

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

22  
 23   Be It Enacted by the Legislature of the State of Florida:

24  
 25           Section 1. Subsection (1), paragraph (c) of subsection  
 26           (5), and subsection (12) of section 790.06, Florida Statutes,  
 27           are amended to read:

28           790.06 License to carry concealed weapon or firearm.—

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

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

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

55 (12) (a) ~~A~~ No license issued under ~~pursuant to~~ this section  
 56 does not shall authorize any person to openly carry a weapon or

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57 | firearm or carry a concealed weapon or firearm into:

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

59 |       2. Any police, sheriff, or highway patrol station;

60 |       3. Any detention facility, prison, or jail;

61 |       4. Any courthouse;

62 |       5. Any courtroom, except that nothing in this section

63 | would preclude a judge from carrying a concealed weapon or

64 | determining who will carry a concealed weapon in his or her

65 | courtroom;

66 |       6. Any polling place;

67 |       7. Any meeting of the governing body of a county, public

68 | school district, municipality, or special district;

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

70 |       9. Any school, college, or professional athletic event not

71 | related to firearms;

72 |       10. Any elementary or secondary school facility or

73 | administration building;

74 |       11. Any career center;

75 |       12. 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;~~

80 |       13. Any college or university facility unless the licensee

81 | is a registered student, employee, or faculty member of such

82 | college or university and the weapon is a stun gun or nonlethal

83 | electric weapon or device designed solely for defensive purposes

84 | and the weapon does not fire a dart or projectile;

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

90           15. Any place where the carrying of firearms is prohibited  
 91 by federal law.

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

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

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

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

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

103           790.065 Sale and delivery of firearms.—

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

109           1.(a) Obtained a completed form from the potential buyer  
 110 or transferee, which form shall have been promulgated by the  
 111 Department of Law Enforcement and provided by the licensed  
 112 importer, licensed manufacturer, or licensed dealer, which shall

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113 include the name, date of birth, gender, race, and social  
114 security number or other identification number of such potential  
115 buyer or transferee and has inspected proper identification  
116 including an identification containing a photograph of the  
117 potential buyer or transferee.

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

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141 committees of each house of the Legislature. In the event that  
142 the cumulative amount of funds collected exceeds the cumulative  
143 amount of expenditures by more than \$2.5 million, excess funds  
144 may be used for the purpose of purchasing soft body armor for  
145 law enforcement officers.

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

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

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

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

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