

By the Committees on Rules; and Criminal Justice; and Senators Evers, Dockery, Lynn, Hays, Norman, Negron, Garcia, and Altman

595-04670-11

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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 openly carry a
5 handgun notwithstanding specified provisions; allowing
6 the Division of Licensing of the Department of
7 Agriculture and Consumer Services to take fingerprints
8 from concealed carry license applicants; providing
9 that a person may not openly carry a weapon or firearm
10 or carry a concealed weapon or firearm into specified
11 locations; providing that concealed carry licensees
12 shall not be prohibited from carrying or storing a
13 firearm in a vehicle for lawful purposes; providing
14 that a provision limiting the scope of a license to
15 carry a concealed weapon or firearm does not modify
16 certain exceptions to prohibited acts with respect to
17 a person's right to keep and bear arms in motor
18 vehicles for certain purposes; repealing s. 790.28,
19 F.S., relating to the purchase of rifles and shotguns
20 in contiguous states; amending s. 790.065, F.S.;
21 providing that specified provisions do not apply to
22 certain firearms transactions by a resident of this
23 state; 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:

595-04670-11

2011234c2

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 openly carry
43 a handgun, as defined in s. 790.0655, on any public property
44 and, when permissible, on private property notwithstanding s.
45 790.053. The licensee must carry the license, together with
46 valid identification, at all times in which the licensee is in
47 actual possession of a concealed weapon or firearm and must
48 display both the license and proper identification upon demand
49 by a law enforcement officer. A violation ~~Violations of the~~
50 ~~provisions~~ of this subsection shall constitute a noncriminal
51 violation with a penalty of \$25, payable to the clerk of the
52 court.

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

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

595-04670-11

2011234c2

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

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

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

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

65 4. Any courthouse;

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

69 6. Any polling place;

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

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

73 9. Any school, college, or professional athletic event not
74 related to firearms;

75 10. Any elementary or secondary school facility or
76 administration building;

77 11. Any career center;

78 12. Any portion of an establishment licensed to dispense
79 alcoholic beverages for consumption on the premises, which
80 portion of the establishment is primarily devoted to such
81 purpose; ~~any elementary or secondary school facility; any career~~
82 ~~center;~~

83 13. Any college or university facility unless the licensee
84 is a registered student, employee, or faculty member of such
85 college or university and the weapon is a stun gun or nonlethal
86 electric weapon or device designed solely for defensive purposes
87 and the weapon does not fire a dart or projectile;

595-04670-11

2011234c2

88 14. The inside of the passenger terminal and sterile area
89 of any airport, provided that no person shall be prohibited from
90 carrying any legal firearm into the terminal, which firearm is
91 encased for shipment for purposes of checking such firearm as
92 baggage to be lawfully transported on any aircraft; or

93 15. Any place where the carrying of firearms is prohibited
94 by federal law.

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

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

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

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

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

106 790.065 Sale and delivery of firearms.—

107 (1) (a) A licensed importer, licensed manufacturer, or
108 licensed dealer may not sell or deliver from her or his
109 inventory at her or his licensed premises any firearm to another
110 person, other than a licensed importer, licensed manufacturer,
111 licensed dealer, or licensed collector, until she or he has:

112 1. (a) Obtained a completed form from the potential buyer or
113 transferee, which form shall have been promulgated by the
114 Department of Law Enforcement and provided by the licensed
115 importer, licensed manufacturer, or licensed dealer, which shall
116 include the name, date of birth, gender, race, and social

595-04670-11

2011234c2

117 security number or other identification number of such potential
118 buyer or transferee and has inspected proper identification
119 including an identification containing a photograph of the
120 potential buyer or transferee.

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

595-04670-11

2011234c2

146 amount of expenditures by more than \$2.5 million, excess funds
147 may be used for the purpose of purchasing soft body armor for
148 law enforcement officers.

149 3.~~(e)~~ Requested, by means of a toll-free telephone call,
150 the Department of Law Enforcement to conduct a check of the
151 information as reported and reflected in the Florida Crime
152 Information Center and National Crime Information Center systems
153 as of the date of the request.

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

157 (b) However, if the person purchasing, or receiving
158 delivery of, the firearm is a holder of a valid concealed
159 weapons or firearms license pursuant to the provisions of s.
160 790.06 or holds an active certification from the Criminal
161 Justice Standards and Training Commission as a "law enforcement
162 officer," a "correctional officer," or a "correctional probation
163 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or
164 (9), ~~the provisions of this subsection~~ does ~~de~~ not apply.

165 (c) This subsection does not apply to the purchase, trade,
166 or transfer of a rifle or shotgun by a resident of this state
167 when the resident makes such purchase, trade, or transfer from a
168 licensed importer, licensed manufacturer, or licensed dealer in
169 another state.

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