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1 A bill to be entitled
2 An act relating to firearms; amending s. 790.053,
3 F.S.; providing that a person who is licensed to carry
4 a concealed firearm is not in violation of law if the
5 firearm is briefly and openly displayed under certain
6 circumstances; amending s. 790.06, F.S.; allowing the
7 Division of Licensing of the Department of Agriculture
8 and Consumer Services to take fingerprints from
9 concealed carry license applicants; providing that a
10 person may not openly carry a weapon or firearm or
11 carry a concealed weapon or firearm into specified
12 locations; providing that concealed carry licensees
13 shall not be prohibited from carrying or storing a
14 firearm in a vehicle for lawful purposes; providing
15 that a provision limiting the scope of a license to
16 carry a concealed weapon or firearm does not modify
17 certain exceptions to prohibited acts with respect to
18 a person's right to keep and bear arms in motor
19 vehicles for certain purposes; repealing s. 790.28,
20 F.S., relating to the purchase of rifles and shotguns
21 in contiguous states; amending s. 790.065, F.S.;
22 providing that specified provisions do not apply to
23 certain firearms transactions by a resident of this
24 state; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Subsection (1) of section 790.053, Florida
29 Statutes, is amended to read:

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30 790.053 Open carrying of weapons.—

31 (1) Except as otherwise provided by law and in subsection
32 (2), it is unlawful for any person to openly carry on or about
33 his or her person any firearm or electric weapon or device. It
34 is not a violation of this section for a person licensed to
35 carry a concealed firearm as provided in s. 790.06(1), and who
36 is lawfully carrying a firearm in a concealed manner, to briefly
37 and openly display the firearm to the ordinary sight of another
38 person, unless the firearm is intentionally displayed in an
39 angry or threatening manner, not in necessary self-defense.

40 Section 2. Paragraph (c) of subsection (5) and subsection
41 (12) of section 790.06, Florida Statutes, are amended to read:

42 790.06 License to carry concealed weapon or firearm.—

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

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

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

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

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

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

55 4. Any courthouse;

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

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- 59 6. Any polling place;
- 60 7. Any meeting of the governing body of a county, public
61 school district, municipality, or special district;
- 62 8. Any meeting of the Legislature or a committee thereof;
- 63 9. Any school, college, or professional athletic event not
64 related to firearms;
- 65 10. Any elementary or secondary school facility or
66 administration building;
- 67 11. Any career center;
- 68 12. Any portion of an establishment licensed to dispense
69 alcoholic beverages for consumption on the premises, which
70 portion of the establishment is primarily devoted to such
71 purpose; ~~any elementary or secondary school facility; any career~~
72 ~~center;~~
- 73 13. Any college or university facility unless the licensee
74 is a registered student, employee, or faculty member of such
75 college or university and the weapon is a stun gun or nonlethal
76 electric weapon or device designed solely for defensive purposes
77 and the weapon does not fire a dart or projectile;
- 78 14. The inside of the passenger terminal and sterile area
79 of any airport, provided that no person shall be prohibited from
80 carrying any legal firearm into the terminal, which firearm is
81 encased for shipment for purposes of checking such firearm as
82 baggage to be lawfully transported on any aircraft; or
- 83 15. Any place where the carrying of firearms is prohibited
84 by federal law.
- 85 (b) A person licensed under this section shall not be
86 prohibited from carrying or storing a firearm in a vehicle for
87 lawful purposes.

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

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

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

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

96 790.065 Sale and delivery of firearms.-

97 (1) (a) A licensed importer, licensed manufacturer, or
98 licensed dealer may not sell or deliver from her or his
99 inventory at her or his licensed premises any firearm to another
100 person, other than a licensed importer, licensed manufacturer,
101 licensed dealer, or licensed collector, until she or he has:

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

111 2.-(b) Collected a fee from the potential buyer for
112 processing the criminal history check of the potential buyer.
113 The fee shall be established by the Department of Law
114 Enforcement and may not exceed \$8 per transaction. The
115 Department of Law Enforcement may reduce, or suspend collection
116 of, the fee to reflect payment received from the Federal

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

139 3.~~(e)~~ Requested, by means of a toll-free telephone call,
140 the Department of Law Enforcement to conduct a check of the
141 information as reported and reflected in the Florida Crime
142 Information Center and National Crime Information Center systems
143 as of the date of the request.

144 4.~~(d)~~ Received a unique approval number for that inquiry
145 from the Department of Law Enforcement, and recorded the date

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146 and such number on the consent form.

147 (b) However, if the person purchasing, or receiving
148 delivery of, the firearm is a holder of a valid concealed
149 weapons or firearms license pursuant to the provisions of s.
150 790.06 or holds an active certification from the Criminal
151 Justice Standards and Training Commission as a "law enforcement
152 officer," a "correctional officer," or a "correctional probation
153 officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or
154 (9), ~~the provisions of this subsection~~ does ~~de~~ not apply.

155 (c) This subsection does not apply to the purchase, trade,
156 or transfer of a rifle or shotgun by a resident of this state
157 when the resident makes such purchase, trade, or transfer from a
158 licensed importer, licensed manufacturer, or licensed dealer in
159 another state.

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