



142992

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD/2R

.

03/03/2016 12:44 PM

.

.

Senator Gaetz moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (3) of section
790.001, Florida Statutes, is amended to read:

790.001 Definitions.—As used in this chapter, except where
the context otherwise requires:

(3) (a) "Concealed weapon" means any dirk, metallic
knuckles, ~~slungshot~~, billie, tear gas gun, chemical weapon or
device, or other deadly weapon carried on or about a person in



12 such a manner as to conceal the weapon from the ordinary sight
13 of another person.

14 Section 2. Section 790.0015, Florida Statutes, is created
15 to read:

16 790.0015 Infringement of rights; penalties; construction.-

17 (1) Section 790.33, including the penalty provisions of s.
18 790.33(3)(c), (d), (e), and (f), apply to any person or entity
19 infringing upon the rights conferred by this chapter, chapter
20 776, s. 8, Art. I of the State Constitution, or the Second
21 Amendment to the United States Constitution. Notwithstanding any
22 other law, no immunity applies to persons or entities infringing
23 upon such rights in violation of s. 790.33.

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

27 (3)(a) This chapter, chapter 776, s. 8, Art. I of the State
28 Constitution, and the Second Amendment to the United States
29 Constitution do not modify or diminish the rights of a private
30 owner or lessee of real property or its agent, or a private
31 employer, to prohibit the possession of a firearm on real
32 property or at the place of employment or to post or display
33 written notice or otherwise directly communicate to any person
34 on the real property or at the place of employment that the
35 possession of a firearm is prohibited.

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



142992

41 Section 3. Section 790.0016, Florida Statutes, is created
42 to read:

43 790.0016 Employer weapons policies.—An employee shall not
44 have a cause of action against an employer related to
45 disciplinary action of the employer, including termination of
46 employment, resulting from the failure of the employee to comply
47 with an order of the employer to carry or not carry, or relating
48 to the manner of carrying, a weapon on his or her person during
49 work hours. This section does not impair a cause of action
50 against an employer which arises under another law.

51 Section 4. Section 790.02, Florida Statutes, is amended to
52 read:

53 790.02 Officer to arrest without warrant and upon probable
54 cause.—The unlicensed carrying of a concealed weapon is declared
55 a breach of peace, and any officer authorized to make arrests
56 under the laws of this state may make arrests without warrant of
57 persons violating ~~the provisions of~~ s. 790.01 when said officer
58 has reasonable suspicion grounds or probable cause to believe
59 that the offense of unlicensed carrying of a concealed weapon is
60 being committed.

61 Section 5. Section 790.053, Florida Statutes, is amended to
62 read:

63 790.053 Open carrying of weapons.—

64 (1) (a) Subject to the restrictions and limitations of ss.
65 790.06 and 790.10 and except as provided in paragraph (b), a
66 person licensed to carry a concealed weapon or concealed firearm
67 pursuant to this chapter may openly carry such weapon or
68 firearm; however, except as otherwise provided by law and in
69 subsection (3) (2), it is unlawful for any other person to



142992

70 openly carry on or about his or her person a any firearm or
71 electric weapon or device. ~~It is not a violation of this section~~
72 ~~for a person licensed to carry a concealed firearm as provided~~
73 ~~in s. 790.06(1), and who is lawfully carrying a firearm in a~~
74 ~~concealed manner, to briefly and openly display the firearm to~~
75 ~~the ordinary sight of another person, unless the firearm is~~
76 ~~intentionally displayed in an angry or threatening manner, not~~
77 ~~in necessary self-defense.~~

78 (b) Notwithstanding paragraph (a), a public hospital may
79 prohibit a licensee from openly carrying a weapon or firearm.

80 (2) A firearm that is openly carried under this section by
81 a licensee may be loaded or unloaded and must be carried on or
82 about the licensee in a holster that is wholly or partially
83 visible or carried on or about the licensee in a case or bag
84 that is wholly or partially visible.

85 (3)~~(2)~~ A person may openly carry, for purposes of lawful
86 self-defense:

87 (a) A self-defense chemical spray.

88 (b) A nonlethal stun gun or dart-firing stun gun or other
89 nonlethal electric weapon or device that is designed solely for
90 defensive purposes.

