



180224

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/14/2011	.	
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	.	

The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete lines 91 - 167
and insert:

(b) A person licensed under this section shall not be prohibited from carrying or storing a firearm in a vehicle for lawful purposes.

(c) This subsection does not modify the terms or conditions of s. 790.251(7).

(d) Any person who knowingly and willfully violates any provision of this subsection commits a misdemeanor of the second



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13 degree, punishable as provided in s. 775.082 or s. 775.083.

14 Section 2. Section 790.115, Florida Statutes, is amended to
15 read:

16 790.115 Possessing or discharging weapons or firearms at a
17 school-sponsored event or on school property prohibited;
18 penalties; exceptions.—

19 (1) A person who exhibits any sword, sword cane, firearm,
20 electric weapon or device, destructive device, or other weapon
21 as defined in s. 790.001(13), including a razor blade, box
22 cutter, or common pocketknife, except as authorized in support
23 of school-sanctioned activities, in the presence of one or more
24 persons in a rude, careless, angry, or threatening manner and
25 not in lawful self-defense, at a school-sponsored event or on
26 the grounds or facilities of any school, school bus, or school
27 bus stop, or within 1,000 feet of the real property that
28 comprises a public or private elementary school, middle school,
29 or secondary school, during school hours or during the time of a
30 sanctioned school activity, commits a felony of the third
31 degree, punishable as provided in s. 775.082, s. 775.083, or s.
32 775.084. This subsection does not apply to the exhibition of a
33 firearm or weapon on private real property within 1,000 feet of
34 a school by the owner of such property or by a person whose
35 presence on such property has been authorized, licensed, or
36 invited by the owner.

37 (2) (a) A person may ~~shall~~ not possess any firearm, electric
38 weapon or device, destructive device, or other weapon as defined
39 in s. 790.001(13), including a razor blade or box cutter, except
40 as authorized in support of school-sanctioned activities, at a
41 school-sponsored event or on the property of any school, school



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42 bus, or school bus stop; however, a person may carry a firearm:
43 1. In a case to a firearms program, class, or function that
44 ~~which~~ has been approved in advance by the principal or chief
45 administrative officer of the school as a program or class to
46 which firearms could be carried;
47 2. In a case to a career center having a firearms training
48 range; or
49 3. In a vehicle pursuant to s. 790.25(5); except that
50 school districts may adopt written and published policies that
51 waive the exception in this subparagraph for purposes of student
52 and campus parking privileges.
53
54 For the purposes of this section, the term "school" means any
55 preschool, elementary school, middle school, junior high school,
56 or secondary school, ~~career center, or postsecondary school,~~
57 whether public or nonpublic.
58 (b) A person who willfully and knowingly possesses any
59 electric weapon or device, destructive device, or other weapon
60 as defined in s. 790.001(13), including a razor blade or box
61 cutter, except as authorized in support of school-sanctioned
62 activities, in violation of this subsection commits a felony of
63 the third degree, punishable as provided in s. 775.082, s.
64 775.083, or s. 775.084.
65 (c)1. A person who willfully and knowingly possesses any
66 firearm in violation of this subsection commits a felony of the
67 third degree, punishable as provided in s. 775.082, s. 775.083,
68 or s. 775.084.
69 2. A person who stores or leaves a loaded firearm within
70 the reach or easy access of a minor who obtains the firearm and



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71 commits a violation of subparagraph 1. commits a misdemeanor of
72 the second degree, punishable as provided in s. 775.082 or s.
73 775.083; except that this does not apply if the firearm was
74 stored or left in a securely locked box or container or in a
75 location which a reasonable person would have believed to be
76 secure, or was securely locked with a firearm-mounted push-
77 button combination lock or a trigger lock; if the minor obtains
78 the firearm as a result of an unlawful entry by any person; or
79 to members of the Armed Forces, National Guard, or State
80 Militia, or to police or other law enforcement officers, with
81 respect to firearm possession by a minor which occurs during or
82 incidental to the performance of their official duties.

83 (d) A person who discharges any weapon or firearm while in
84 violation of paragraph (a), unless discharged for lawful defense
85 of himself or herself or another or for a lawful purpose,
86 commits a felony of the second degree, punishable as provided in
87 s. 775.082, s. 775.083, or s. 775.084.

88 (e) The penalties of this subsection do ~~shall~~ not apply to
89 persons licensed under s. 790.06. Persons licensed under s.
90 790.06 shall be punished as provided in s. 790.06(12), except
91 that a licenseholder who unlawfully discharges a weapon or
92 firearm on school property as prohibited by this subsection
93 commits a felony of the second degree, punishable as provided in
94 s. 775.082, s. 775.083, or s. 775.084.

95 (3) This section does not apply to any law enforcement
96 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
97 (8), (9), or (14).

