

1 A bill to be entitled

2 An act relating to exceptions to requirements for the
3 purchase and sale of firearms; amending s. 790.001,
4 F.S.; defining the term "holder of a concealed weapons
5 permit" and revising the definition of the term "law
6 enforcement officer"; amending s. 790.0655, F.S.;
7 deleting a cross-reference; creating s. 790.0656,
8 F.S.; exempting holders of a concealed weapons permit
9 from specified county waiting period requirements when
10 purchasing a firearm; amending ss. 790.06, 790.115,
11 790.145, 810.095, and 921.0024, F.S.; conforming
12 provisions to changes made by the act; providing an
13 effective date.

14
15 WHEREAS, s. 8(b) of Article I of the State Constitution,
16 which requires a waiting period for the purchase and delivery of
17 a handgun, provides that "Holders of a concealed weapon permit
18 as prescribed in Florida law shall not be subject to the
19 provisions of this paragraph," and

20 WHEREAS, s. 5(b) of Article VIII of the State Constitution,
21 which authorizes a county to require a waiting period for the
22 purchase and delivery of a handgun, provides that "Holders of a
23 concealed weapons permit as prescribed by general law shall not
24 be subject to the provisions of this subsection when purchasing
25 a firearm," and

26 WHEREAS, law enforcement officers certified under chapter
 27 943, Florida Statutes, are deemed by the Legislature to meet the
 28 requirements for holding concealed weapons permits, NOW,
 29 THEREFORE,

30
 31 Be It Enacted by the Legislature of the State of Florida:

32
 33 Section 1. Subsections (7)-(19) of section 790.001,
 34 Florida Statutes, are renumbered as subsections (8)-(20),
 35 respectively, present subsection (8) of that section is amended,
 36 and a new subsection (7) is added to that section, to read:

37 790.001 Definitions.—As used in this chapter, except where
 38 the context otherwise requires:

39 (7) "Holder of a concealed weapons permit" means a holder
 40 of a license issued under s. 790.06 or a full-time, part-time,
 41 or auxiliary law enforcement officer, as defined in s. 943.10,
 42 who is certified under chapter 943.

43 (9)-(8) "Law enforcement officer" means:

44 (a) All officers or employees of the United States or the
 45 State of Florida, or any agency, commission, department, board,
 46 division, municipality, or subdivision thereof, who have
 47 authority to make arrests;

48 (b) Officers or employees of the United States or the
 49 State of Florida, or any agency, commission, department, board,
 50 division, municipality, or subdivision thereof, duly authorized

51 to carry a concealed weapon;

52 (c) Members of the Armed Forces of the United States, the
 53 organized reserves, state militia, or Florida National Guard,
 54 when on duty, when preparing themselves for, or going to or
 55 from, military duty, or under orders;

56 (d) County or municipal corrections officers who have the
 57 responsibility of supervision, protection, care, custody, and
 58 control or investigation of municipal or county inmates ~~An~~
 59 ~~employee of the state prisons or correctional systems who has~~
 60 ~~been so designated by the Department of Corrections or by a~~
 61 ~~warden of an institution;~~

62 (e) All peace officers and all certified supervisory and
 63 command personnel whose duties include, in whole or in part, the
 64 supervision, training, guidance, and management responsibilities
 65 of full-time law enforcement officers, part-time law enforcement
 66 officers, or auxiliary law enforcement officers, but not
 67 including support personnel employed by the employing agency;
 68 and

69 (f) All state attorneys and United States attorneys and
 70 their respective assistants and investigators.

