



101706

LEGISLATIVE ACTION

Senate

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House

Senator Berman moved the following:

Senate Amendment

Delete lines 485 - 557

and insert:

license under s. 790.06(2)(a)-(f) and (h)-(n), (3), and (10).

(2)(1) Except as provided in subsection (5) (3), a person who does not meet the criteria in subsection (1) is not licensed under s. 790.06 and who carries a concealed weapon or electric weapon or device, as those terms are defined in s. 790.001, on



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11 or about his or her person commits a misdemeanor of the first
12 degree, punishable as provided in s. 775.082 or s. 775.083.

13 (3) ~~(2)~~ Except as provided in subsection (5) ~~(3)~~, a person
14 who does not meet the criteria in subsection (1) is not licensed
15 under s. 790.06 and who carries a concealed firearm, as that
16 term is defined in s. 790.001, on or about his or her person
17 commits a felony of the third degree, punishable as provided in
18 s. 775.082, s. 775.083, or s. 775.084.

19 (4) In any prosecution for a violation of subsection (2) or
20 subsection (3), the state bears the burden of proving, as an
21 element of the offense, both that a person is not licensed under
22 s. 790.06 and that he or she is ineligible to receive and
23 maintain such a license under the criteria listed in s.
24 790.06(2)(a)-(f) and (h)-(n), (3), and (10).

25 (5) ~~(3)~~ A person does not violate this section if he or she
26 This section does not apply to:

27 (a) Is lawfully in possession of ~~A person who carries a~~
28 concealed weapon or a concealed firearm, as those terms are
29 defined in s. 790.001, or a person who may lawfully possess a
30 firearm and who carries such a concealed weapon or concealed
31 firearm, on or about his or her person while in the act of
32 evacuating during a mandatory evacuation order issued during a
33 state of emergency declared by the Governor pursuant to chapter
34 252 or declared by a local authority pursuant to chapter 870. As
35 used in this subsection, the term "in the act of evacuating"
36 means the immediate and urgent movement of a person away from
37 the evacuation zone within 48 hours after a mandatory evacuation
38 is ordered. The 48 hours may be extended by an order issued by
39 the Governor.



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40 (b) ~~A person who~~ Carries for purposes of lawful self-
41 defense, in a concealed manner:

42 1. A self-defense chemical spray.

43 2. A nonlethal stun gun or dart-firing stun gun or other
44 nonlethal electric weapon or device that is designed solely for
45 defensive purposes.

46 ~~(6)(4)~~ This section does not preclude any prosecution for
47 the use of an electric weapon or device, a dart-firing stun gun,
48 or a self-defense chemical spray during the commission of any
49 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.
50 790.235, or for any other criminal offense.

51 Section 6. Section 790.013, Florida Statutes, is created to
52 read:

53 790.013 Carrying of concealed weapons or concealed firearms
54 without a license.—A person who carries a concealed weapon or
55 concealed firearm without a license as authorized under s.
56 790.01(1)(b):

57 (1)(a) Must carry valid identification at all times when he
58 or she is in actual possession of a concealed weapon or
59 concealed firearm and must display such identification upon
60 demand by a law enforcement officer.

61 (b) A violation of this subsection is a noncriminal
62 violation punishable by a \$25 fine, payable to the clerk of the
63 court.

64 (2) Is subject to s. 790.06(12) in the same manner as a
65 person who is licensed to carry a concealed weapon or concealed
66 firearm.

67 Section 7. Section 790.015, Florida Statutes, is amended to
68 read:



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69 790.015 Nonresidents ~~who are United States citizens and~~
70 ~~hold a concealed weapons license in another state; reciprocity.-~~

71 (1) ~~Notwithstanding s. 790.01,~~ A nonresident of Florida may
72 carry a concealed weapon or concealed firearm, as that term is
73 defined in s. 790.06(1), while in this state if the nonresident
74 is a resident of the United States who is 21 years of age or
75 older and he or she:

76 (a) Satisfies the criteria for receiving and maintaining a
77 license to carry a concealed weapon or concealed firearm under
78 s. 790.06(2) (a)-(f) and (h)-(n), (3), and (10); or