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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2011	.	
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The Committee on Rules (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1), paragraph (c) of subsection (5),
and subsection (12) of section 790.06, Florida Statutes, are
amended to read:

790.06 License to carry concealed weapon or firearm.-

(1) The Department of Agriculture and Consumer Services is
authorized to issue licenses to carry concealed weapons or
concealed firearms to persons qualified as provided in this
section. Each such license must bear a color photograph of the



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14 licensee. For the purposes of this section, concealed weapons or
15 concealed firearms are defined as a handgun, electronic weapon
16 or device, tear gas gun, knife, or billie, but the term does not
17 include a machine gun as defined in s. 790.001(9). Such licenses
18 shall be valid throughout the state for a period of 7 years from
19 the date of issuance. Any person in compliance with the terms of
20 such license may carry a concealed weapon or concealed firearm
21 notwithstanding ~~the provisions of s. 790.01~~ or may openly carry
22 a handgun, as defined in s. 790.0655, notwithstanding s.
23 790.053. The licensee must carry the license, together with
24 valid identification, at all times in which the licensee is in
25 actual possession of a concealed weapon or firearm and must
26 display both the license and proper identification upon demand
27 by a law enforcement officer. A violation ~~Violations of the~~
28 ~~provisions~~ of this subsection shall constitute a noncriminal
29 violation with a penalty of \$25, payable to the clerk of the
30 court.

31 (5) The applicant shall submit to the Department of
32 Agriculture and Consumer Services:

33 (c) A full set of fingerprints of the applicant
34 administered by a law enforcement agency or the Division of
35 Licensing of the Department of Agriculture and Consumer
36 Services.

37 (12) (a) A ~~No~~ license issued under pursuant to ~~pursuant to~~ this section
38 does not shall authorize any person to openly carry a handgun or
39 carry a concealed weapon or firearm into:

- 40 1. Any place of nuisance as defined in s. 823.05;
- 41 2. Any police, sheriff, or highway patrol station;
- 42 3. Any detention facility, prison, or jail;



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- 43 4. Any courthouse;
- 44 5. Any courtroom, except that nothing in this section would
45 preclude a judge from carrying a concealed weapon or determining
46 who will carry a concealed weapon in his or her courtroom;
- 47 6. Any polling place;
- 48 7. Any meeting of the governing body of a county, public
49 school district, municipality, or special district;
- 50 8. Any meeting of the Legislature or a committee thereof;
- 51 9. Any school, college, or professional athletic event not
52 related to firearms;
- 53 10. Any elementary or secondary school facility or
54 administration building;
- 55 11. Any career center;
- 56 12. Any portion of an establishment licensed to dispense
57 alcoholic beverages for consumption on the premises, which
58 portion of the establishment is primarily devoted to such
59 purpose; ~~any elementary or secondary school facility; any career~~
60 ~~center;~~
- 61 13. Any college or university facility unless the licensee
62 is a registered student, employee, or faculty member of such
63 college or university and the weapon is a stun gun or nonlethal
64 electric weapon or device designed solely for defensive purposes
65 and the weapon does not fire a dart or projectile;
- 66 14. The inside of the passenger terminal and sterile area
67 of any airport, provided that no person shall be prohibited from
68 carrying any legal firearm into the terminal, which firearm is
69 encased for shipment for purposes of checking such firearm as
70 baggage to be lawfully transported on any aircraft; or
- 71 15. Any place where the carrying of firearms is prohibited



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72 by federal law.

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

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

78 (d) Any person who knowingly and willfully violates any
79 provision of this subsection commits a misdemeanor of the second
80 degree, punishable as provided in s. 775.082 or s. 775.083.

