

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Gaetz offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 790.0015, Florida Statutes, is created  
 7 to read:

8 790.0015 Infringement of rights; penalties; construction.-

9 (1) Section 790.33, including the penalty provisions of s.  
 10 790.33(3)(c), (d), (e), and (f), apply to any person or entity  
 11 infringing upon the rights conferred by this chapter, chapter  
 12 766, s. 8, Art. I of the State Constitution, or the Second  
 13 Amendment to the United States Constitution. Notwithstanding any  
 14 other law, no immunity applies to persons or entities infringing  
 15 on such rights in violation of s. 790.33.

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16 (2) This section is not intended to restrict a law  
17 enforcement officer's ability or authority to conduct  
18 investigations as otherwise authorized by law.

19 (3) (a) This chapter, chapter 776, s. 8, Art. I of the  
20 State Constitution, and the Second Amendment to the United  
21 States Constitution do not modify or diminish the rights of a  
22 private owner or lessee of real property or its agent, or a  
23 private employer, to prohibit the possession of a firearm on  
24 real property or at the place of employment or to post or  
25 display written notice or otherwise directly communicate to any  
26 person on the real property or at the place of employment that  
27 the possession of a firearm is prohibited.

28 (b) This chapter, chapter 776, s. 8, Art. I of the State  
29 Constitution, and the Second Amendment to the United States  
30 Constitution do not expand any existing duty of, or create any  
31 additional duty for, a private owner or lessee of real property  
32 or its agent, or a private employer.

33 Section 2. Section 790.0016, Florida Statutes, is created  
34 to read:

35 790.0016 Employer weapons policies.—An employee shall not  
36 have a cause of action against an employer related to  
37 disciplinary action of the employer, including termination of  
38 employment, resulting from the failure of the employee to comply  
39 with an order of the employer to carry or not carry, or relating  
40 to the manner of carrying, a weapon on his or her person during  
41 work hours. This section does not impair a cause of action

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42 against an employer which arises under another law.

43 Section 3. Section 790.02, Florida Statutes, is amended to  
44 read:

45 790.02 Officer to arrest without warrant and upon probable  
46 cause.—The unlicensed carrying of a concealed weapon is declared  
47 a breach of peace, and any officer authorized to make arrests  
48 under the laws of this state may make arrests without warrant of  
49 persons violating ~~the provisions of~~ s. 790.01 when said officer  
50 has reasonable ~~grounds~~ suspicion or probable cause to believe  
51 that the offense of unlicensed carrying of a concealed weapon is  
52 being committed.

53 Section 4. Section 790.053, Florida Statutes, is amended  
54 to read:

55 790.053 Open carrying of weapons.—

56 (1) Subject to the restrictions and limitations of ss.  
57 790.06 and 790.10, a person licensed to carry a concealed weapon  
58 or concealed firearm pursuant to this chapter may openly carry  
59 such weapon or firearm ; however, except as otherwise provided  
60 by law and in subsection (3)(2), it is unlawful for any other  
61 person to openly carry on or about his or her person a any  
62 firearm or electric weapon or device. ~~It is not a violation of~~  
63 ~~this section for a person licensed to carry a concealed firearm~~  
64 ~~as provided in s. 790.06(1), and who is lawfully carrying a~~  
65 ~~firearm in a concealed manner, to briefly and openly display the~~  
66 ~~firearm to the ordinary sight of another person, unless the~~  
67 ~~firearm is intentionally displayed in an angry or threatening~~

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68 ~~manner, not in necessary self-defense.~~

69 (2) A firearm that is openly carried under this section by  
70 a licensee may be loaded or unloaded and must be carried on or  
71 about the licensee in a holster that is wholly or partially  
72 visible, or carried on or about the licensee in a case or bag  
73 that is wholly or partially visible.

74 ~~(3)-(2)~~ A person may openly carry, for purposes of lawful  
75 self-defense:

76 (a) A self-defense chemical spray.

77 (b) A nonlethal stun gun or dart-firing stun gun or other  
78 nonlethal electric weapon or device that is designed solely for  
79 defensive purposes.

80 (3) Any person violating this section commits a  
81 misdemeanor of the second degree, punishable as provided in s.  
82 775.082 or s. 775.083.

83 Section 5. Subsection (1) of section 790.25, Florida  
84 Statutes, is amended to read:

85 790.25 Lawful ownership, possession, and use of firearms  
86 and other weapons.—

87 (1) DECLARATION OF POLICY.—The Legislature finds as a  
88 matter of public policy and fact that the possession and  
89 carrying of weapons and firearms by law-abiding individuals for  
90 lawful purposes, including self-defense, enhances public safety  
91 and that it is necessary to promote firearms safety and to curb  
92 and prevent the use of firearms and other weapons in crime and  
93 by incompetent persons without prohibiting the lawful use in

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94 defense of life, home, and property, and the use by United  
95 States or state military organizations, and as otherwise now  
96 authorized by law, including the right to use and own firearms  
97 for target practice and marksmanship on target practice ranges  
98 or other lawful places, and lawful hunting and other lawful  
99 purposes.

100 Section 6. This act shall take effect upon becoming a law.  
101  
102

103 -----  
104 **T I T L E A M E N D M E N T**

105 Remove everything before the enacting clause and insert:  
106 An act relating to weapons and firearms; creating s. 790.0015,  
107 F.S.; providing that certain persons and public entities that  
108 infringe on specified rights of an individual may be subject to  
109 liability under specified provisions and have no immunity;  
110 providing an exception; providing construction; creating s.  
111 790.0016, F.S.; providing that an employer may direct an  
112 employee regarding weapons; providing that an employee has no  
113 cause of action against an employer regarding such direction;  
114 providing construction; amending s. 790.02, F.S.; specifying  
115 that a law enforcement officer may arrest a person for the  
116 unlicensed carrying of a concealed weapon only upon probable  
117 cause that such a violation is being committed; amending s.  
118 790.053, F.S.; providing that a person licensed to carry a  
119 concealed firearm or weapon may also openly carry such firearm

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120 or weapon as long as such person is in compliance with specified  
121 provisions; amending s. 790.25, F.S.; revising legislative  
122 findings concerning the possession and carrying of weapons and  
123 firearms; providing an effective date.