

2011234er

1  
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:

2011234er

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;

2011234er

- 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.

2011234er

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

2011234er

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

2011234er

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.