

By the Committee on Criminal Justice; and Senators Evers,
Dockery, Lynn, Hays, Norman, Negrón, and García

591-02451-11

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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 carry openly
5 notwithstanding specified provisions; allowing the
6 Division of Licensing of the Department of Agriculture
7 and Consumer Services to take fingerprints from
8 concealed carry license applicants; providing that
9 concealed carry licensees shall not be prohibited from
10 carrying or storing a firearm in a vehicle for lawful
11 purposes; repealing s. 790.28, F.S., relating to the
12 purchase of rifles and shotguns in contiguous states;
13 amending s. 790.065, F.S.; providing that specified
14 provisions do not apply to certain firearms
15 transactions by a resident of this state which take
16 place in another state; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (1), paragraph (c) of subsection (5),
21 and subsection (12) of section 790.06, Florida Statutes, are
22 amended to read:

23 790.06 License to carry concealed weapon or firearm.—

24 (1) The Department of Agriculture and Consumer Services is
25 authorized to issue licenses to carry concealed weapons or
26 concealed firearms to persons qualified as provided in this
27 section. Each such license must bear a color photograph of the
28 licensee. For the purposes of this section, concealed weapons or
29 concealed firearms are defined as a handgun, electronic weapon

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30 or device, tear gas gun, knife, or billie, but the term does not
31 include a machine gun as defined in s. 790.001(9). Such licenses
32 shall be valid throughout the state for a period of 7 years from
33 the date of issuance. Any person in compliance with the terms of
34 such license may carry a concealed weapon or concealed firearm
35 notwithstanding ~~the provisions of s. 790.01,~~ or may carry openly
36 notwithstanding s. 790.053. The licensee must carry the license,
37 together with valid identification, at all times in which the
38 licensee is in actual possession of a concealed weapon or
39 firearm and must display both the license and proper
40 identification upon demand by a law enforcement officer. A
41 violation ~~Violations of the provisions~~ of this subsection shall
42 constitute a noncriminal violation with a penalty of \$25,
43 payable to the clerk of the court.

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

46 (c) A full set of fingerprints of the applicant
47 administered by a law enforcement agency or the Division of
48 Licensing of the Department of Agriculture and Consumer
49 Services.

50 (12) (a) A ~~No~~ license issued under ~~pursuant to~~ this section
51 does not shall authorize any person to carry a concealed weapon
52 or firearm into:

- 53 1. Any place of nuisance as defined in s. 823.05;
- 54 2. Any police, sheriff, or highway patrol station;
- 55 3. Any detention facility, prison, or jail;
- 56 4. Any courthouse;

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

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59 who will carry a concealed weapon in his or her courtroom;

60 6. Any polling place;

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

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

64 9. Any school, college, or professional athletic event not
65 related to firearms;

66 10. Any elementary or secondary school facility or
67 administration building;

68 11. Any career center;

69 12. Any college or university facility unless the licensee
70 is a registered student, employee, or faculty member of such
71 college or university and the weapon is a stun gun or nonlethal
72 electric weapon or device designed solely for defensive purposes
73 and the weapon does not fire a dart or projectile;

74 13. Any portion of an establishment licensed to dispense
75 alcoholic beverages for consumption on the premises, which
76 portion of the establishment is primarily devoted to such
77 purpose; ~~any elementary or secondary school facility; any career~~
78 ~~center; any college or university facility unless the licensee~~
79 ~~is a registered student, employee, or faculty member of such~~
80 ~~college or university and the weapon is a stun gun or nonlethal~~
81 ~~electric weapon or device designed solely for defensive purposes~~
82 ~~and the weapon does not fire a dart or projectile;~~

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

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88 15. Any place where the carrying of firearms is prohibited
89 by federal law.

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

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

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

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

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

101 790.065 Sale and delivery of firearms.—

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

107 1.-(a) Obtained a completed form from the potential buyer or
108 transferee, which form shall have been promulgated by the
109 Department of Law Enforcement and provided by the licensed
110 importer, licensed manufacturer, or licensed dealer, which shall
111 include the name, date of birth, gender, race, and social
112 security number or other identification number of such potential
113 buyer or transferee and has inspected proper identification
114 including an identification containing a photograph of the
115 potential buyer or transferee.

116 2.-(b) Collected a fee from the potential buyer for

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117 processing the criminal history check of the potential buyer.
118 The fee shall be established by the Department of Law
119 Enforcement and may not exceed \$8 per transaction. The
120 Department of Law Enforcement may reduce, or suspend collection
121 of, the fee to reflect payment received from the Federal
122 Government applied to the cost of maintaining the criminal
123 history check system established by this section as a means of
124 facilitating or supplementing the National Instant Criminal
125 Background Check System. The Department of Law Enforcement
126 shall, by rule, establish procedures for the fees to be
127 transmitted by the licensee to the Department of Law
128 Enforcement. All such fees shall be deposited into the
129 Department of Law Enforcement Operating Trust Fund, but shall be
130 segregated from all other funds deposited into such trust fund
131 and must be accounted for separately. Such segregated funds must
132 not be used for any purpose other than the operation of the
133 criminal history checks required by this section. The Department
134 of Law Enforcement, each year prior to February 1, shall make a
135 full accounting of all receipts and expenditures of such funds
136 to the President of the Senate, the Speaker of the House of
137 Representatives, the majority and minority leaders of each house
138 of the Legislature, and the chairs of the appropriations
139 committees of each house of the Legislature. In the event that
140 the cumulative amount of funds collected exceeds the cumulative
141 amount of expenditures by more than \$2.5 million, excess funds
142 may be used for the purpose of purchasing soft body armor for
143 law enforcement officers.

144 3.(e) Requested, by means of a toll-free telephone call,
145 the Department of Law Enforcement to conduct a check of the

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146 information as reported and reflected in the Florida Crime
147 Information Center and National Crime Information Center systems
148 as of the date of the request.

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

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

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

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