

1                                   A bill to be entitled  
 2           An act relating to carrying a concealed weapon or a  
 3           concealed firearm; amending s. 790.01, F.S.; providing  
 4           an exemption from criminal penalties for carrying a  
 5           concealed weapon or a concealed firearm when  
 6           evacuating pursuant to a mandatory evacuation order  
 7           during a declared state of emergency; defining the  
 8           term "in the act of evacuating"; providing an  
 9           effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Section 790.01, Florida Statutes, is amended to  
 14           read:

15           790.01 Unlicensed carrying of concealed weapons or  
 16           concealed firearms.—

17           (1) Except as provided in subsection (3) ~~(4)~~, a person who  
 18           is not licensed under s. 790.06 and who carries a concealed  
 19           weapon or electric weapon or device on or about his or her  
 20           person commits a misdemeanor of the first degree, punishable as  
 21           provided in s. 775.082 or s. 775.083.

22           (2) Except as provided in subsection (3), a person who is  
 23           not licensed under s. 790.06 and who carries a concealed firearm  
 24           on or about his or her person commits a felony of the third  
 25           degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 26           775.084.

27           (3) This section does not apply to: ~~a person licensed to~~  
 28 ~~carry a concealed weapon or a concealed firearm pursuant to the~~  
 29 ~~provisions of s. 790.06.~~

30           (a) A person who carries a concealed weapon, or a person  
 31 who may lawfully possess a firearm and who carries a concealed  
 32 firearm, on or about his or her person while in the act of  
 33 evacuating during a mandatory evacuation order issued during a  
 34 state of emergency declared by the Governor pursuant to chapter  
 35 252 or declared by a local authority pursuant to chapter 870.  
 36 For purposes of this paragraph, the term "in the act of  
 37 evacuating" means the immediate and urgent movement of a person  
 38 away from the evacuation zone within 48 hours after a mandatory  
 39 evacuation is ordered. This 48-hour period may be extended by  
 40 executive order of the Governor.

41           ~~(b)(4) It is not a violation of this section for~~ A person  
 42 ~~who carries~~ to carry for purposes of lawful self-defense, in a  
 43 concealed manner:

44           ~~1.(a)~~ A self-defense chemical spray.

45           ~~2.(b)~~ A nonlethal stun gun or dart-firing stun gun or  
 46 other nonlethal electric weapon or device that is designed  
 47 solely for defensive purposes.

48           ~~(4)(5)~~ This section does not preclude any prosecution for  
 49 the use of an electric weapon or device, a dart-firing stun gun,  
 50 or a self-defense chemical spray during the commission of any  
 51 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.  
 52 790.235, or for any other criminal offense.

CS/HB 493

2015

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Section 2. This act shall take effect July 1, 2015.