

2015290er

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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
6 evacuating pursuant to a mandatory evacuation order
7 during a declared state of emergency; defining the
8 term "in the act of evacuating"; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 790.01, Florida Statutes, is amended to
14 read:

15 790.01 Unlicensed carrying of concealed weapons or
16 concealed firearms.—

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

22 (2) Except as provided in subsection (3), a person who is
23 not licensed under s. 790.06 and who carries a concealed firearm
24 on or about his or her person commits a felony of the third
25 degree, punishable as provided in s. 775.082, s. 775.083, or s.
26 775.084.

27 (3) This section does not apply to: ~~a person licensed to~~
28 ~~carry a concealed weapon or a concealed firearm pursuant to the~~
29 ~~provisions of s. 790.06.~~

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30 (a) A person who carries a concealed weapon, or a person
31 who may lawfully possess a firearm and who carries a concealed
32 firearm, on or about his or her person while in the act of
33 evacuating during a mandatory evacuation order issued during a
34 state of emergency declared by the Governor pursuant to chapter
35 252 or declared by a local authority pursuant to chapter 870. As
36 used in this subsection, the term "in the act of evacuating"
37 means the immediate and urgent movement of a person away from
38 the evacuation zone within 48 hours after a mandatory evacuation
39 is ordered. The 48 hours may be extended by an order issued by
40 the Governor.

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

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

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

48 ~~(4) (5)~~ This section does not preclude any prosecution for
49 the use of an electric weapon or device, a dart-firing stun gun,
50 or a self-defense chemical spray during the commission of any
51 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.
52 790.235, or for any other criminal offense.

53 Section 2. This act shall take effect upon becoming a law.