while in violation of paragraph (a), unless discharged for
29 lawful defense of himself or herself or another or for a
30 lawful purpose, commits a felony of the second degree,

31

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084.

3 (e) The penalties of this subsection shall not apply
4 to persons licensed under s. 790.06. Persons licensed under
5 s. 790.06 shall be punished as provided in s. 790.06(12),
6 except that a licenseholder who unlawfully discharges a weapon
7 or firearm on school property as prohibited by this subsection
8 commits a felony of the second degree, punishable as provided
9 in s. 775.082, s. 775.083, or s. 775.084.

10 (3) This section does not apply to any law enforcement
11 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
12 (8), (9), or (14).

13 Section 12. Paragraph (a) of subsection (2) of section
14 790.17, Florida Statutes, is amended to read:

15 790.17 Furnishing weapons to minors under 18 years of
16 age or persons of unsound mind and furnishing firearms to
17 minors under 18 years of age prohibited.--

18 (2)(a) A person may not knowingly or willfully sell,
19 rent, barter, lend, give, or transfer a firearm to a minor
20 under 18 years of age, except that a person may rent or
21 transfer ownership of a firearm to a minor with permission of
22 the parent or guardian. A person who violates this paragraph
23 commits a felony of the second ~~third~~ degree, punishable as
24 provided in s. 775.082, s. 775.083, or s. 775.084.

25 Section 13. Subsections (5) and (9) of section 790.22,
26 Florida Statutes, are amended to read:

27 790.22 Use of BB guns, air or gas-operated guns, or
28 electric weapons or devices by minor under 16; limitation;
29 possession of firearms by minor under 18 prohibited;
30 penalties.--

31

1 (3) A minor under 18 years of age may not possess a
2 firearm, other than an unloaded firearm at his or her home,
3 unless:
4 (a) The minor is engaged in a lawful hunting activity
5 and is:
6 1. At least 16 years of age; or
7 2. Under 16 years of age and supervised by an adult.
8 (b) The minor is engaged in a lawful marksmanship
9 competition or practice or other lawful recreational shooting
10 activity and is:
11 1. At least 16 years of age; or
12 2. Under 16 years of age and supervised by an adult
13 who is acting with the consent of the minor's parent or
14 guardian.
15 (c) The firearm is unloaded and is being transported
16 by the minor directly to or from an event authorized in
17 paragraph (a) or paragraph (b).
18 (5)(a) A minor who violates subsection (3) commits a
19 misdemeanor of the first degree, and, in addition to any other
20 penalty provided by law, shall be required to perform 100
21 hours of community service, and:
22 1. If the minor is eligible by reason of age for a
23 driver license or driving privilege, the court shall direct
24 the Department of Highway Safety and Motor Vehicles to revoke
25 or to withhold issuance of the minor's driver license or
26 driving privilege for up to 1 year.
27 2. If the minor's driver license or driving privilege
28 is under suspension or revocation for any reason, the court
29 shall direct the Department of Highway Safety and Motor
30 Vehicles to extend the period of suspension or revocation by
31 an additional period of up to 1 year.

1 3. If the minor is ineligible by reason of age for a
2 driver license or driving privilege, the court shall direct
3 the Department of Highway Safety and Motor Vehicles to
4 withhold issuance of the minor's driver license or driving
5 privilege for up to 1 year after the date on which the minor
6 would otherwise have become eligible.

7 (b) For a second or subsequent offense, the court
8 shall commit the child to the Department of Juvenile Justice
9 for placement in a nonresidential program, and:

10 1. The minor shall be required to perform not less
11 than 100 nor more than 250 hours of community service, ~~and~~

12 ~~2.1.~~ If the minor is eligible by reason of age for a
13 driver license or driving privilege, the court shall direct
14 the Department of Highway Safety and Motor Vehicles to revoke
15 or to withhold issuance of the minor's driver license or
16 driving privilege for up to 2 years.

17 ~~3.2.~~ If the minor's driver license or driving
18 privilege is under suspension or revocation for any reason,
19 the court shall direct the Department of Highway Safety and
20 Motor Vehicles to extend the period of suspension or
21 revocation by an additional period of up to 2 years.

22 ~~4.3.~~ If the minor is ineligible by reason of age for a
23 driver license or driving privilege, the court shall direct
24 the Department of Highway Safety and Motor Vehicles to
25 withhold issuance of the minor's driver license or driving
26 privilege for up to 2 years after the date on which the minor
27 would otherwise have become eligible.

