

By Senator Baxley

12-01231-17

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1                   A bill to be entitled  
2           An act relating to licenses to carry concealed weapons  
3           or firearms; amending s. 311.12, F.S.; authorizing  
4           persons holding licenses to carry concealed weapons or  
5           firearms to carry concealed weapons or firearms in  
6           secure and restricted areas of seaports; amending s.  
7           790.06, F.S.; deleting restrictions on places where  
8           persons holding licenses to carry concealed weapons or  
9           firearms may carry such weapons or firearms; amending  
10          s. 790.115, F.S.; authorizing persons holding licenses  
11          to carry concealed weapons or firearms to carry  
12          concealed weapons or firearms at school-sponsored  
13          events or on school property; amending s. 790.145,  
14          F.S.; authorizing persons holding licenses to carry  
15          concealed firearms to carry concealed firearms in  
16          pharmacies; amending s. 790.251, F.S.; conforming  
17          provisions to changes made by the act; providing an  
18          effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. Paragraph (b) of subsection (3) of section  
23           311.12, Florida Statutes, is amended to read:

24           311.12 Seaport security.—

25           (3) ~~SECURE AND RESTRICTED AREAS.~~—Each seaport listed in s.  
26           311.09 must clearly designate in seaport security plans, and  
27           clearly identify with appropriate signs and markers on the  
28           premises of a seaport, all secure and restricted areas as  
29           defined by 33 C.F.R. part 105.

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30 (b) The seaport must provide clear notice of the  
31 prohibition against possession of concealed weapons and other  
32 contraband material on the premises of the seaport. Any person  
33 in a restricted area who has in his or her possession a  
34 concealed weapon, or who operates or has possession or control  
35 of a vehicle in or upon which a concealed weapon is placed or  
36 stored, commits a misdemeanor of the first degree, punishable as  
37 provided in s. 775.082 or s. 775.083. This paragraph does not  
38 apply to active-duty certified federal or state law enforcement  
39 personnel, persons licensed to carry concealed weapons or  
40 firearms under s. 790.06, or persons so designated by the  
41 seaport director in writing.

42 Section 2. Subsection (12) of section 790.06, Florida  
43 Statutes, is amended to read:

44 790.06 License to carry concealed weapon or firearm.-

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

48 ~~1. Any place of nuisance as defined in s. 823.05;~~

49 ~~2. Any police, sheriff, or highway patrol station;~~

50 ~~3. Any detention facility, prison, or jail;~~

51 ~~4. Any courthouse;~~

52 ~~5. Any courtroom, except that nothing in this section would~~  
53 ~~preclude a judge from carrying a concealed weapon or determining~~  
54 ~~who will carry a concealed weapon in his or her courtroom;~~

55 ~~6. Any polling place;~~

56 ~~7. Any meeting of the governing body of a county, public~~  
57 ~~school district, municipality, or special district;~~

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

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59 ~~9. Any school, college, or professional athletic event not~~  
60 ~~related to firearms;~~

61 ~~10. Any elementary or secondary school facility or~~  
62 ~~administration building;~~

63 ~~11. Any career center;~~

64 ~~12. Any portion of an establishment licensed to dispense~~  
65 ~~alcoholic beverages for consumption on the premises, which~~  
66 ~~portion of the establishment is primarily devoted to such~~  
67 ~~purpose;~~

68 ~~13. Any college or university facility unless the licensee~~  
69 ~~is a registered student, employee, or faculty member of such~~  
70 ~~college or university and the weapon is a stun gun or nonlethal~~  
71 ~~electric weapon or device designed solely for defensive purposes~~  
72 ~~and the weapon does not fire a dart or projectile;~~

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

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

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

83 ~~(b)~~(e) This section does not modify the terms or conditions  
84 of s. 790.251(7).

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

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88 Section 3. Subsection (2) of section 790.115, Florida  
89 Statutes, is amended to read:

90 790.115 Possessing or discharging weapons or firearms at a  
91 school-sponsored event or on school property prohibited;  
92 penalties; exceptions.—

93 (2) (a) A person shall not possess any firearm, electric  
94 weapon or device, destructive device, or other weapon as defined  
95 in s. 790.001(13), including a razor blade or box cutter, except  
96 as authorized in support of school-sanctioned activities, at a  
97 school-sponsored event or on the property of any school, school  
98 bus, or school bus stop; however, a person may carry a firearm:

99 1. In a case to a firearms program, class or function which  
100 has been approved in advance by the principal or chief  
101 administrative officer of the school as a program or class to  
102 which firearms could be carried;

103 2. In a case to a career center having a firearms training  
104 range; ~~or~~

105 3. In a vehicle pursuant to s. 790.25(5); except that  
106 school districts may adopt written and published policies that  
107 waive the exception in this subparagraph for purposes of student  
108 and campus parking privileges; or

109 4. If the person is licensed to carry a concealed weapon or  
110 firearm under s. 790.06.

