

By Senator Evers

2-00372-11

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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 carry openly
5 notwithstanding specified provisions; allowing the
6 Division of Licensing of the Department of Agriculture
7 and Consumer Services to take fingerprints from
8 concealed carry license applicants; limiting a
9 prohibition on carrying a concealed weapon or firearm
10 into an elementary or secondary school facility,
11 career center, or college or university facility to
12 include only a public elementary or secondary school
13 facility or administration building; providing that
14 concealed carry licensees shall not be prohibited from
15 carrying or storing a firearm in a vehicle for lawful
16 purposes; repealing s. 790.28, F.S., relating to the
17 purchase of rifles and shotguns in contiguous states;
18 amending s. 790.065, F.S.; providing that specified
19 provisions do not apply to certain firearms
20 transactions by a resident of this state which take
21 place in another state; providing applicable law;
22 requiring a specified background check for such
23 transactions; 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 carry openly
43 notwithstanding s. 790.053. The licensee must carry the license,
44 together with valid identification, at all times in which the
45 licensee is in actual possession of a concealed weapon or
46 firearm and must display both the license and proper
47 identification upon demand by a law enforcement officer. A
48 violation ~~Violations of the provisions~~ of this subsection shall
49 constitute a noncriminal violation with a penalty of \$25,
50 payable to the clerk of the 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 carry a concealed weapon

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59 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 would
65 preclude a judge from carrying a concealed weapon or determining
66 who will carry a concealed weapon in his or her courtroom;

67 6. Any polling place;

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

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

71 9. Any school, college, or professional athletic event not
72 related to firearms;

73 10. Any public elementary or secondary school facility or
74 administration building;

75 11. 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; any college or university facility unless the licensee~~
80 ~~is a registered student, employee, or faculty member of such~~
81 ~~college or university and the weapon is a stun gun or nonlethal~~
82 ~~electric weapon or device designed solely for defensive purposes~~
83 ~~and the weapon does not fire a dart or projectile;~~

84 12. The inside of the passenger terminal and sterile area
85 of any airport, provided that no person shall be prohibited from
86 carrying any legal firearm into the terminal, which firearm is
87 encased for shipment for purposes of checking such firearm as

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88 baggage to be lawfully transported on any aircraft; or

89 13. Any place where the carrying of firearms is prohibited
90 by federal law.

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

94 (c) Any person who knowingly and willfully violates any
95 provision of this subsection commits a misdemeanor of the second
96 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

100 790.065 Sale and delivery of firearms.—

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

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

115 2.-(b) Collected a fee from the potential buyer for
116 processing the criminal history check of the potential buyer.

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117 The fee shall be established by the Department of Law
118 Enforcement and may not exceed \$8 per transaction. The
119 Department of Law Enforcement may reduce, or suspend collection
120 of, the fee to reflect payment received from the Federal
121 Government applied to the cost of maintaining the criminal
122 history check system established by this section as a means of
123 facilitating or supplementing the National Instant Criminal
124 Background Check System. The Department of Law Enforcement
125 shall, by rule, establish procedures for the fees to be
126 transmitted by the licensee to the Department of Law
127 Enforcement. All such fees shall be deposited into the
128 Department of Law Enforcement Operating Trust Fund, but shall be
129 segregated from all other funds deposited into such trust fund
130 and must be accounted for separately. Such segregated funds must
131 not be used for any purpose other than the operation of the
132 criminal history checks required by this section. The Department
133 of Law Enforcement, each year prior to February 1, shall make a
134 full accounting of all receipts and expenditures of such funds
135 to the President of the Senate, the Speaker of the House of
136 Representatives, the majority and minority leaders of each house
137 of the Legislature, and the chairs of the appropriations
138 committees of each house of the Legislature. In the event that
139 the cumulative amount of funds collected exceeds the cumulative
140 amount of expenditures by more than \$2.5 million, excess funds
141 may be used for the purpose of purchasing soft body armor for
142 law enforcement officers.

143 3.~~(e)~~ Requested, by means of a toll-free telephone call,
144 the Department of Law Enforcement to conduct a check of the
145 information as reported and reflected in the Florida Crime

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146 Information Center and National Crime Information Center systems
147 as of the date of the request.

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

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

159 (c) This section does not apply to the purchase, trade, or
160 transfer of firearms by a resident of this state when the
161 resident makes such purchase, trade, or transfer in another
162 state, in which case the laws and regulations of that state and
163 the United States governing the purchase, trade, or transfer of
164 firearms shall apply. A National Instant Criminal Background
165 Check System check shall be performed prior to such purchase,
166 trade, or transfer of firearms by a resident of this state.

167 Section 4. This act shall take effect July 1, 2011.