81 Section 2. Section 790.28, Florida Statutes, is repealed.

82 Section 3. Subsection (1) of section 790.065, Florida
83 Statutes, is amended to read:

84 790.065 Sale and delivery of firearms.-

85 (1) (a) A licensed importer, licensed manufacturer, or
86 licensed dealer may not sell or deliver from her or his
87 inventory at her or his licensed premises any firearm to another
88 person, other than a licensed importer, licensed manufacturer,
89 licensed dealer, or licensed collector, until she or he has:

90 1.-(a) Obtained a completed form from the potential buyer or
91 transferee, which form shall have been promulgated by the
92 Department of Law Enforcement and provided by the licensed
93 importer, licensed manufacturer, or licensed dealer, which shall
94 include the name, date of birth, gender, race, and social
95 security number or other identification number of such potential
96 buyer or transferee and has inspected proper identification
97 including an identification containing a photograph of the
98 potential buyer or transferee.

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



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101 The fee shall be established by the Department of Law
102 Enforcement and may not exceed \$8 per transaction. The
103 Department of Law Enforcement may reduce, or suspend collection
104 of, the fee to reflect payment received from the Federal
105 Government applied to the cost of maintaining the criminal
106 history check system established by this section as a means of
107 facilitating or supplementing the National Instant Criminal
108 Background Check System. The Department of Law Enforcement
109 shall, by rule, establish procedures for the fees to be
110 transmitted by the licensee to the Department of Law
111 Enforcement. All such fees shall be deposited into the
112 Department of Law Enforcement Operating Trust Fund, but shall be
113 segregated from all other funds deposited into such trust fund
114 and must be accounted for separately. Such segregated funds must
115 not be used for any purpose other than the operation of the
116 criminal history checks required by this section. The Department
117 of Law Enforcement, each year prior to February 1, shall make a
118 full accounting of all receipts and expenditures of such funds
119 to the President of the Senate, the Speaker of the House of
120 Representatives, the majority and minority leaders of each house
121 of the Legislature, and the chairs of the appropriations
122 committees of each house of the Legislature. In the event that
123 the cumulative amount of funds collected exceeds the cumulative
124 amount of expenditures by more than \$2.5 million, excess funds
125 may be used for the purpose of purchasing soft body armor for
126 law enforcement officers.

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



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130 Information Center and National Crime Information Center systems
131 as of the date of the request.

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

135 (b) However, if the person purchasing, or receiving
136 delivery of, the firearm is a holder of a valid concealed
137 weapons or firearms license pursuant to the provisions of s.
138 790.06 or holds an active certification from the Criminal
139 Justice Standards and Training Commission as a "law enforcement
140 officer," a "correctional officer," or a "correctional probation
141 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or
142 (9), ~~the provisions of~~ this subsection does ~~de~~ not apply.

143 (c) This subsection does not apply to the purchase, trade,
144 or transfer of a rifle or shotgun by a resident of this state
145 when the resident makes such purchase, trade, or transfer from a
146 licensed importer, licensed manufacturer, or licensed dealer in
147 another state.

148 Section 4. This act shall take effect upon becoming a law.
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150

151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete everything before the enacting clause
154 and insert:

155 A bill to be entitled
156 An act relating to firearms; amending s. 790.06, F.S.;
157 providing that a person in compliance with the terms
158 of a concealed carry license may openly carry a



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159 handgun notwithstanding specified provisions; allowing
160 the Division of Licensing of the Department of
161 Agriculture and Consumer Services to take fingerprints
162 from concealed carry license applicants; providing
163 that a person may not openly carry a weapon or firearm
164 or carry a concealed weapon or firearm into specified
165 locations; providing that concealed carry licensees
166 shall not be prohibited from carrying or storing a
167 firearm in a vehicle for lawful purposes; providing
168 that a provision limiting the scope of a license to
169 carry a concealed weapon or firearm does not modify
170 certain exceptions to prohibited acts with respect to
171 a person's right to keep and bear arms in motor
172 vehicles for certain purposes; repealing s. 790.28,
173 F.S., relating to the purchase of rifles and shotguns
174 in contiguous states; amending s. 790.065, F.S.;
175 providing that specified provisions do not apply to
176 certain firearms transactions by a resident of this
177 state; providing an effective date.