

Florida Firearms – Law, Use & Ownership – 8th edition

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page	change/addition FOR 8 th EDITION ONLY – not for 9 th edition books as they include all this information, and more.
19, 188	In 2016 the Legislature removed the restrictions on slungshots such that it is no longer a crime to sell or possess these, even as a minor, and it is not considered a “weapon” unless used as such.
26	Federal law now also accepts that a Florida “withheld adjudication” is not a “conviction”, regardless of a plea of guilty or no contest. <u>United States v. Clark</u> , docket number 13-15874, (11th Cir. 2016)
27, 138	<u>Henderson v. United States</u> (U.S.Sup.Ct. May 18, 2015) – held a federal court may allow a convicted felon to transfer firearms he did not dispose of prior to conviction if the firearms will not be returned to, or thereafter controlled by the felon.
64	CWL cost is \$60 for initial license and \$50 for any renewal.
chap. 5	In 2015 the Legislature passed an amendment to F.S. 790.01 that should overrule <u>Mackey v. State</u> , 124 So. 3d 176 (Fla. 2013), in a charge for carrying concealed by making the issue of whether the defendant has a valid CWL an “element” of any charge, rather than a defense. However, the courts have yet to interpret this new amendment.
70-72 123	The same amendment also eliminated wording in 790.01(3) that previously made it a grey area whether a CWL holder was treated any different than a non-holder in regard to carrying certain non-lethal self defense weapons. The result is anyone can carry these weapons per 790.01, including a CWL holder.
107	Revision: A church or other religious institution may employ armed volunteers as long as they have a CWL and are not on grounds used for daycare or a school. It is still unlawful on any “school” grounds.
69, 70 & 114	<u>Bonidy v. United States Postal Service</u> (10 th Cir. June 26, 2015), held that a post office parking lot is both a “building” and “sensitive area” under federal law prohibiting firearms possession even if otherwise lawful under state law. Thus, retreat may be required for self defense, as having the firearm in a vehicle may be a “criminal act” because it violates federal law. Florida courts might differ on this as the decision is insulting, contrary to Florida law, and not binding. A true test case.
102	<u>Pennamon v. State</u> , (Fla. 1DCA January 2, 2015), held that a parking lot surrounding a person’s regular place of business qualifies as their “place of business” pursuant to F.S. 790.25(3)(n), allowing open or concealed carry regardless of a CWL (although an employer could still discipline you if against policy)
Chap. 5	In 2016 the Legislature passed SB-666, allowing you to use your CWL as voter identification.
Chap . 5	In 2016 the Legislature passed SB-772, which has several sections. One requires before any suspension or revocation of your CWL is allowed the Department must send a certified letter to your last given address, and if returned then again by first class mail or email if you provided such. Another provides for expedited processing of a CWL application if you are a veteran or current member of the military. Still another allows your local tax collector to actually issue a CWL license on a renewal made at their office (if they accept renewals).
149-150	Same amendment added 790.01(3)(a) which provides that you may now carry a “concealed” weapon or firearm “on or about your person” during a mandatory evacuation “while in the act of evacuating”. No CWL is required – however, the weapon or firearm must be kept concealed.
149	A 2014 amendment to F.S.493.6115 (6), now allows a “G” security guard licensee to carry up to two .38 revolver; .380 semi-auto; .40 semi auto; .45 semi-auto; while on authorized duty using only factory ammo. A discharge must be reported to the Department within 5 working days.
190	SB-772 passed in 2016 now requires all firearm instructors to use live ammunition and an actual “firearm” in certifying any student for a CWL.
194	A 2016 change by the legislature requires backyard shooting ranges to normally be on property zoned over an acre.
204-205	There is no longer a requirement for a Chief Law Enforcement Officer sign-off on an NFA firearm. Instead, a notification of such is required, along with some changes in the forms and supporting documents. ATF Rule 41-F. (January 2016)
263	In <u>Bretherick v. State</u> , (Fla. July 9, 2015), the Florida Supreme Court held that the burden of proof in an immunity hearing is on the defendant, and not the State.
Chap 12	There is no longer a mandatory prison sentence for aggravated assault, nor any mandatory sentence for a warning shot or type of firearm or magazine when the charge is “aggravated assault”. For all other charges – mandatorics are unchanged.
Chap 2	The Florida Supreme Court settled the law, and held that an antique firearm is determined solely by its firing mechanism.