

1 A bill to be entitled
2 An act relating to weapons and firearms; creating s.
3 776.00111, F.S.; providing for construction of
4 statutes that implicate the right to bear arms or
5 defend one's self; creating s. 790.0015, F.S.;
6 providing that a person or entity who infringes on
7 specified rights of an individual may be subject to
8 liability under specified provisions; providing an
9 exception; providing that certain persons and entities
10 have no immunity; amending s. 790.02, F.S.; specifying
11 that a law enforcement officer may arrest a person for
12 the unlicensed carrying of a concealed weapon only
13 upon probable cause that such a violation is being
14 committed; amending s. 790.053, F.S.; providing that a
15 person licensed to carry a concealed firearm or weapon
16 may also openly carry such firearm or weapon; amending
17 s. 790.25, F.S.; revising legislative findings
18 concerning the possession and carrying of weapons and
19 firearms; revising provisions concerning the
20 construction of provisions; providing an effective
21 date.

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

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25 Section 1. Section 776.00111, Florida Statutes, is created
26 to read:

27 776.00111 Construction.—The judiciary shall employ strict
 28 scrutiny in reviewing any statute that implicates the right to
 29 bear arms or defend one's self pursuant to this chapter. The
 30 right to bear arms or defend one's self is a fundamental and
 31 individual right that exists in any place that a person has the
 32 right to be, subject only to exceptionally and narrowly tailored
 33 restrictions that employ the least possible restriction on the
 34 right in order to achieve a compelling government interest.

35 Section 2. Section 790.0015, Florida Statutes, is created
 36 to read:

37 790.0015 Infringement of rights; penalties.—Unless
 38 probable cause exists to believe that a crime has been committed
 39 by an individual, any person or entity infringing upon the
 40 rights conferred on that individual by this chapter, chapter
 41 776, s. 8, Art. I of the State Constitution, or the Second
 42 Amendment to the United States Constitution is liable pursuant
 43 to s. 790.33(3)(c), (d), (e), and (f). Notwithstanding any other
 44 law, no immunity shall apply to persons or entities infringing
 45 on such rights in violation of this section.

46 Section 3. Section 790.02, Florida Statutes, is amended to
 47 read:

48 790.02 Officer to arrest without warrant and upon probable
 49 cause.—The unlicensed carrying of a concealed weapon is declared
 50 a breach of peace, and any officer authorized to make arrests
 51 under the laws of this state may make arrests without warrant of
 52 persons violating ~~the provisions of~~ s. 790.01 when said officer

53 has ~~reasonable grounds or~~ probable cause to believe that the
54 offense of unlicensed carrying of a concealed weapon is being
55 committed.

56 Section 4. Section 790.053, Florida Statutes, is amended
57 to read:

58 790.053 Open carrying of weapons.—

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

71 (2) A person may openly carry, for purposes of lawful
72 self-defense:

73 (a) A self-defense chemical spray.

74 (b) A nonlethal stun gun or dart-firing stun gun or other
75 nonlethal electric weapon or device that is designed solely for
76 defensive purposes.

77 (3) Any person violating this section commits a
78 misdemeanor of the second degree, punishable as provided in s.

79 | 775.082 or s. 775.083.

80 | Section 5. Subsections (1) and (4) of section 790.25,
81 | Florida Statutes, are amended to read:

82 | 790.25 Lawful ownership, possession, and use of firearms
83 | and other weapons.—

84 | (1) DECLARATION OF POLICY.—The Legislature finds as a
85 | matter of public policy and fact that the possession and
86 | carrying of weapons and firearms by law-abiding individuals for
87 | lawful purposes, including self-defense, enhances public safety
88 | and that it is necessary to promote firearms safety and to curb
89 | and prevent the use of firearms and other weapons in crime and
90 | by incompetent persons without prohibiting the lawful use in
91 | defense of life, home, and property, and the use by United
92 | States or state military organizations, and as otherwise now
93 | authorized by law, including the right to use and own firearms
94 | for target practice and marksmanship on target practice ranges
95 | or other lawful places, and lawful hunting and other lawful
96 | purposes.

97 | (4) CONSTRUCTION.—The judiciary shall construe this act in
98 | conjunction with the right to bear arms or defend one's self as
99 | provided in chapter 776. The right to bear arms or defend one's
100 | self is a fundamental and individual right that exists in any
101 | place that a person has the right to be, subject only to
102 | exceptionally and narrowly tailored restrictions that employ the
103 | least possible restriction on the right in order to achieve a
104 | compelling government interest. This act shall be liberally

105 | construed to carry out the declaration of policy herein and in
106 | favor of the constitutional right to keep and bear arms for
107 | lawful purposes. This act is supplemental and additional to
108 | existing rights to bear arms now guaranteed by law and decisions
109 | of the courts of Florida, and nothing herein shall impair or
110 | diminish any of such rights. This act shall supersede any law,
111 | ordinance, or regulation in conflict herewith.

112 | Section 6. This act shall take effect upon becoming a law.