

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.

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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.