28 (9) Notwithstanding s. 985.214 ~~39-043~~, if the minor is
29 found to have committed an offense that involves the use or
30 possession of a firearm, as defined in s. 790.001, other than
31 a violation of subsection (3), or an offense during the

1 commission of which the minor possessed a firearm, and the
2 minor is not committed to a residential commitment program of
3 the Department of Juvenile Justice ~~Health and Rehabilitative~~
4 ~~Services~~, in addition to any other punishment provided by law,
5 the court shall order:

6 (a) For a first offense, that the minor serve a
7 mandatory period of detention of 5 days in a secure detention
8 facility and:

9 1. Shall be committed to the Department of Juvenile
10 Justice for placement in a commitment program, or a community
11 control program.

12 2. Shall perform 100 hours of community service.

13 (b) For a second or subsequent offense, that the minor
14 serve a mandatory period of detention of 10 days in a secure
15 detention facility and:

16 1. Shall be committed to the Department of Juvenile
17 Justice for placement in a commitment program, or a community
18 control program.

19 2. Shall perform not less than 100 nor more than 250
20 hours of community service.

21
22 The minor shall receive credit for time served before
23 adjudication.

24 Section 14. Section 790.23, Florida Statutes, is
25 amended to read:

26 790.23 Criminals ~~Felons~~ and delinquents; possession of
27 firearms or electric weapons or devices unlawful.--

28 (1) It is unlawful for any person to own or to have in
29 his or her care, custody, possession, or control any firearm
30 or electric weapon or device, or to carry a concealed weapon,
31

1 including a tear gas gun or chemical weapon or device, if that
2 person has been:

3 (a) Convicted of a felony or found to have committed a
4 delinquent act that would be a felony if committed by an adult
5 in the courts of this state;

6 (b) Convicted of or found to have committed a crime
7 against the United States which is designated as a felony, or
8 is otherwise prohibited from possessing a firearm;

9 (c) Found to have committed a delinquent act in
10 another state, territory, or country that would be a felony if
11 committed by an adult and which was punishable by imprisonment
12 for a term exceeding 1 year; ~~or~~

13 (d) Found guilty of an offense that is a felony in
14 another state, territory, or country and which was punishable
15 by imprisonment for a term exceeding 1 year; ~~or-~~

16 (e) Convicted of a misdemeanor crime of domestic
17 violence.

18 (2) This section shall not apply to a person convicted
19 of a felony whose civil rights and firearm authority have been
20 restored, or to a person found to have committed a delinquent
21 act that would be a felony if committed by an adult with
22 respect to which the jurisdiction of the court pursuant to
23 chapter 39 has expired.

24 (3) Any person who violates this section commits a
25 felony of the second degree, punishable as provided in s.
26 775.082, s. 775.083, or s. 775.084.

27 Section 15. Subsection (2) and paragraph (d) of
28 subsection (3) of section 790.25, Florida Statutes, are
29 amended to read:

30 790.25 Lawful ownership, possession, and use of
31 firearms and other weapons.--

1 (2) USES NOT AUTHORIZED.--

2 (a) This section does not authorize carrying a
3 concealed weapon without a permit, as prohibited by ss. 790.01
4 and 790.02.

5 (b) The protections of this section do not apply to
6 the following:

7 1. A person who has been adjudged mentally
8 incompetent, who has been adjudicated as an incapacitated
9 person under s. 744.331, or similar laws of any other state,
10 unless 5 years have elapsed since the person's restoration to
11 capacity by court order, who has been committed to a mental
12 institution under chapter 394, or similar laws of any other
13 state, unless the applicant produces a certificate from a
14 licensed psychiatrist that he or she has not suffered from
15 disability for at least 5 years prior to the date of purchase,
16 who is addicted to the use of narcotics or any similar drug,
17 or who is a habitual or chronic alcoholic, or a person using
18 weapons or firearms in violation of ss. 790.07-790.12,
19 790.14-790.19, 790.22-790.24;

20 2. Vagrants and other undesirable persons as defined
21 in s. 856.02;

22 3. A person in or about a place of nuisance as defined
23 in s. 823.05, unless such person is there for law enforcement
24 or some other lawful purpose.

