

By the Committee on Criminal Justice; and Senator Brandes

591-02083-14

2014296c1

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.

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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 Carrying concealed weapons or concealed firearms.—

14 (1) Except as provided in subsection (3) ~~(4)~~, a person who
15 carries a concealed weapon or electric weapon or device on or
16 about his or her person commits a misdemeanor of the first
17 degree, punishable as provided in s. 775.082 or s. 775.083.

18 (2) Except as provided in subsection (3), a person who
19 carries a concealed firearm on or about his or her person
20 commits a felony of the third degree, punishable as provided in
21 s. 775.082, s. 775.083, or s. 775.084.

22 (3) This section does not apply to:

23 (a) A person licensed to carry a concealed weapon or a
24 concealed firearm pursuant to the provisions of s. 790.06.

25 (b) A person who carries a concealed weapon or a person who
26 may lawfully possess a firearm and who carries a concealed
27 firearm on or about his or her person while complying with a
28 mandatory evacuation order issued during a state of emergency
29 declared by the Governor pursuant to chapter 252.

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30 (c) ~~(4)~~ ~~It is not a violation of this section for~~ A person
31 who carries ~~to carry~~ for purposes of lawful self-defense, in a
32 concealed manner:

33 1. ~~(a)~~ A self-defense chemical spray.

34 2. ~~(b)~~ A nonlethal stun gun or dart-firing stun gun or other
35 nonlethal electric weapon or device that is designed solely for
36 defensive purposes.

37 (4) ~~(5)~~ This section does not preclude any prosecution for
38 the use of an electric weapon or device, a dart-firing stun gun,
39 or a self-defense chemical spray during the commission of any
40 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.
41 790.235, or for any other criminal offense.

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