

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Gaetz offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 29-95 and insert:

7 right to bear arms or defend one's self is a fundamental and
 8 individual right that exists in any place that a person has the
 9 right to be, subject only to exceptionally and narrowly tailored
 10 restrictions that employ the least possible restriction on the
 11 right in order to achieve a compelling government interest.

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

14 790.0015 Infringement of rights; penalties.--Unless
 15 probable cause exists to believe that a crime has been committed
 16 by an individual, any person or entity infringing upon the
 17 rights conferred on that individual by this chapter, chapter

Amendment No. 1

18 776, s. 8, Art. I of the State Constitution, or the Second
19 Amendment to the United States Constitution is liable pursuant
20 to s. 790.33(3)(c), (d), (e), and (f). Notwithstanding any other
21 law, no immunity shall apply to persons infringing on such
22 rights in violation of this subsection.

23 Section 3. Section 790.02, Florida Statutes, is amended to
24 read:

25 790.02 Officer to arrest without warrant and upon probable
26 cause.—The unlicensed carrying of a concealed weapon is declared
27 a breach of peace, and any officer authorized to make arrests
28 under the laws of this state may make arrests without warrant of
29 persons violating ~~the provisions of~~ s. 790.01 when said officer
30 has ~~reasonable grounds or~~ probable cause to believe that the
31 offense of unlicensed carrying of a concealed weapon is being
32 committed.

33 Section 4. Section 790.053, Florida Statutes, is amended
34 to read:

35 790.053 Open carrying of weapons.—

36 (1) A person licensed to carry a concealed firearm or
37 weapon pursuant to this chapter may openly carry such firearm or
38 weapon; however, except as otherwise provided by law and in
39 subsection (2), it is unlawful for any other person to openly
40 carry on or about his or her person a ~~any~~ firearm or electric
41 weapon or device. ~~It is not a violation of this section for a~~
42 ~~person licensed to carry a concealed firearm as provided in s.~~
43 ~~790.06(1), and who is lawfully carrying a firearm in a concealed~~

Amendment No. 1

44 ~~manner, to briefly and openly display the firearm to the~~
45 ~~ordinary sight of another person, unless the firearm is~~
46 ~~intentionally displayed in an angry or threatening manner, not~~
47 ~~in necessary self-defense.~~

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

50 (a) A self-defense chemical spray.

51 (b) A nonlethal stun gun or dart-firing stun gun or other
52 nonlethal electric weapon or device that is designed solely for
53 defensive purposes.

54 (3) Any person violating this section commits a
55 misdemeanor of the second degree, punishable as provided in s.
56 775.082 or s. 775.083.

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

59 790.25 Lawful ownership, possession, and use of firearms
60 and other weapons.—

61 (1) DECLARATION OF POLICY.—The Legislature finds as a
62 matter of public policy and fact that the possession and
63 carrying of weapons and firearms by law-abiding individuals for
64 lawful purposes, including self-defense, enhances public safety
65 and that it is necessary to promote firearms safety and to curb
66 and prevent the use of firearms and other weapons in crime and
67 by incompetent persons without prohibiting the lawful use in
68 defense of life, home, and property, and the use by United
69 States or state military organizations, and as otherwise now

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Amendment No. 1

70 authorized by law, including the right to use and own firearms
71 for target practice and marksmanship on target practice ranges
72 or other lawful places, and lawful hunting and other lawful
73 purposes.

74 (4) CONSTRUCTION.—The judiciary shall construe this act in
75 conjunction with the right to bear arms or defend one's self as
76 provided in chapter 776. The right to bear arms or defend one's

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78
79 **T I T L E A M E N D M E N T**

80 Remove lines 5-16 and insert:

81 defend one's self; creating s. 790.0015, F.S.; providing that a
82 person or entity who infringes on specified rights of an
83 individual may be subject to liability under specified
84 provisions; providing an exception; providing that certain
85 persons and entities have no immunity; amending s. 790.02, F.S.;
86 specifying that a law enforcement officer may arrest a person
87 for the unlicensed carrying of a concealed weapon only upon
88 probable cause that such a violation is being committed;
89 amending s. 790.053, F.S.; providing that a person licensed to
90 carry a concealed firearm or weapon may also openly carry such
91 firearm or weapon; amending s. 790.25,