

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

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

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

29 790.06 License to carry concealed weapon or firearm.—
 30 (1) The Department of Agriculture and Consumer Services is
 31 authorized to issue licenses to carry concealed weapons or
 32 concealed firearms to persons qualified as provided in this
 33 section. Each such license must bear a color photograph of the
 34 licensee. For the purposes of this section, concealed weapons or
 35 concealed firearms are defined as a handgun, electronic weapon
 36 or device, tear gas gun, knife, or billie, but the term does not
 37 include a machine gun as defined in s. 790.001(9). Such licenses
 38 shall be valid throughout the state for a period of 7 years from
 39 the date of issuance. Any person in compliance with the terms of
 40 such license may carry a concealed weapon or concealed firearm
 41 notwithstanding ~~the provisions of s. 790.01~~ or may openly carry
 42 a handgun, as defined in s. 790.0655, notwithstanding s.
 43 790.053. The licensee must carry the license, together with
 44 valid identification, at all times in which the licensee is in
 45 actual possession of a concealed weapon or firearm and must
 46 display both the license and proper identification upon demand
 47 by a law enforcement officer. A violation ~~Violations of the~~
 48 ~~provisions~~ of this subsection shall constitute a noncriminal
 49 violation with a penalty of \$25, payable to the clerk of the
 50 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 openly carry a handgun or
 59 carry a concealed weapon 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
 65 would preclude a judge from carrying a concealed weapon or
 66 determining who will carry a concealed weapon in his or her
 67 courtroom;
- 68 6. Any polling place;
- 69 7. Any meeting of the governing body of a county, public
 70 school district, municipality, or special district;
- 71 8. Any meeting of the Legislature or a committee thereof;
- 72 9. Any school, college, or professional athletic event not
 73 related to firearms;
- 74 10. Any elementary or secondary school facility or
 75 administration building;
- 76 11. Any career center;
- 77 12. Any portion of an establishment licensed to dispense
 78 alcoholic beverages for consumption on the premises, which
 79 portion of the establishment is primarily devoted to such
 80 purpose; ~~any elementary or secondary school facility; any career~~
 81 ~~center;~~
- 82 13. Any college or university facility unless the licensee
 83 is a registered student, employee, or faculty member of such
 84 college or university and the weapon is a stun gun or nonlethal

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85 electric weapon or device designed solely for defensive purposes
86 and the weapon does not fire a dart or projectile;

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

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

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

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

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

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

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

105 790.065 Sale and delivery of firearms.—

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

111 1.(a) Obtained a completed form from the potential buyer
112 or transferee, which form shall have been promulgated by the

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113 Department of Law Enforcement and provided by the licensed
114 importer, licensed manufacturer, or licensed dealer, which shall
115 include the name, date of birth, gender, race, and social
116 security number or other identification number of such potential
117 buyer or transferee and has inspected proper identification
118 including an identification containing a photograph of the
119 potential buyer or transferee.

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

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

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

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

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

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

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