

By Senator Steube

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1                   A bill to be entitled  
2           An act relating to the carrying of weapons and  
3           firearms; amending s. 790.25, F.S.; providing that  
4           specified provisions relating to the carrying of  
5           weapons and firearms do not apply to persons engaged  
6           in, traveling to, or returning from certain outdoor  
7           activities or traveling to or returning from certain  
8           motor vehicles, residences, shelters, and other  
9           places; amending s. 27.53, F.S.; conforming cross-  
10          references; providing an effective date.

11  
12          WHEREAS, law-abiding citizens have the constitutional right  
13          of self-protection and the constitutional right to keep and  
14          bears arms for lawful purposes, and

15          WHEREAS, citizens have the right to protect themselves,  
16          their families, and others when engaged in outdoor activities,  
17          and

18          WHEREAS, citizens engaged in outdoor activities risk danger  
19          from the presence of bears, boars, alligators, panthers, snakes,  
20          and other wildlife predators, as well as human predators, NOW,  
21          THEREFORE,

22  
23          Be It Enacted by the Legislature of the State of Florida:

24  
25          Section 1. Paragraphs (i) through (p) of subsection (3) of  
26          section 790.25, Florida Statutes, are redesignated as paragraphs  
27          (k) through (r), respectively, and new paragraphs (i) and (j)  
28          are added to that subsection, to read:

29          790.25 Lawful ownership, possession, and use of firearms

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30 and other weapons.—

31 (3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06  
32 do not apply in the following instances, and, despite such  
33 sections, it is lawful for the following persons to own,  
34 possess, and lawfully use firearms and other weapons,  
35 ammunition, and supplies for lawful purposes:

36 (i) A person engaged in, traveling to, or returning from a  
37 lawful outdoor expedition or activity, including, but not  
38 limited to:

39 1. Crabbing, gigging, cast netting, lobstering, or any  
40 other fishing activity;

41 2. Hiking, trekking, backpacking, cross-country running,  
42 geocaching, or any other orienteering activity;

43 3. Trapping, falconry, or any other hunting activity;

44 4. Bicycling, mountain biking, trail riding, or any other  
45 cycling activity;

46 5. All-terrain vehicle, dirt bike, four-wheeler, or any  
47 other off-road vehicle riding activity;

48 6. Boating, canoeing, kayaking, rafting, or any other  
49 maritime activity;

50 7. Dog walking, animal training, mushing, or any other  
51 outdoor animal exercising activity;

52 8. Speleology, spelunking, or any other caving activity;

53 9. Horseback riding or any other equestrian activity;

54 10. Rock climbing, rappelling, or any other mountaineering  
55 activity;

56 11. Nature photography, bird watching, astronomy, or any  
57 other outdoor viewing activity; and

58 12. Picnicking, mushroom hunting, berry picking, metal

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59 detecting, fossil hunting, or any other outdoor recreational,  
60 training, scientific, or athletic activity;

61 (j) A person traveling to or returning from a motor  
62 vehicle; a residence, dwelling, apartment, condominium,  
63 townhouse, lodge, cabin, motor home, mobile home, recreational  
64 vehicle, hotel, motel, or any other place of residence or  
65 shelter; or any other place at which a firearm or weapon may be  
66 lawfully possessed;

67 Section 2. Subsections (1) and (4) of section 27.53,  
68 Florida Statutes, are amended to read:

69 27.53 Appointment of assistants and other staff; method of  
70 payment.—

71 (1) The public defender of each judicial circuit is  
72 authorized to employ and establish, in such numbers as  
73 authorized by the General Appropriations Act, assistant public  
74 defenders and other staff and personnel pursuant to s. 29.006,  
75 who shall be paid from funds appropriated for that purpose.  
76 Notwithstanding the provisions of s. 790.01, s. 790.02, or s.  
77 790.25(2)(a), an investigator employed by a public defender,  
78 while actually carrying out official duties, is authorized to  
79 carry concealed weapons if the investigator complies with s.  
80 790.25(3)(g) ~~790.25(3)(e)~~. However, such investigators are not  
81 eligible for membership in the Special Risk Class of the Florida  
82 Retirement System. The public defenders of all judicial circuits  
83 shall jointly develop a coordinated classification and pay plan  
84 which shall be submitted on or before January 1 of each year to  
85 the Justice Administrative Commission, the office of the  
86 President of the Senate, and the office of the Speaker of the  
87 House of Representatives. Such plan shall be developed in

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88 accordance with policies and procedures of the Executive Office  
89 of the Governor established in s. 216.181. Each assistant public  
90 defender appointed by a public defender under this section shall  
91 serve at the pleasure of the public defender. Each investigator  
92 employed by a public defender shall have full authority to serve  
93 any witness subpoena or court order issued, by any court or  
94 judge within the judicial circuit served by such public  
95 defender, in a criminal case in which such public defender has  
96 been appointed to represent the accused.

97 (4) The five criminal conflict and civil regional counsel  
98 may employ and establish, in the numbers authorized by the  
99 General Appropriations Act, assistant regional counsel and other  
100 staff and personnel in each judicial district pursuant to s.  
101 29.006, who shall be paid from funds appropriated for that  
102 purpose. Notwithstanding s. 790.01, s. 790.02, or s.  
103 790.25(2)(a), an investigator employed by an office of criminal  
104 conflict and civil regional counsel, while actually carrying out  
105 official duties, is authorized to carry concealed weapons if the  
106 investigator complies with s. 790.25(3)(g) ~~790.25(3)(e)~~.  
107 However, such investigators are not eligible for membership in  
108 the Special Risk Class of the Florida Retirement System. The  
109 five regional counsel shall jointly develop recommended  
110 modifications to the classification plan and the salary and  
111 benefits plan for the Justice Administrative Commission. The  
112 recommendations shall be submitted to the commission, the office  
113 of the President of the Senate, and the office of the Speaker of  
114 the House of Representatives by September 15, 2007, for the  
115 regional offices' initial establishment and before January 1 of  
116 each year thereafter. Such recommendations shall be developed in

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117 accordance with policies and procedures of the Executive Office  
118 of the Governor established in s. 216.181. Each assistant  
119 regional counsel appointed by the regional counsel under this  
120 section shall serve at the pleasure of the regional counsel.  
121 Each investigator employed by the regional counsel shall have  
122 full authority to serve any witness subpoena or court order  
123 issued by any court or judge in a criminal case in which the  
124 regional counsel has been appointed to represent the accused.

125 Section 3. This act shall take effect July 1, 2018.