



611140

LEGISLATIVE ACTION

Senate

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House

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Floor: 2/F/2R

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03/29/2023 05:08 PM

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Senator Berman moved the following:

Senate Amendment

Delete lines 489 - 561

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 or about his or her person commits a misdemeanor of the first



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11 degree, punishable as provided in s. 775.082 or s. 775.083.

12 ~~(3)(2)~~ Except as provided in subsection ~~(5) (3)~~, a person
13 who does not meet the criteria in subsection (1) ~~is not licensed~~
14 ~~under s. 790.06~~ and who carries a concealed firearm, as that
15 term is defined in s. 790.001, on or about his or her person
16 commits a felony of the third degree, punishable as provided in
17 s. 775.082, s. 775.083, or s. 775.084.

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

24 ~~(5)(3)~~ A person does not violate this section if he or she
25 ~~This section does not apply to:~~

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

39 (b) ~~A person who~~ Carries for purposes of lawful self-



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40 defense, in a concealed manner:

41 1. A self-defense chemical spray.

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

45 (6) (4) This section does not preclude any prosecution for
46 the use of an electric weapon or device, a dart-firing stun gun,
47 or a self-defense chemical spray during the commission of any
48 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.
49 790.235, or for any other criminal offense.

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

52 790.013 Carrying of concealed weapons or concealed firearms
53 without a license.—A person who carries a concealed weapon or
54 concealed firearm without a license as authorized under s.
55 790.01(1)(b):

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

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

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

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

68 790.015 Nonresidents ~~who are United States citizens and~~



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69 ~~hold a concealed weapons license in another state; reciprocity.-~~

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

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