71 Section 2. Paragraph (a) of subsection (2) of section
 72 790.0655, Florida Statutes, is amended to read:

73 790.0655 Purchase and delivery of firearms; mandatory
 74 waiting period; exceptions; penalties.—

75 (2) The waiting period does not apply in the following

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76 | circumstances:

77 | (a) When a firearm is being purchased by a holder of a
78 | concealed weapons permit ~~as defined in s. 790.06.~~

79 | Section 3. Section 790.0656, Florida Statutes, is created
80 | to read:

81 | 790.0656 Sale of firearms; county requirements;
82 | exceptions.—Waiting period requirements adopted by a county
83 | pursuant to s. 5(b), Art. VIII of the State Constitution in
84 | connection with the sale of a firearm occurring within the
85 | county do not apply if the firearm is being purchased by a
86 | holder of a concealed weapons permit.

87 | Section 4. Subsection (1) of section 790.06, Florida
88 | Statutes, is amended to read:

89 | 790.06 License to carry concealed weapon or firearm.—

90 | (1) The Department of Agriculture and Consumer Services is
91 | authorized to issue licenses to carry concealed weapons or
92 | concealed firearms to persons qualified as provided in this
93 | section. Each such license must bear a color photograph of the
94 | licensee. For the purposes of this section, concealed weapons or
95 | concealed firearms are defined as a handgun, electronic weapon
96 | or device, tear gas gun, knife, or billie, but the term does not
97 | include a machine gun as defined in s. 790.001 ~~790.001(9)~~. Such
98 | licenses shall be valid throughout the state for a period of 7
99 | years from the date of issuance. Any person in compliance with
100 | the terms of such license may carry a concealed weapon or

101 concealed firearm notwithstanding the provisions of s. 790.01.
 102 The licensee must carry the license, together with valid
 103 identification, at all times in which the licensee is in actual
 104 possession of a concealed weapon or firearm and must display
 105 both the license and proper identification upon demand by a law
 106 enforcement officer. Violations of the provisions of this
 107 subsection shall constitute a noncriminal violation with a
 108 penalty of \$25, payable to the clerk of the court.

109 Section 5. Subsection (1) and paragraphs (a) and (b) of
 110 subsection (2) of section 790.115, Florida Statutes, are amended
 111 to read:

112 790.115 Possessing or discharging weapons or firearms at a
 113 school-sponsored event or on school property prohibited;
 114 penalties; exceptions.—

115 (1) A person who exhibits any sword, sword cane, firearm,
 116 electric weapon or device, destructive device, or other weapon
 117 as defined in s. 790.001 ~~790.001(13)~~, including a razor blade,
 118 box cutter, or common pocketknife, except as authorized in
 119 support of school-sanctioned activities, in the presence of one
 120 or more persons in a rude, careless, angry, or threatening
 121 manner and not in lawful self-defense, at a school-sponsored
 122 event or on the grounds or facilities of any school, school bus,
 123 or school bus stop, or within 1,000 feet of the real property
 124 that comprises a public or private elementary school, middle
 125 school, or secondary school, during school hours or during the

126 time of a sanctioned school activity, commits a felony of the
127 third degree, punishable as provided in s. 775.082, s. 775.083,
128 or s. 775.084. This subsection does not apply to the exhibition
129 of a firearm or weapon on private real property within 1,000
130 feet of a school by the owner of such property or by a person
131 whose presence on such property has been authorized, licensed,
132 or invited by the owner.

133 (2) (a) A person shall not possess any firearm, electric
134 weapon or device, destructive device, or other weapon as defined
135 in s. 790.001 ~~790.001(13)~~, including a razor blade or box
136 cutter, except as authorized in support of school-sanctioned
137 activities, at a school-sponsored event or on the property of
138 any school, school bus, or school bus stop; however, a person
139 may carry a firearm:

140 1. In a case to a firearms program, class or function
141 which has been approved in advance by the principal or chief
142 administrative officer of the school as a program or class to
143 which firearms could be carried;

144 2. In a case to a career center having a firearms training
145 range; or

146 3. In a vehicle pursuant to s. 790.25(5); except that
147 school districts may adopt written and published policies that
148 waive the exception in this subparagraph for purposes of student
149 and campus parking privileges.

