

**By** the Committees on Rules; and Criminal Justice; and Senators Evers, Dockery, Lynn, Hays, Norman, Negron, Garcia, and Altman

595-04670-11

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

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

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

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30 790.06 License to carry concealed weapon or firearm.—

31 (1) The Department of Agriculture and Consumer Services is  
32 authorized to issue licenses to carry concealed weapons or  
33 concealed firearms to persons qualified as provided in this  
34 section. Each such license must bear a color photograph of the  
35 licensee. For the purposes of this section, concealed weapons or  
36 concealed firearms are defined as a handgun, electronic weapon  
37 or device, tear gas gun, knife, or billie, but the term does not  
38 include a machine gun as defined in s. 790.001(9). Such licenses  
39 shall be valid throughout the state for a period of 7 years from  
40 the date of issuance. Any person in compliance with the terms of  
41 such license may carry a concealed weapon or concealed firearm  
42 notwithstanding ~~the provisions of s. 790.01~~ or may openly carry  
43 a handgun, as defined in s. 790.0655, on any public property  
44 and, when permissible, on private property notwithstanding s.  
45 790.053. The licensee must carry the license, together with  
46 valid identification, at all times in which the licensee is in  
47 actual possession of a concealed weapon or firearm and must  
48 display both the license and proper identification upon demand  
49 by a law enforcement officer. A violation ~~Violations of the~~  
50 ~~provisions~~ of this subsection shall constitute a noncriminal  
51 violation with a penalty of \$25, payable to the clerk of the  
52 court.

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

55 (c) A full set of fingerprints of the applicant  
56 administered by a law enforcement agency or the Division of  
57 Licensing of the Department of Agriculture and Consumer  
58 Services.

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

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

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

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

65           4. Any courthouse;

66           5. Any courtroom, except that nothing in this section would  
67 preclude a judge from carrying a concealed weapon or determining  
68 who will carry a concealed weapon in his or her courtroom;

69           6. Any polling place;

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

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

73           9. Any school, college, or professional athletic event not  
74 related to firearms;

75           10. Any elementary or secondary school facility or  
76 administration building;

77           11. Any career center;

78           12. Any portion of an establishment licensed to dispense  
79 alcoholic beverages for consumption on the premises, which  
80 portion of the establishment is primarily devoted to such  
81 purpose; ~~any elementary or secondary school facility; any career~~  
82 ~~center;~~

83           13. Any college or university facility unless the licensee  
84 is a registered student, employee, or faculty member of such  
85 college or university and the weapon is a stun gun or nonlethal  
86 electric weapon or device designed solely for defensive purposes  
87 and the weapon does not fire a dart or projectile;

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

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

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

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

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

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

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

106        790.065 Sale and delivery of firearms.—

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

112        1. (a) Obtained a completed form from the potential buyer or  
113 transferee, which form shall have been promulgated by the  
114 Department of Law Enforcement and provided by the licensed  
115 importer, licensed manufacturer, or licensed dealer, which shall  
116 include the name, date of birth, gender, race, and social

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117 security number or other identification number of such potential  
118 buyer or transferee and has inspected proper identification  
119 including an identification containing a photograph of the  
120 potential buyer or transferee.

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

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146 amount of expenditures by more than \$2.5 million, excess funds  
147 may be used for the purpose of purchasing soft body armor for  
148 law enforcement officers.

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

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

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

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

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