



112386

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/07/2017	.	
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The Committee on Judiciary (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete lines 47 - 127

and insert:

(3) A Any person who violates ~~violating~~ this section:

(a) °For a first violation, commits a noncriminal violation
with a penalty of \$25, payable to the clerk of the court.

(b) For a second violation, commits a noncriminal violation
with a penalty of \$500, payable to the clerk of court.

(c) For a third or subsequent violation, commits a
misdemeanor of the second degree, punishable as provided in s.



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12 775.082 or s. 775.083.

13 Section 2. Subsections (1) and (12) of section 790.06,
14 Florida Statutes, are amended to read:

15 790.06 License to carry concealed weapon or firearm.—

16 (1) The Department of Agriculture and Consumer Services is
17 authorized to issue licenses to carry concealed weapons or
18 concealed firearms to persons qualified as provided in this
19 section. Each such license must bear a color photograph of the
20 licensee. For the purposes of this section, concealed weapons or
21 concealed firearms are defined as a handgun, electronic weapon
22 or device, tear gas gun, knife, or billie, but the term does not
23 include a machine gun as defined in s. 790.001(9). Such licenses
24 shall be valid throughout the state for a period of 7 years from
25 the date of issuance. Any person in compliance with the terms of
26 such license may carry a concealed weapon or concealed firearm
27 notwithstanding the provisions of s. 790.01. The licensee must
28 carry the license, together with valid identification, at all
29 times in which the licensee is in actual possession of a
30 concealed weapon or firearm and must display both the license
31 and proper identification upon demand by a law enforcement
32 officer. A person licensed to carry a concealed firearm under
33 this section who is lawfully carrying a firearm in a concealed
34 manner and whose firearm is briefly or inadvertently displayed
35 to the ordinary sight of another person does not violate s.
36 790.053 and may not be arrested or charged with a crime.
37 Violations of the provisions of this subsection shall constitute
38 a noncriminal violation with a penalty of \$25, payable to the
39 clerk of the court. Notwithstanding any other provision of this
40 section, an elected constitutional officer identified in Art.



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41 III or Art. IV of the State Constitution who is licensed to
42 carry a concealed weapon or firearm and who does not have full-
43 time security provided by the Department of Law Enforcement may
44 carry a concealed weapon or firearm anywhere they are not
45 prohibited by federal law.

46 (12) (a) A license issued under this section does not
47 authorize any person to openly carry a handgun or carry a
48 concealed weapon or firearm into:

- 49 1. Any place of nuisance as defined in s. 823.05;
- 50 2. Any police, sheriff, or highway patrol station;
- 51 3. Any detention facility, prison, or jail;
- 52 4. Any courthouse;
- 53 5. Any courtroom, except that nothing in this section would
54 preclude a judge from carrying a concealed weapon or determining
55 who will carry a concealed weapon in his or her courtroom;
- 56 6. Any polling place;
- 57 7. Any meeting of the governing body of a county, public
58 school district, municipality, or special district;
- 59 8. Any meeting of the Legislature or a committee thereof;
- 60 9. Any school, college, or professional athletic event not
61 related to firearms;
- 62 10. Any elementary or secondary school facility or
63 administration building;
- 64 11. Any career center;
- 65 12. Any portion of an establishment licensed to dispense
66 alcoholic beverages for consumption on the premises, which
67 portion of the establishment is primarily devoted to such
68 purpose;
- 69 13. Any college or university facility unless the licensee



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

79 15. Any place where the carrying of firearms is prohibited
80 by federal law.

81 (b) A person licensed under this section may ~~shall~~ not be
82 prohibited from carrying or storing a firearm in a vehicle for
83 lawful purposes.

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

86 (d) Any person who knowingly and willfully violates any
87 provision of this subsection:

88 1. For a first violation, commits a noncriminal violation
89 with a penalty of \$25, payable to the clerk of the court.

90 2. For a second violation, commits a noncriminal violation
91 with a penalty of \$500, payable to the clerk of court.

92 3. For a third or subsequent violation, commits a
93 misdemeanor of the second degree, punishable as provided in s.
94 775.082 or s. 775.083.

95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete lines 5 - 17

98 and insert:



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99 or firearm; revising the penalty for a violation of
100 specified provisions relating to openly carrying
101 weapons; making a fine payable to the clerk of the
102 court; amending s. 790.06, F.S.; providing that a
103 person licensed to carry a concealed weapon or firearm
104 who is lawfully carrying a firearm does not violate
105 certain provisions if the firearm is briefly or
106 inadvertently displayed; authorizing certain elected
107 constitutional officers to carry a concealed weapon or
108 firearm if he or she is licensed to carry a concealed
109 weapon or firearm and does not have full-time security
110 provided by the Department of Law Enforcement;
111 revising the penalty for a violation of specified