

By Senator Evers

2-00372-11

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1                   A bill to be entitled  
2           An act relating to firearms; amending s. 790.06, F.S.;  
3           providing that a person in compliance with the terms  
4           of a concealed carry license may carry openly  
5           notwithstanding specified provisions; allowing the  
6           Division of Licensing of the Department of Agriculture  
7           and Consumer Services to take fingerprints from  
8           concealed carry license applicants; limiting a  
9           prohibition on carrying a concealed weapon or firearm  
10          into an elementary or secondary school facility,  
11          career center, or college or university facility to  
12          include only a public elementary or secondary school  
13          facility or administration building; providing that  
14          concealed carry licensees shall not be prohibited from  
15          carrying or storing a firearm in a vehicle for lawful  
16          purposes; repealing s. 790.28, F.S., relating to the  
17          purchase of rifles and shotguns in contiguous states;  
18          amending s. 790.065, F.S.; providing that specified  
19          provisions do not apply to certain firearms  
20          transactions by a resident of this state which take  
21          place in another state; providing applicable law;  
22          requiring a specified background check for such  
23          transactions; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Subsection (1), paragraph (c) of subsection (5),  
28           and subsection (12) of section 790.06, Florida Statutes, are  
29           amended to read:

2-00372-11

2011234

30 790.06 License to carry concealed weapon or firearm.—

31 (1) The Department of Agriculture and Consumer Services is  
32 authorized to issue licenses to carry concealed weapons or  
33 concealed firearms to persons qualified as provided in this  
34 section. Each such license must bear a color photograph of the  
35 licensee. For the purposes of this section, concealed weapons or  
36 concealed firearms are defined as a handgun, electronic weapon  
37 or device, tear gas gun, knife, or billie, but the term does not  
38 include a machine gun as defined in s. 790.001(9). Such licenses  
39 shall be valid throughout the state for a period of 7 years from  
40 the date of issuance. Any person in compliance with the terms of  
41 such license may carry a concealed weapon or concealed firearm  
42 notwithstanding ~~the provisions of s. 790.01~~ or may carry openly  
43 notwithstanding s. 790.053. The licensee must carry the license,  
44 together with valid identification, at all times in which the  
45 licensee is in actual possession of a concealed weapon or  
46 firearm and must display both the license and proper  
47 identification upon demand by a law enforcement officer. A  
48 violation ~~Violations of the provisions~~ of this subsection shall  
49 constitute a noncriminal violation with a penalty of \$25,  
50 payable to the clerk of the court.

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

53 (c) A full set of fingerprints of the applicant  
54 administered by a law enforcement agency or the Division of  
55 Licensing of the Department of Agriculture and Consumer  
56 Services.

57 (12) (a) ~~A~~ No license issued under ~~pursuant to~~ this section  
58 does not shall authorize any person to carry a concealed weapon

2-00372-11

2011234\_\_

59 or firearm into:

60 1. Any place of nuisance as defined in s. 823.05;

61 2. Any police, sheriff, or highway patrol station;

62 3. Any detention facility, prison, or jail;

63 4. Any courthouse;

64 5. Any courtroom, except that nothing in this section would  
65 preclude a judge from carrying a concealed weapon or determining  
66 who will carry a concealed weapon in his or her courtroom;

67 6. Any polling place;

68 7. Any meeting of the governing body of a county, public  
69 school district, municipality, or special district;

70 8. Any meeting of the Legislature or a committee thereof;

71 9. Any school, college, or professional athletic event not  
72 related to firearms;

73 10. Any public elementary or secondary school facility or  
74 administration building;

75 11. Any portion of an establishment licensed to dispense  
76 alcoholic beverages for consumption on the premises, which  
77 portion of the establishment is primarily devoted to such  
78 purpose; ~~any elementary or secondary school facility; any career~~  
79 ~~center; any college or university facility unless the licensee~~  
80 ~~is a registered student, employee, or faculty member of such~~  
81 ~~college or university and the weapon is a stun gun or nonlethal~~  
82 ~~electric weapon or device designed solely for defensive purposes~~  
83 ~~and the weapon does not fire a dart or projectile;~~

84 12. The inside of the passenger terminal and sterile area  
85 of any airport, provided that no person shall be prohibited from  
86 carrying any legal firearm into the terminal, which firearm is  
87 encased for shipment for purposes of checking such firearm as

2-00372-11

2011234

88 baggage to be lawfully transported on any aircraft; or

89 13. Any place where the carrying of firearms is prohibited  
90 by federal law.

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

94 (c) Any person who knowingly and willfully violates any  
95 provision of this subsection commits a misdemeanor of the second  
96 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

100 790.065 Sale and delivery of firearms.—

101 (1) (a) A licensed importer, licensed manufacturer, or  
102 licensed dealer may not sell or deliver from her or his  
103 inventory at her or his licensed premises any firearm to another  
104 person, other than a licensed importer, licensed manufacturer,  
105 licensed dealer, or licensed collector, until she or he has:

106 1.-(a) Obtained a completed form from the potential buyer or  
107 transferee, which form shall have been promulgated by the  
108 Department of Law Enforcement and provided by the licensed  
109 importer, licensed manufacturer, or licensed dealer, which shall  
110 include the name, date of birth, gender, race, and social  
111 security number or other identification number of such potential  
112 buyer or transferee and has inspected proper identification  
113 including an identification containing a photograph of the  
114 potential buyer or transferee.

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

2-00372-11

2011234

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

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

2-00372-11

2011234\_\_

146 Information Center and National Crime Information Center systems  
147 as of the date of the request.

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

151 (b) However, if the person purchasing, or receiving  
152 delivery of, the firearm is a holder of a valid concealed  
153 weapons or firearms license pursuant to the provisions of s.  
154 790.06 or holds an active certification from the Criminal  
155 Justice Standards and Training Commission as a "law enforcement  
156 officer," a "correctional officer," or a "correctional probation  
157 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or  
158 (9), ~~the provisions of this subsection~~ does ~~de~~ not apply.

159 (c) This section does not apply to the purchase, trade, or  
160 transfer of firearms by a resident of this state when the  
161 resident makes such purchase, trade, or transfer in another  
162 state, in which case the laws and regulations of that state and  
163 the United States governing the purchase, trade, or transfer of  
164 firearms shall apply. A National Instant Criminal Background  
165 Check System check shall be performed prior to such purchase,  
166 trade, or transfer of firearms by a resident of this state.

167 Section 4. This act shall take effect July 1, 2011.