

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Abruzzo offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (1), paragraph (c) of subsection
6 (5), and subsection (12) of section 790.06, Florida Statutes,
7 are amended to read:

8 790.06 License to carry concealed weapon or firearm.—

9 (1) The Department of Agriculture and Consumer Services is
10 authorized to issue licenses to carry concealed weapons or
11 concealed firearms to persons qualified as provided in this
12 section. Each such license must bear a color photograph of the
13 licensee. For the purposes of this section, concealed weapons or
14 concealed firearms are defined as a handgun, electronic weapon
15 or device, tear gas gun, knife, or billie, but the term does not
16 include a machine gun as defined in s. 790.001(9). Such licenses

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17 shall be valid throughout the state for a period of 7 years from
18 the date of issuance. Any person in compliance with the terms of
19 such license may carry a concealed weapon or concealed firearm
20 notwithstanding ~~the provisions of s. 790.01~~ or may carry openly
21 notwithstanding s. 790.053. The licensee must carry the license,
22 together with valid identification, at all times in which the
23 licensee is in actual possession of a concealed weapon or
24 firearm and must display both the license and proper
25 identification upon demand by a law enforcement officer. A
26 violation ~~Violations of the provisions~~ of this subsection shall
27 constitute a noncriminal violation with a penalty of \$25,
28 payable to the clerk of the court.

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

31 (c) A full set of fingerprints of the applicant
32 administered by a law enforcement agency or the Division of
33 Licensing of the Department of Agriculture and Consumer
34 Services.

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

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

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

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

41 4. Any courthouse;

42 5. Any courtroom, except that nothing in this section
43 would preclude a judge from carrying a concealed weapon or

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44 determining who will carry a concealed weapon in his or her
45 courtroom;

46 6. Any polling place;

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

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

50 9. Any school, college, or professional athletic event not
51 related to firearms;

52 10. Any elementary or secondary school facility or
53 administration building;

54 11. Any career center;

55 12. Any portion of an establishment licensed to dispense
56 alcoholic beverages for consumption on the premises, which
57 portion of the establishment is primarily devoted to such
58 purpose; ~~any elementary or secondary school facility; any career~~
59 ~~center;~~

60 13. Any college or university facility unless the licensee
61 is a registered student, employee, or faculty member of such
62 college or university and the weapon is a stun gun or nonlethal
63 electric weapon or device designed solely for defensive purposes
64 and the weapon does not fire a dart or projectile;

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

70 15. Any place where the carrying of firearms is prohibited
71 by federal law.

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

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

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

80 Section 2. Section 790.115, Florida Statutes, is amended
81 to read:

82 790.115 Possessing or discharging weapons or firearms at a
83 school-sponsored event or on school property prohibited;
84 penalties; exceptions.-

85 (1) A person who exhibits any sword, sword cane, firearm,
86 electric weapon or device, destructive device, or other weapon
87 as defined in s. 790.001(13), including a razor blade, box
88 cutter, or common pocketknife, except as authorized in support
89 of school-sanctioned activities, in the presence of one or more
90 persons in a rude, careless, angry, or threatening manner and
91 not in lawful self-defense, at a school-sponsored event or on
92 the grounds or facilities of any school, school bus, or school
93 bus stop, or within 1,000 feet of the real property that
94 comprises a public or private elementary school, middle school,
95 or secondary school, during school hours or during the time of a
96 sanctioned school activity, commits a felony of the third
97 degree, punishable as provided in s. 775.082, s. 775.083, or s.
98 775.084. This subsection does not apply to the exhibition of a
99 firearm or weapon on private real property within 1,000 feet of
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100 a school by the owner of such property or by a person whose
101 presence on such property has been authorized, licensed, or
102 invited by the owner.

103 (2) (a) A person may ~~shall~~ not possess any firearm,
104 electric weapon or device, destructive device, or other weapon
105 as defined in s. 790.001(13), including a razor blade or box
106 cutter, except as authorized in support of school-sanctioned
107 activities, at a school-sponsored event or on the property of
108 any school, school bus, or school bus stop; however, a person
109 may carry a firearm:

110 1. In a case to a firearms program, class, or function
111 that ~~which~~ has been approved in advance by the principal or
112 chief administrative officer of the school as a program or class
113 to which firearms could be carried;

114 2. In a case to a career center having a firearms training
115 range; or

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

120
121 For the purposes of this section, the term "school" means any
122 preschool, elementary school, middle school, junior high school,
123 or secondary school, ~~career center, or postsecondary school,~~
124 whether public or nonpublic.