150

151 For the purposes of this section, "school" means any preschool,
152 elementary school, middle school, junior high school, secondary
153 school, career center, or postsecondary school, whether public
154 or nonpublic.

155 (b) A person who willfully and knowingly possesses any
156 electric weapon or device, destructive device, or other weapon
157 as defined in s. 790.001 ~~790.001(13)~~, including a razor blade or
158 box cutter, except as authorized in support of school-sanctioned
159 activities, in violation of this subsection commits a felony of
160 the third degree, punishable as provided in s. 775.082, s.
161 775.083, or s. 775.084.

162 Section 6. Subsection (1) of section 790.145, Florida
163 Statutes, is amended to read:

164 790.145 Crimes in pharmacies; possession of weapons;
165 penalties.—

166 (1) Unless otherwise provided by law, any person who is in
167 possession of a concealed ~~"firearm," as defined in s.~~
168 ~~790.001(6),~~ or a ~~"destructive device," as defined in s.~~
169 ~~790.001(4),~~ within the premises of a "pharmacy," as defined in
170 chapter 465, commits ~~is guilty of~~ a felony of the third degree,
171 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

172 Section 7. Subsection (1) of section 810.095, Florida
173 Statutes, is amended to read:

174 810.095 Trespass on school property with firearm or other
175 weapon prohibited.—

176 (1) It is a felony of the third degree, punishable as
 177 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
 178 who is trespassing upon school property to bring onto, or to
 179 possess on, such school property any weapon as defined in s.
 180 790.001 ~~790.001(13)~~ or any firearm.

181 Section 8. Paragraph (b) of subsection (1) of section
 182 921.0024, Florida Statutes, is amended to read:

183 921.0024 Criminal Punishment Code; worksheet computations;
 184 scoresheets.—

185 (1)

186 (b) WORKSHEET KEY:

187

188 Legal status points are assessed when any form of legal status
 189 existed at the time the offender committed an offense before the
 190 court for sentencing. Four (4) sentence points are assessed for
 191 an offender's legal status.

192

193 Community sanction violation points are assessed when a
 194 community sanction violation is before the court for sentencing.
 195 Six (6) sentence points are assessed for each community sanction
 196 violation and each successive community sanction violation,
 197 unless any of the following apply:

198 1. If the community sanction violation includes a new
 199 felony conviction before the sentencing court, twelve (12)
 200 community sanction violation points are assessed for the

201 violation, and for each successive community sanction violation
202 involving a new felony conviction.

203 2. If the community sanction violation is committed by a
204 violent felony offender of special concern as defined in s.
205 948.06:

206 a. Twelve (12) community sanction violation points are
207 assessed for the violation and for each successive violation of
208 felony probation or community control where:

209 I. The violation does not include a new felony conviction;
210 and

211 II. The community sanction violation is not based solely
212 on the probationer or offender's failure to pay costs or fines
213 or make restitution payments.

214 b. Twenty-four (24) community sanction violation points
215 are assessed for the violation and for each successive violation
216 of felony probation or community control where the violation
217 includes a new felony conviction.

218

219 Multiple counts of community sanction violations before the
220 sentencing court shall not be a basis for multiplying the
221 assessment of community sanction violation points.

222

223 Prior serious felony points: If the offender has a primary
224 offense or any additional offense ranked in level 8, level 9, or
225 level 10, and one or more prior serious felonies, a single

226 assessment of thirty (30) points shall be added. For purposes of
227 this section, a prior serious felony is an offense in the
228 offender's prior record that is ranked in level 8, level 9, or
229 level 10 under s. 921.0022 or s. 921.0023 and for which the
230 offender is serving a sentence of confinement, supervision, or
231 other sanction or for which the offender's date of release from
232 confinement, supervision, or other sanction, whichever is later,
233 is within 3 years before the date the primary offense or any
234 additional offense was committed.

