

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 certain persons and public entities
7 that infringe on specified rights of an individual may
8 be subject to liability under specified provisions and
9 have no immunity; providing an exception; providing
10 construction; creating s. 790.0016, F.S.; providing
11 that an employer may direct an employee regarding
12 weapons; providing that an employee has no cause of
13 action against an employer regarding such direction;
14 providing construction; amending s. 790.02, F.S.;
15 specifying that a law enforcement officer may arrest a
16 person for the unlicensed carrying of a concealed
17 weapon only upon probable cause that such a violation
18 is being committed; amending s. 790.053, F.S.;
19 providing that a person licensed to carry a concealed
20 firearm or weapon may also openly carry such firearm
21 or weapon as long as such person is in compliance with
22 specified provisions; amending s. 790.25, F.S.;
23 revising legislative findings concerning the
24 possession and carrying of weapons and firearms;
25 revising provisions concerning the construction of
26 provisions; providing an effective date.

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

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

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

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

790.0015 Infringement of rights; penalties; construction.—
(1) Unless probable cause exists to believe that a crime has been committed by an individual, any public entity subject to s. 790.33, or person acting on behalf of such public entity, infringing on the rights conferred on that individual or entity by this chapter, chapter 776, s. 8, Art. I of the State Constitution, or the Second Amendment to the United States Constitution is liable pursuant to s. 790.33(3)(c), (d), (e), and (f). Notwithstanding any other provision of law, no immunity applies to such a public entity, or person acting on behalf of such public entity, infringing on such rights in violation of

53 this section.

54 (2) (a) This chapter, chapter 776, s. 8, Art. I of the
55 State Constitution, and the Second Amendment to the United
56 States Constitution do not modify or diminish the rights of a
57 private owner or lessee of real property, or its agent, or a
58 private employer, to prohibit the possession of a firearm on the
59 property or to post or display written notice or otherwise
60 directly communicate to any person on the property that the
61 possession of a firearm is prohibited on the property.

62 (b) This chapter, chapter 776, s. 8, Art. I of the State
63 Constitution, and the Second Amendment to the United States
64 Constitution do not expand any existing duty, or create any
65 additional duty, on the part of a private owner or lessee of
66 real property, or its agent, or a private employer.

67 Section 3. Section 790.0016, Florida Statutes, is created
68 to read:

69 790.0016 Employer weapons policies.—An employee shall not
70 have a cause of action against an employer related to
71 disciplinary action of the employer, including termination of
72 employment, resulting from the failure of the employee to comply
73 with an order of the employer to carry, or not to carry, or the
74 manner of carrying, a weapon on his or her person during work
75 hours. This section does not impair a cause of action against
76 employers arising from another statutory or constitutional
77 provision.

78 Section 4. Section 790.02, Florida Statutes, is amended to

79 read:

80 790.02 Officer to arrest without warrant and upon probable
 81 cause.—The unlicensed carrying of a concealed weapon is declared
 82 a breach of peace, and any officer authorized to make arrests
 83 under the laws of this state may make arrests without warrant of
 84 persons violating ~~the provisions of~~ s. 790.01 when said officer
 85 has ~~reasonable grounds or~~ probable cause to believe that the
 86 offense of unlicensed carrying of a concealed weapon is being
 87 committed.

88 Section 5. Section 790.053, Florida Statutes, is amended
 89 to read:

90 790.053 Open carrying of weapons.—

91 (1) Subject to ss. 790.06 and 790.10, a person licensed to
 92 carry a concealed firearm or weapon pursuant to this chapter may
 93 openly carry such firearm or weapon; however, except as
 94 otherwise provided by law and in subsection (2), it is unlawful
 95 for any other person to openly carry on or about his or her
 96 person a any firearm or electric weapon or device. ~~It is not a~~
 97 ~~violation of this section for a person licensed to carry a~~
 98 ~~concealed firearm as provided in s. 790.06(1), and who is~~
 99 ~~lawfully carrying a firearm in a concealed manner, to briefly~~
 100 ~~and openly display the firearm to the ordinary sight of another~~
 101 ~~person, unless the firearm is intentionally displayed in an~~
 102 ~~angry or threatening manner, not in necessary self-defense.~~

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

105 (a) A self-defense chemical spray.

106 (b) A nonlethal stun gun or dart-firing stun gun or other
 107 nonlethal electric weapon or device that is designed solely for
 108 defensive purposes.

109 (3) Any person violating this section commits a
 110 misdemeanor of the second degree, punishable as provided in s.
 111 775.082 or s. 775.083.

112 Section 6. Subsections (1) and (4) of section 790.25,
 113 Florida Statutes, are amended to read:

114 790.25 Lawful ownership, possession, and use of firearms
 115 and other weapons.—

116 (1) DECLARATION OF POLICY.—The Legislature finds as a
 117 matter of public policy and fact that the possession and
 118 carrying of weapons and firearms by law-abiding individuals for
 119 lawful purposes, including self-defense, enhances public safety
 120 and that it is necessary to promote firearms safety and to curb
 121 and prevent the use of firearms and other weapons in crime and
 122 by incompetent persons without prohibiting the lawful use in
 123 defense of life, home, and property, and the use by United
 124 States or state military organizations, and as otherwise now
 125 authorized by law, including the right to use and own firearms
 126 for target practice and marksmanship on target practice ranges
 127 or other lawful places, and lawful hunting and other lawful
 128 purposes.

129 (4) CONSTRUCTION.—The judiciary shall construe this act in
 130 conjunction with the right to bear arms or defend one's self as

131 provided in chapter 776. The right to bear arms or defend one's
132 self is a fundamental and individual right that exists in any
133 place that a person has the right to be, subject only to
134 exceptionally and narrowly tailored restrictions that employ the
135 least possible restriction on the right in order to achieve a
136 compelling government interest. This act shall be liberally
137 construed to carry out the declaration of policy herein and in
138 favor of the constitutional right to keep and bear arms for
139 lawful purposes. This act is supplemental and additional to
140 existing rights to bear arms now guaranteed by law and decisions
141 of the courts of Florida, and nothing herein shall impair or
142 diminish any of such rights. This act shall supersede any law,
143 ordinance, or regulation in conflict herewith.

144 Section 7. This act shall take effect upon becoming a law.