

1 A bill to be entitled

2 An act relating to carrying a concealed weapon or a  
3 concealed firearm; amending s. 790.01, F.S.; providing  
4 an exemption from criminal penalties for carrying a  
5 concealed weapon or a concealed firearm when complying  
6 with a mandatory evacuation order during a declared  
7 state of emergency; providing an effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Section 790.01, Florida Statutes, is amended to  
12 read:

13 790.01 Unlicensed carrying of concealed weapons or  
14 concealed firearms.-

15 (1) Except as provided in subsection (3) ~~(4)~~, a person who  
16 is not licensed under s. 790.06 and who carries a concealed  
17 weapon or electric weapon or device on or about his or her  
18 person commits a misdemeanor of the first degree, punishable as  
19 provided in s. 775.082 or s. 775.083.

20 (2) Except as provided in subsection (3), a person who is  
21 not licensed under s. 790.06 and who carries a concealed firearm  
22 on or about his or her person commits a felony of the third  
23 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
24 775.084.

25 (3) This section does not apply to: ~~a person licensed to~~  
26 ~~carry a concealed weapon or a concealed firearm pursuant to the~~

27 ~~provisions of s. 790.06.~~

28 (a) A person who carries a concealed weapon, or a person  
 29 who may lawfully possess a firearm and who carries a concealed  
 30 firearm, on or about his or her person while in the act of  
 31 complying with a mandatory evacuation order issued during a  
 32 state of emergency declared by the Governor pursuant to chapter  
 33 252 or declared by a local authority pursuant to chapter 870.

34 ~~(b)(4) It is not a violation of this section for~~ A person  
 35 who carries ~~to carry~~ for purposes of lawful self-defense, in a  
 36 concealed manner:

37 1.(a) A self-defense chemical spray.

38 2.(b) A nonlethal stun gun or dart-firing stun gun or  
 39 other nonlethal electric weapon or device that is designed  
 40 solely for defensive purposes.

41 ~~(4)(5)~~ This section does not preclude any prosecution for  
 42 the use of an electric weapon or device, a dart-firing stun gun,  
 43 or a self-defense chemical spray during the commission of any  
 44 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.  
 45 790.235, or for any other criminal offense.

46 Section 2. This act shall take effect July 1, 2014.