91 (4)~~(3)~~ Any person violating this section commits a
92 misdemeanor of the second degree, punishable as provided in s.
93 775.082 or s. 775.083.

94 (5) Notwithstanding any other provision of law, a person
95 may not openly carry a firearm if the person is under the
96 influence of an alcoholic beverage, a chemical substance as
97 described in s. 877.111, or a controlled substance as defined in
98 chapter 893 when he or she is affected to the extent that his or



142992

99 her normal faculties are impaired.

100 Section 6. Section 790.09, Florida Statutes, is amended to
101 read:

102 790.09 Manufacturing or selling metallic knuckles
103 ~~slungshot~~.—Whoever manufactures or causes to be manufactured, or
104 sells or exposes for sale any instrument or weapon of the kind
105 usually known as ~~slungshot~~, or metallic knuckles commits, shall
106 ~~be guilty of~~ a misdemeanor of the second degree, punishable as
107 provided in s. 775.082 or s. 775.083.

108 Section 7. Section 790.18, Florida Statutes, is amended to
109 read:

110 790.18 Sale or transfer of arms to minors by dealers.—It is
111 unlawful for any dealer in arms to sell or transfer to a minor
112 any firearm, pistol, Springfield rifle or other repeating rifle,
113 bowie knife or dirk knife, brass knuckles, ~~slungshot~~, or
114 electric weapon or device. A person who violates this section
115 commits a felony of the second degree, punishable as provided in
116 s. 775.082, s. 775.083, or s. 775.084.

117 Section 8. Subsection (1) of section 790.25, Florida
118 Statutes, is amended to read:

119 790.25 Lawful ownership, possession, and use of firearms
120 and other weapons.—

121 (1) DECLARATION OF POLICY.—The Legislature finds as a
122 matter of public policy and fact that the possession and
123 carrying of weapons and firearms by law-abiding individuals for
124 lawful purposes, including self-defense, enhances public safety
125 and that it is necessary to promote firearms safety and to curb
126 and prevent the use of firearms and other weapons in crime and
127 by incompetent persons without prohibiting the lawful use in



128 defense of life, home, and property, and the use by United
129 States or state military organizations, and as otherwise now
130 authorized by law, including the right to use and own firearms
131 for target practice and marksmanship on target practice ranges
132 or other lawful places, and lawful hunting and other lawful
133 purposes.

134 Section 9. This act shall take effect upon becoming a law.

135

136 ===== T I T L E A M E N D M E N T =====

137 And the title is amended as follows:

138 Delete everything before the enacting clause

139 and insert:

140 A bill to be entitled

141 An act relating to weapons and firearms; amending s.
142 790.001, F.S.; revising the definition of the term
143 "concealed weapon" to delete its inclusion of a
144 slungshot; creating s. 790.0015, F.S.; providing that
145 certain persons and public entities that infringe on
146 specified rights of an individual may be subject to
147 liability under specified provisions and do not have
148 immunity; providing an exception; providing
149 construction; creating s. 790.0016, F.S.; providing
150 that an employer may direct an employee regarding
151 weapons; providing that an employee does not have a
152 cause of action against an employer regarding such
153 direction; providing construction; amending s. 790.02,
154 F.S.; specifying that a law enforcement officer may
155 arrest a person for the unlicensed carrying of a
156 concealed weapon only upon reasonable suspicion or



142992

157 probable cause that such a violation is being
158 committed; amending s. 790.053, F.S.; providing that a
159 person licensed to carry a concealed firearm or
160 concealed weapon may also openly carry such firearm or
161 weapon as long as such person is in compliance with
162 specified provisions; authorizing a public hospital to
163 prohibit the open carrying of weapons and firearms;
164 providing requirements for openly carrying such
165 firearms; specifying circumstances under which a
166 person may not openly carry a firearm; amending s.
167 790.09, F.S.; deleting provisions prohibiting the
168 manufacture or sale of any instrument or weapon
169 usually known as a slungshot; amending s. 790.18,
170 F.S.; deleting a provision prohibiting a dealer in
171 arms from selling or transferring a slungshot to a
172 minor; amending s. 790.25, F.S.; revising legislative
173 findings concerning the possession and carrying of
174 weapons and firearms; providing an effective date.