98 (4) Notwithstanding s. 985.24, s. 985.245, or s. 985.25(1),
99 any minor under 18 years of age who is charged under this



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100 section with possessing or discharging a firearm on school
101 property shall be detained in secure detention, unless the state
102 attorney authorizes the release of the minor, and shall be given
103 a probable cause hearing within 24 hours after being taken into
104 custody. At the hearing, the court may order that the minor
105 continue to be held in secure detention for a period of 21 days,
106 during which time the minor shall receive medical, psychiatric,
107 psychological, or substance abuse examinations pursuant to s.
108 985.18, and a written report shall be completed.

109 Section 3. Section 790.28, Florida Statutes, is repealed.

110 Section 4. Subsection (1) of section 790.065, Florida
111 Statutes, is amended to read:

112 790.065 Sale and delivery of firearms.-

113 (1) (a) A licensed importer, licensed manufacturer, or
114 licensed dealer may not sell or deliver from her or his
115 inventory at her or his licensed premises any firearm to another
116 person, other than a licensed importer, licensed manufacturer,
117 licensed dealer, or licensed collector, until she or he has:

118 1.-(a) Obtained a completed form from the potential buyer or
119 transferee, which form shall have been promulgated by the
120 Department of Law Enforcement and provided by the licensed
121 importer, licensed manufacturer, or licensed dealer, which shall
122 include the name, date of birth, gender, race, and social
123 security number or other identification number of such potential
124 buyer or transferee and has inspected proper identification
125 including an identification containing a photograph of the
126 potential buyer or transferee.

127 2.-(b) Collected a fee from the potential buyer for
128 processing the criminal history check of the potential buyer.



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129 The fee shall be established by the Department of Law
130 Enforcement and may not exceed \$8 per transaction. The
131 Department of Law Enforcement may reduce, or suspend collection
132 of, the fee to reflect payment received from the Federal
133 Government applied to the cost of maintaining the criminal
134 history check system established by this section as a means of
135 facilitating or supplementing the National Instant Criminal
136 Background Check System. The Department of Law Enforcement
137 shall, by rule, establish procedures for the fees to be
138 transmitted by the licensee to the Department of Law
139 Enforcement. All such fees shall be deposited into the
140 Department of Law Enforcement Operating Trust Fund, but shall be
141 segregated from all other funds deposited into such trust fund
142 and must be accounted for separately. Such segregated funds must
143 not be used for any purpose other than the operation of the
144 criminal history checks required by this section. The Department
145 of Law Enforcement, each year prior to February 1, shall make a
146 full accounting of all receipts and expenditures of such funds
147 to the President of the Senate, the Speaker of the House of
148 Representatives, the majority and minority leaders of each house
149 of the Legislature, and the chairs of the appropriations
150 committees of each house of the Legislature. In the event that
151 the cumulative amount of funds collected exceeds the cumulative
152 amount of expenditures by more than \$2.5 million, excess funds
153 may be used for the purpose of purchasing soft body armor for
154 law enforcement officers.

155 3.(e) Requested, by means of a toll-free telephone call,
156 the Department of Law Enforcement to conduct a check of the
157 information as reported and reflected in the Florida Crime



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158 Information Center and National Crime Information Center systems
159 as of the date of the request.

160 4.~~(d)~~ Received a unique approval number for that inquiry
161 from the Department of Law Enforcement, and recorded the date
162 and such number on the consent form.

163 (b) However, if the person purchasing, or receiving
164 delivery of, the firearm is a holder of a valid concealed
165 weapons or firearms license pursuant to the provisions of s.
166 790.06 or holds an active certification from the Criminal
167 Justice Standards and Training Commission as a "law enforcement
168 officer," a "correctional officer," or a "correctional probation
169 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or
170 (9), ~~the provisions of~~ this subsection does ~~de~~ not apply.

171 (c) This subsection does not apply to the purchase, trade,
172 or transfer of rifles or shotguns by a resident of this state
173 when the resident makes such purchase, trade, or transfer from a
174 licensed importer, licensed manufacturer, or licensed dealer in
175 another state.

176 Section 5. This act shall take effect upon becoming a law.

177
178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180 Delete lines 16 - 23

181 and insert:

182 purposes; providing that a provision limiting the
183 scope of a license to carry a concealed weapon or
184 firearm does not modify certain exceptions to
185 prohibited acts with respect to a person's right to
186 keep and bear arms in motor vehicles for certain



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187 purposes; amending s. 790.115, F.S., relating to the
188 prohibition against possessing or discharging weapons
189 or firearms at a school-sponsored event or on school
190 property; revising the definition of the term
191 "school"; repealing s. 790.28, F.S., relating to the
192 purchase of rifles and shotguns in contiguous states;
193 amending s. 790.065, F.S.; providing that specified
194 provisions do not apply to certain firearms
195 transactions by a resident of this state which take
196 place in another state; providing an effective date.