

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

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

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

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29 |           790.06 License to carry concealed weapon or firearm.—  
30 |           (1) The Department of Agriculture and Consumer Services is  
31 | authorized to issue licenses to carry concealed weapons or  
32 | concealed firearms to persons qualified as provided in this  
33 | section. Each such license must bear a color photograph of the  
34 | licensee. For the purposes of this section, concealed weapons or  
35 | concealed firearms are defined as a handgun, electronic weapon  
36 | or device, tear gas gun, knife, or billie, but the term does not  
37 | include a machine gun as defined in s. 790.001(9). Such licenses  
38 | shall be valid throughout the state for a period of 7 years from  
39 | the date of issuance. Any person in compliance with the terms of  
40 | such license may carry a concealed weapon or concealed firearm  
41 | notwithstanding ~~the provisions of s. 790.01~~ or may openly carry  
42 | a handgun, as defined in s. 790.0655, notwithstanding s.  
43 | 790.053. The licensee must carry the license, together with  
44 | valid identification, at all times in which the licensee is in  
45 | actual possession of a concealed weapon or firearm and must  
46 | display both the license and proper identification upon demand  
47 | by a law enforcement officer. A violation ~~Violations of the~~  
48 | ~~provisions~~ of this subsection shall constitute a noncriminal  
49 | violation with a penalty of \$25, payable to the clerk of the  
50 | court.

51 |           (5) The applicant shall submit to the Department of  
52 | Agriculture and Consumer Services:

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

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

- 60           1. Any place of nuisance as defined in s. 823.05;
- 61           2. Any police, sheriff, or highway patrol station;
- 62           3. Any detention facility, prison, or jail;
- 63           4. Any courthouse;
- 64           5. Any courtroom, except that nothing in this section  
 65 would preclude a judge from carrying a concealed weapon or  
 66 determining who will carry a concealed weapon in his or her  
 67 courtroom;
- 68           6. Any polling place;
- 69           7. Any meeting of the governing body of a county, public  
 70 school district, municipality, or special district;
- 71           8. Any meeting of the Legislature or a committee thereof;
- 72           9. Any school, college, or professional athletic event not  
 73 related to firearms;
- 74           10. Any elementary or secondary school facility or  
 75 administration building;
- 76           11. Any career center;
- 77           12. Any portion of an establishment licensed to dispense  
 78 alcoholic beverages for consumption on the premises, which  
 79 portion of the establishment is primarily devoted to such  
 80 purpose; ~~any elementary or secondary school facility; any career~~  
 81 ~~center;~~
- 82           13. Any college or university facility unless the licensee  
 83 is a registered student, employee, or faculty member of such  
 84 college or university and the weapon is a stun gun or nonlethal

85 electric weapon or device designed solely for defensive purposes  
 86 and the weapon does not fire a dart or projectile;

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

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

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

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

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

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

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

105 790.065 Sale and delivery of firearms.—

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

111 1.(a) Obtained a completed form from the potential buyer  
 112 or transferee, which form shall have been promulgated by the

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113 Department of Law Enforcement and provided by the licensed  
114 importer, licensed manufacturer, or licensed dealer, which shall  
115 include the name, date of birth, gender, race, and social  
116 security number or other identification number of such potential  
117 buyer or transferee and has inspected proper identification  
118 including an identification containing a photograph of the  
119 potential buyer or transferee.

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

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

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

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

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

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

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