25 (3) LAWFUL USES.--The provisions of ss. 790.053 and
26 790.06 do not apply in the following instances, and, despite
27 such sections, it is lawful for the following persons to own,
28 possess, and lawfully use firearms and other weapons,
29 ammunition, and supplies for lawful purposes:

30 (d) Sheriffs, marshals, prison or jail wardens, police
31 officers, correctional officers, Florida highway patrol

1 officers, game wardens, revenue officers, forest officials,
2 special officers appointed under the provisions of chapter
3 354, and other peace and law enforcement officers and their
4 deputies and assistants and full-time paid peace officers of
5 other states and of the Federal Government who are carrying
6 out official duties while in this state;

7 Section 16. Section 790.256, Florida Statutes, is
8 amended to read:

9 790.256 Public service announcements.--The Department
10 of Children and Family Services ~~Health and Rehabilitative~~
11 ~~Services~~ shall prepare public service announcements for
12 dissemination to parents throughout the state, of the
13 provisions of chapter 93-416, Laws of Florida.

14 Section 17. Subsection (2) of section 790.27, Florida
15 Statutes, is amended to read:

16 790.27 Alteration or removal of firearm serial number
17 or possession, sale, or delivery of firearm with serial number
18 altered or removed prohibited; penalties.--

19 (2)(a) It is unlawful for any person to knowingly
20 sell, deliver, or possess any firearm on which the
21 manufacturer's or importer's serial number has been unlawfully
22 altered or removed.

23 (b) Any person violating paragraph (a) is guilty of a
24 felony misdemeanor of the third ~~first~~ degree, punishable as
25 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

26 (3) This section shall not apply to antique firearms.

27 Section 18. Subsection (2) of section 790.33, Florida
28 Statutes, is amended to read:

29 790.33 Field of regulation of firearms and ammunition
30 preempted.--

31

1 (1) PREEMPTION.--Except as expressly provided by
2 general law, the Legislature hereby declares that it is
3 occupying the whole field of regulation of firearms and
4 ammunition, including the purchase, sale, transfer, taxation,
5 manufacture, ownership, possession, and transportation
6 thereof, to the exclusion of all existing and future county,
7 city, town, or municipal ordinances or regulations relating
8 thereto. Any such existing ordinances are hereby declared
9 null and void. This subsection shall not affect zoning
10 ordinances which encompass firearms businesses along with
11 other businesses. Zoning ordinances which are designed for
12 the purpose of restricting or prohibiting the sale, purchase,
13 transfer, or manufacture of firearms or ammunition as a method
14 of regulating firearms or ammunition are in conflict with this
15 subsection and are prohibited.

16 (2) LIMITED EXCEPTION; COUNTY WAITING-PERIOD
17 ORDINANCES; COUNTY HANDGUN REGISTRATION AND TITLE TRANSFER
18 ORDINANCES.--

19 (a) Any county may have the option to adopt a
20 waiting-period ordinance requiring a waiting period of up to,
21 but not to exceed, 3 working days between the purchase and
22 delivery of a handgun. For purposes of this subsection,
23 "purchase" means payment of deposit, payment in full, or
24 notification of intent to purchase. Adoption of a
25 waiting-period ordinance, by any county, shall require a
26 majority vote of the county commission on votes on
27 waiting-period ordinances. This exception is limited solely
28 to individual counties and is limited to the provisions and
29 restrictions contained in this subsection.

30 **(b) Any county may have the option to adopt an**
31 **ordinance requiring handgun registration and reporting of**

1 title transfers. Adoption of an ordinance requiring handgun
2 registration and reporting of title transfers, by any county,
3 shall require a majority vote of the county commission on
4 votes on such ordinances. This exception is limited solely to
5 the individual counties and is limited to the provisions and
6 restrictions contained in this subsection.

7 (c)~~(b)~~ Ordinances authorized by this subsection shall
8 apply to all sales of handguns to individuals by a retail
9 establishment except those sales to individuals exempted in
10 this subsection. For purposes of this subsection, "retail
11 establishment" means a gun shop, sporting goods store, pawn
12 shop, hardware store, department store, discount store, bait
13 or tackle shop, or any other store or shop that offers
14 handguns for walk-in retail sale and includes ~~but does not~~
15 ~~include~~ gun collectors shows or exhibits, or gun shows.

16 (d)~~(e)~~ Ordinances authorized by this subsection may
17 ~~shall not~~ require any reporting or notification to any source
18 outside the retail establishment, but records of handgun sales
19 must be available for inspection, during normal business
20 hours, by any law enforcement agency as defined in s. 934.02.