111  
112 For the purposes of this section, "school" means any preschool,  
113 elementary school, middle school, junior high school, secondary  
114 school, career center, or postsecondary school, whether public  
115 or nonpublic.

116 (b) A person who willfully and knowingly possesses any

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117 electric weapon or device, destructive device, or other weapon  
118 as defined in s. 790.001(13), including a razor blade or box  
119 cutter, except as authorized in support of school-sanctioned  
120 activities, in violation of this subsection commits a felony of  
121 the third degree, punishable as provided in s. 775.082, s.  
122 775.083, or s. 775.084.

123 (c)1. A person who willfully and knowingly possesses any  
124 firearm in violation of this subsection commits a felony of the  
125 third degree, punishable as provided in s. 775.082, s. 775.083,  
126 or s. 775.084.

127 2. A person who stores or leaves a loaded firearm within  
128 the reach or easy access of a minor who obtains the firearm and  
129 commits a violation of subparagraph 1. commits a misdemeanor of  
130 the second degree, punishable as provided in s. 775.082 or s.  
131 775.083; except that this does not apply if the firearm was  
132 stored or left in a securely locked box or container or in a  
133 location which a reasonable person would have believed to be  
134 secure, or was securely locked with a firearm-mounted push-  
135 button combination lock or a trigger lock; if the minor obtains  
136 the firearm as a result of an unlawful entry by any person; or  
137 to members of the Armed Forces, National Guard, or State  
138 Militia, or to police or other law enforcement officers, with  
139 respect to firearm possession by a minor which occurs during or  
140 incidental to the performance of their official duties.

141 (d) A person who discharges any weapon or firearm while in  
142 violation of paragraph (a), unless discharged for lawful defense  
143 of himself or herself or another or for a lawful purpose,  
144 commits a felony of the second degree, punishable as provided in  
145 s. 775.082, s. 775.083, or s. 775.084.

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146           (e) A person ~~The penalties of this subsection shall not~~  
 147 ~~apply to persons licensed under s. 790.06. Persons licensed~~  
 148 ~~under s. 790.06 shall be punished as provided in s. 790.06(12),~~  
 149 ~~except that a licenseholder~~ who unlawfully discharges a weapon  
 150 or firearm on school property as prohibited by this subsection  
 151 commits a felony of the second degree, punishable as provided in  
 152 s. 775.082, s. 775.083, or s. 775.084.

153           Section 4. Paragraph (c) of subsection (2) of section  
 154 790.145, Florida Statutes, is amended to read:

155           790.145 Crimes in pharmacies; possession of weapons;  
 156 penalties.—

157           (2) The provisions of this section do not apply:

158           (c) To any person licensed to carry a concealed weapon or  
 159 firearm under s. 790.06.

160           Section 5. Subsection (7) of section 790.251, Florida  
 161 Statutes, is amended to read:

162           790.251 Protection of the right to keep and bear arms in  
 163 motor vehicles for self-defense and other lawful purposes;  
 164 prohibited acts; duty of public and private employers; immunity  
 165 from liability; enforcement.—

166           (7) EXCEPTIONS.—The prohibitions in subsection (4) do not  
 167 apply to:

168           ~~(a) Any school property as defined and regulated under s.~~  
 169 ~~790.115.~~

170           (a) ~~(b)~~ Any correctional institution regulated under s.  
 171 944.47 or chapter 957.

172           (b) ~~(e)~~ Any property where a nuclear-powered electricity  
 173 generation facility is located.

174           (c) ~~(d)~~ Property owned or leased by a public or private

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175 employer or the landlord of a public or private employer upon  
176 which are conducted substantial activities involving national  
177 defense, aerospace, or homeland security.

178 (d)~~(e)~~ Property owned or leased by a public or private  
179 employer or the landlord of a public or private employer upon  
180 which the primary business conducted is the manufacture, use,  
181 storage, or transportation of combustible or explosive materials  
182 regulated under state or federal law, or property owned or  
183 leased by an employer who has obtained a permit required under  
184 18 U.S.C. s. 842 to engage in the business of importing,  
185 manufacturing, or dealing in explosive materials on such  
186 property.

187 (e)~~(f)~~ A motor vehicle owned, leased, or rented by a public  
188 or private employer or the landlord of a public or private  
189 employer.

190 (f)~~(g)~~ Any other property owned or leased by a public or  
191 private employer or the landlord of a public or private employer  
192 upon which possession of a firearm or other legal product by a  
193 customer, employee, or invitee is prohibited pursuant to any  
194 federal law, contract with a federal government entity, or  
195 general law of this state.

196 Section 6. This act shall take effect July 1, 2017.