125 (b) A person who willfully and knowingly possesses any
126 electric weapon or device, destructive device, or other weapon
127 as defined in s. 790.001(13), including a razor blade or box
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128 cutter, except as authorized in support of school-sanctioned
129 activities, in violation of this subsection commits a felony of
130 the third degree, punishable as provided in s. 775.082, s.
131 775.083, or s. 775.084.

132 (c)1. A person who willfully and knowingly possesses any
133 firearm in violation of this subsection commits a felony of the
134 third degree, punishable as provided in s. 775.082, s. 775.083,
135 or s. 775.084.

136 2. A person who stores or leaves a loaded firearm within
137 the reach or easy access of a minor who obtains the firearm and
138 commits a violation of subparagraph 1. commits a misdemeanor of
139 the second degree, punishable as provided in s. 775.082 or s.
140 775.083; except that this does not apply if the firearm was
141 stored or left in a securely locked box or container or in a
142 location which a reasonable person would have believed to be
143 secure, or was securely locked with a firearm-mounted push-
144 button combination lock or a trigger lock; if the minor obtains
145 the firearm as a result of an unlawful entry by any person; or
146 to members of the Armed Forces, National Guard, or State
147 Militia, or to police or other law enforcement officers, with
148 respect to firearm possession by a minor which occurs during or
149 incidental to the performance of their official duties.

150 (d) A person who discharges any weapon or firearm while in
151 violation of paragraph (a), unless discharged for lawful defense
152 of himself or herself or another or for a lawful purpose,
153 commits a felony of the second degree, punishable as provided in
154 s. 775.082, s. 775.083, or s. 775.084.

155 (e) The penalties of this subsection do ~~shall~~ not apply to
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156 persons licensed under s. 790.06. Persons licensed under s.
157 790.06 shall be punished as provided in s. 790.06(12), except
158 that a licenseholder who unlawfully discharges a weapon or
159 firearm on school property as prohibited by this subsection
160 commits a felony of the second degree, punishable as provided in
161 s. 775.082, s. 775.083, or s. 775.084.

162 (3) This section does not apply to any law enforcement
163 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
164 (8), (9), or (14).

165 (4) Notwithstanding s. 985.24, s. 985.245, or s.
166 985.25(1), any minor under 18 years of age who is charged under
167 this section with possessing or discharging a firearm on school
168 property shall be detained in secure detention, unless the state
169 attorney authorizes the release of the minor, and shall be given
170 a probable cause hearing within 24 hours after being taken into
171 custody. At the hearing, the court may order that the minor
172 continue to be held in secure detention for a period of 21 days,
173 during which time the minor shall receive medical, psychiatric,
174 psychological, or substance abuse examinations pursuant to s.
175 985.18, and a written report shall be completed.

176 Section 3. Section 790.28, Florida Statutes, is repealed.

177 Section 4. Subsection (1) of section 790.065, Florida
178 Statutes, is amended to read:

179 790.065 Sale and delivery of firearms.—

180 (1) (a) A licensed importer, licensed manufacturer, or
181 licensed dealer may not sell or deliver from her or his
182 inventory at her or his licensed premises any firearm to another
183 person, other than a licensed importer, licensed manufacturer,
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184 licensed dealer, or licensed collector, until she or he has:

185 1.(a) Obtained a completed form from the potential buyer
186 or transferee, which form shall have been promulgated by the
187 Department of Law Enforcement and provided by the licensed
188 importer, licensed manufacturer, or licensed dealer, which shall
189 include the name, date of birth, gender, race, and social
190 security number or other identification number of such potential
191 buyer or transferee and has inspected proper identification
192 including an identification containing a photograph of the
193 potential buyer or transferee.