235
236 Prior capital felony points: If the offender has one or more
237 prior capital felonies in the offender's criminal record, points
238 shall be added to the subtotal sentence points of the offender
239 equal to twice the number of points the offender receives for
240 the primary offense and any additional offense. A prior capital
241 felony in the offender's criminal record is a previous capital
242 felony offense for which the offender has entered a plea of nolo
243 contendere or guilty or has been found guilty; or a felony in
244 another jurisdiction which is a capital felony in that
245 jurisdiction, or would be a capital felony if the offense were
246 committed in this state.

247
248 Possession of a firearm, semiautomatic firearm, or machine gun:
249 If the offender is convicted of committing or attempting to
250 commit any felony other than those enumerated in s. 775.087(2)

251 while having in his or her possession: a firearm as defined in
252 s. 790.001(6), an additional eighteen (18) sentence points are
253 assessed; or if the offender is convicted of committing or
254 attempting to commit any felony other than those enumerated in
255 s. 775.087(3) while having in his or her possession a
256 semiautomatic firearm as defined in s. 775.087(3) or a machine
257 gun as defined in s. 790.001 ~~790.001(9)~~, an additional twenty-
258 five (25) sentence points are assessed.

259

260 Sentencing multipliers:

261

262 Drug trafficking: If the primary offense is drug trafficking
263 under s. 893.135, the subtotal sentence points are multiplied,
264 at the discretion of the court, for a level 7 or level 8
265 offense, by 1.5. The state attorney may move the sentencing
266 court to reduce or suspend the sentence of a person convicted of
267 a level 7 or level 8 offense, if the offender provides
268 substantial assistance as described in s. 893.135(4).

269

270 Law enforcement protection: If the primary offense is a
271 violation of the Law Enforcement Protection Act under s.
272 775.0823(2), (3), or (4), the subtotal sentence points are
273 multiplied by 2.5. If the primary offense is a violation of s.
274 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
275 are multiplied by 2.0. If the primary offense is a violation of

276 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
277 Protection Act under s. 775.0823(10) or (11), the subtotal
278 sentence points are multiplied by 1.5.

279

280 Grand theft of a motor vehicle: If the primary offense is grand
281 theft of the third degree involving a motor vehicle and in the
282 offender's prior record, there are three or more grand thefts of
283 the third degree involving a motor vehicle, the subtotal
284 sentence points are multiplied by 1.5.

285

286 Offense related to a criminal gang: If the offender is convicted
287 of the primary offense and committed that offense for the
288 purpose of benefiting, promoting, or furthering the interests of
289 a criminal gang as defined in s. 874.03, the subtotal sentence
290 points are multiplied by 1.5. If applying the multiplier results
291 in the lowest permissible sentence exceeding the statutory
292 maximum sentence for the primary offense under chapter 775, the
293 court may not apply the multiplier and must sentence the
294 defendant to the statutory maximum sentence.

295

296 Domestic violence in the presence of a child: If the offender is
297 convicted of the primary offense and the primary offense is a
298 crime of domestic violence, as defined in s. 741.28, which was
299 committed in the presence of a child under 16 years of age who
300 is a family or household member as defined in s. 741.28(3) with

301 the victim or perpetrator, the subtotal sentence points are
302 multiplied by 1.5.

303

304 Adult-on-minor sex offense: If the offender was 18 years of age
305 or older and the victim was younger than 18 years of age at the
306 time the offender committed the primary offense, and if the
307 primary offense was an offense committed on or after October 1,
308 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
309 violation involved a victim who was a minor and, in the course
310 of committing that violation, the defendant committed a sexual
311 battery under chapter 794 or a lewd act under s. 800.04 or s.
312 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
313 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
314 800.04; or s. 847.0135(5), the subtotal sentence points are
315 multiplied by 2.0. If applying the multiplier results in the
316 lowest permissible sentence exceeding the statutory maximum
317 sentence for the primary offense under chapter 775, the court
318 may not apply the multiplier and must sentence the defendant to
319 the statutory maximum sentence.

320 Section 9. This act shall take effect July 1, 2019.