

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

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Subsection (1), paragraph (c) of subsection
 26 (5), and subsection (12) of section 790.06, Florida Statutes,
 27 are amended to read:

28 790.06 License to carry concealed weapon or firearm.—

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

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

51 (c) A full set of fingerprints of the applicant
 52 administered by a law enforcement agency or the Division of
 53 Licensing of the Department of Agriculture and Consumer
 54 Services.

55 (12) (a) ~~A~~ No license issued under ~~pursuant to~~ this section
 56 does not shall authorize any person to openly carry a weapon or

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57 | firearm or carry a concealed weapon or firearm into:

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

59 | 2. Any police, sheriff, or highway patrol station;

60 | 3. Any detention facility, prison, or jail;

61 | 4. Any courthouse;

62 | 5. Any courtroom, except that nothing in this section

63 | would preclude a judge from carrying a concealed weapon or

64 | determining who will carry a concealed weapon in his or her

65 | courtroom;

66 | 6. Any polling place;

67 | 7. Any meeting of the governing body of a county, public

68 | school district, municipality, or special district;

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

70 | 9. Any school, college, or professional athletic event not

71 | related to firearms;

72 | 10. Any elementary or secondary school facility or

73 | administration building;

74 | 11. Any career center;

75 | 12. Any portion of an establishment licensed to dispense

76 | alcoholic beverages for consumption on the premises, which

77 | portion of the establishment is primarily devoted to such

78 | purpose; ~~any elementary or secondary school facility; any career~~

79 | ~~center;~~

80 | 13. Any college or university facility unless the licensee

81 | is a registered student, employee, or faculty member of such

82 | college or university and the weapon is a stun gun or nonlethal

83 | electric weapon or device designed solely for defensive purposes

84 | and the weapon does not fire a dart or projectile;

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

90 15. Any place where the carrying of firearms is prohibited
 91 by federal law.

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

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

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

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

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

103 790.065 Sale and delivery of firearms.—

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

109 1.(a) Obtained a completed form from the potential buyer
 110 or transferee, which form shall have been promulgated by the
 111 Department of Law Enforcement and provided by the licensed
 112 importer, licensed manufacturer, or licensed dealer, which shall

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113 include the name, date of birth, gender, race, and social
114 security number or other identification number of such potential
115 buyer or transferee and has inspected proper identification
116 including an identification containing a photograph of the
117 potential buyer or transferee.

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

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141 committees of each house of the Legislature. In the event that
142 the cumulative amount of funds collected exceeds the cumulative
143 amount of expenditures by more than \$2.5 million, excess funds
144 may be used for the purpose of purchasing soft body armor for
145 law enforcement officers.

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

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

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

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

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