21 (e)~~(d)~~ The following shall be exempt from any waiting
22 period:

23 1. Individuals who are licensed to carry concealed
24 firearms under the provisions of s. 790.06 or who are licensed
25 to carry concealed firearms under any other provision of state
26 law and who show a valid license;

27 2. Individuals who already lawfully own another
28 firearm and who show a sales receipt for another firearm; who
29 are known to own another firearm through a prior purchase from
30 the retail establishment; or who have another firearm for
31 trade-in;

- 1 3. A law enforcement or correctional officer as
2 defined in s. 943.10;
3 4. A law enforcement agency as defined in s. 934.02;
4 5. Sales or transactions between dealers or between
5 distributors or between dealers and distributors who have
6 current federal firearms licenses; or
7 6. Any individual who has been threatened or whose
8 family has been threatened with death or bodily injury,
9 provided the individual may lawfully possess a firearm and
10 provided such threat has been duly reported to local law
11 enforcement.

12 Section 19. This act shall take effect October 1 of
13 the year in which enacted.
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516-190B-98

HOUSE SUMMARY

Revises various provisions of ch. 790, F.S., relating to weapons and firearms. With respect to licensure to carry a concealed weapon or concealed firearm, provides that conviction of a misdemeanor crime of domestic violence constitutes a condition of ineligibility for possession of a license to carry a concealed weapon or firearm. Requires the denial or revocation of such license under specified circumstances. Provides an additional condition under which such license shall be suspended or revoked pursuant to ch. 120, F.S. Expands provisions relating to areas upon which concealed weapons or firearms shall not be carried and increases the penalty for violation from a second degree misdemeanor to a third degree felony.

With respect to current provisions governing the sale and delivery of firearms, nullifies the repeal of such provisions, currently scheduled for October 1, 1999, and on the effective date of federal law which provides access to national criminal history information and requires national criminal history checks on potential buyers or transferees on firearms. Provides that conviction of a misdemeanor crime of domestic violence constitutes a condition for nonapproval of a license. Provides for suspension of time limitation for review of criminal history records under specified conditions. Revises procedure to provide for issuance of a nonapproval number to potential buyers prohibited from owning a firearm. Increases a time limit within which specified records shall be destroyed from 48 hours to 30 days.

Revises provisions relating to the mandatory 3-day waiting period between the purchase and delivery of handguns to include handguns purchased through private sale at a gun show.

Creates s. 790.0657, F.S., for the purpose of regulating the sale of firearms at gun shows. Requires that persons promoting sales of firearms in the state register with the Florida Department of Law Enforcement and requires that promoters of gun shows at which firearms are being sold must be firearm dealers. Requires all sales and transfers of firearms at a gun show to be subject to background check provisions of s. 790.065, F.S. Provides a first degree misdemeanor penalty for the sale or transfer of a firearm within 1,000 feet of a gun show by anyone not authorized by the promoter of the gun show to conduct such sale or transfer. Provides an appropriation to fund firearm purchase program services at gun shows. Requires gun show promoters to pay a fee set by the Florida Department of Law Enforcement to defray the cost of firearm purchase program services.

516-190B-98

1 Authorizes county sheriffs and municipal chiefs of police
2 to submit all seized handguns to the Florida Department
3 of Law Enforcement. Requires the department to forward
4 serial numbers of seized handguns to the Federal Bureau
5 of Alcohol, Tobacco and Firearms National Tracing Center
6 for specified tracing and identification purposes.

7
8 Increases, from a first-degree misdemeanor to a
9 third-degree felony, the penalty for improper exhibition
10 of dangerous weapons or firearms.

11
12 Provides that a person may not knowingly or willfully
13 rent, barter, lend, or give a firearm to a minor under 18
14 years of age and provides a second-degree felony penalty
15 for violation. Increases the penalty for sale or
16 transfer of a firearm to a minor under 18 years of age
17 from a third-degree felony to a second-degree felony.

18
19 Revises penalties for offenses involving the possession
20 of a firearm by a minor under 18 years of age.

21
22 Provides a second-degree felony penalty for ownership or
23 possession of specified firearms or weapons by persons
24 who have been convicted of a misdemeanor crime of
25 domestic violence.

26
27 Provides additional exclusions from the protections of
28 provisions governing lawful ownership, possession, and
29 use of firearms and other weapons. Includes correctional
30 officers among persons who may lawfully own, possess, and
31 use firearms and other weapons.

Increases, from a first-degree misdemeanor to a
third-degree felony, the penalty for selling, delivering,
or possessing any firearm on which the manufacturer's or
importer's serial number has been unlawfully altered or
removed.

Authorizes the option of any county to require handgun
registration and reporting of handgun title transfers.