194 2.(b) Collected a fee from the potential buyer for
195 processing the criminal history check of the potential buyer.
196 The fee shall be established by the Department of Law
197 Enforcement and may not exceed \$8 per transaction. The
198 Department of Law Enforcement may reduce, or suspend collection
199 of, the fee to reflect payment received from the Federal
200 Government applied to the cost of maintaining the criminal
201 history check system established by this section as a means of
202 facilitating or supplementing the National Instant Criminal
203 Background Check System. The Department of Law Enforcement
204 shall, by rule, establish procedures for the fees to be
205 transmitted by the licensee to the Department of Law
206 Enforcement. All such fees shall be deposited into the
207 Department of Law Enforcement Operating Trust Fund, but shall be
208 segregated from all other funds deposited into such trust fund
209 and must be accounted for separately. Such segregated funds must
210 not be used for any purpose other than the operation of the
211 criminal history checks required by this section. The Department

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212 of Law Enforcement, each year prior to February 1, shall make a
213 full accounting of all receipts and expenditures of such funds
214 to the President of the Senate, the Speaker of the House of
215 Representatives, the majority and minority leaders of each house
216 of the Legislature, and the chairs of the appropriations
217 committees of each house of the Legislature. In the event that
218 the cumulative amount of funds collected exceeds the cumulative
219 amount of expenditures by more than \$2.5 million, excess funds
220 may be used for the purpose of purchasing soft body armor for
221 law enforcement officers.

222 3.(e) Requested, by means of a toll-free telephone call,
223 the Department of Law Enforcement to conduct a check of the
224 information as reported and reflected in the Florida Crime
225 Information Center and National Crime Information Center systems
226 as of the date of the request.

227 4.(d) Received a unique approval number for that inquiry
228 from the Department of Law Enforcement, and recorded the date
229 and such number on the consent form.

230 (b) However, if the person purchasing, or receiving
231 delivery of, the firearm is a holder of a valid concealed
232 weapons or firearms license pursuant to the provisions of s.
233 790.06 or holds an active certification from the Criminal
234 Justice Standards and Training Commission as a "law enforcement
235 officer," a "correctional officer," or a "correctional probation
236 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or
237 (9), ~~the provisions of this subsection~~ does ~~de~~ not apply.

238 (c) This section does not apply to the purchase, trade, or
239 transfer of firearms by a resident of this state when the

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240 resident makes such purchase, trade, or transfer in another
241 state, in which case the laws and regulations of that state and
242 the United States governing the purchase, trade, or transfer of
243 firearms shall apply. A National Instant Criminal Background
244 Check System check shall be performed prior to such purchase,
245 trade, or transfer of firearms by a resident of this state.

246 Section 5. This act shall take effect upon becoming a law.
247

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249 **T I T L E A M E N D M E N T**

250 Remove the entire title and insert:

251 A bill to be entitled

252 An act relating to firearms; amending s. 790.06, F.S.;
253 providing that a person in compliance with the terms of a
254 concealed carry license may carry openly notwithstanding
255 specified provisions; allowing the Division of Licensing
256 of the Department of Agriculture and Consumer Services to
257 take fingerprints from concealed carry license applicants;
258 limiting a prohibition on carrying a concealed weapon or
259 firearm into an elementary or secondary school facility,
260 career center, or college or university facility to
261 include only a public elementary or secondary school
262 facility or administration building; providing that
263 concealed carry licensees shall not be prohibited from
264 carrying or storing a firearm in a vehicle for lawful
265 purposes; providing that a provision limiting the scope of
266 a license to carry a concealed weapon or firearm does not
267 modify certain exceptions to prohibited acts with respect

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268 to a person's right to keep and bear arms in motor
269 vehicles for certain purposes; amending s. 790.115, F.S.,
270 relating to the prohibition against possessing or
271 discharging weapons or firearms at a school-sponsored
272 event or on school property; revising the definition of
273 the term "school"; repealing s. 790.28, F.S., relating to
274 the purchase of rifles and shotguns in contiguous states;
275 amending s. 790.065, F.S.; providing that specified
276 provisions do not apply to certain firearms transactions
277 by a resident of this state that take place in another
278 state; providing applicable law; requiring a specified
279 background check for such transactions; providing an
280 effective date.