A bill to be entitled 1 2 An act relating to carrying a concealed weapon or a 3 concealed firearm; creating s. 776.001, F.S.; 4 providing legislative intent regarding the justifiable 5 use of force; amending s. 776.041, F.S.; clarifying 6 what constitutes provocation in the determination of 7 applicability of the justified use of force provision; amending s. 790.01, F.S.; providing an exemption from 8 9 criminal penalties for a person carrying a concealed 10 weapon or a concealed firearm when evacuating pursuant to a mandatory evacuation order during a declared 11 12 state of emergency; reenacting s. 921.0022(3)(e), F.S., relating to the offense severity ranking chart 13 14 of the Criminal Punishment Code, to incorporate the 15 amendments made by the act to s. 790.01, F.S., in a 16 reference thereto; providing an effective date. 17 Be It Enacted by the Legislature of the State of Florida: 18 19 Section 1. Section 776.001, Florida Statutes, is created 20 21 to read: 2.2 776.001 Justifiable use of force; legislative intent.-The 23 use of force authorized by this chapter is not intended to 24 encourage vigilantism or acts of revenge, authorize the 25 initiation of a confrontation as a pretext to responding with 26 deadly force, or negate a duty to retreat for persons engaged in Page 1 of 14

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52

27 unlawful mutual combat. Subsection (2) of section 776.041, Florida 28 Section 2. 29 Statutes, is amended to read: 30 776.041 Use or threatened use of force by aggressor.-The 31 justification described in the preceding sections of this 32 chapter is not available to a person who: 33 Initially provokes the use or threatened use of force (2) against himself or herself, unless: 34 35 (a) Such force or threat of force is so great that the 36 person reasonably believes that he or she is in imminent danger 37 of death or great bodily harm and that he or she has exhausted 38 every reasonable means to escape such danger other than the use 39 or threatened use of force which is likely to cause death or great bodily harm to the assailant; or 40 41 In good faith, the person withdraws from physical (b) 42 contact with the assailant and indicates clearly to the assailant that he or she desires to withdraw and terminate the 43 44 use or threatened use of force, but the assailant continues or 45 resumes the use or threatened use of force. 46 47 For purposes of this subsection, provocation must include the 48 use of force or threat of force. 49 Section 3. Section 790.01, Florida Statutes, is amended to 50 read: 790.01 Unlicensed carrying of concealed weapons or 51

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concealed firearms.-

53 Except as provided in subsection (3) (4), a person who (1)is not licensed under s. 790.06 and who carries a concealed 54 55 weapon or electric weapon or device on or about his or her 56 person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. 57 58 (2) Except as provided in subsection (3), a person who is 59 not licensed under s. 790.06 and who carries a concealed firearm 60 on or about his or her person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 61 62 775.084. 63 (3) This section does not apply to: 64 (a) A person who carries a concealed weapon, or a person 65 who may lawfully possess a firearm and who carries a concealed firearm, on or about his or her person while in the act of 66 67 evacuating during a mandatory evacuation order issued during a 68 state of emergency declared by the Governor pursuant to chapter 69 252 or declared by a local authority pursuant to chapter 870 $\frac{1}{2}$ 70 person licensed to carry a concealed weapon or a concealed 71 firearm pursuant to the provisions of s. 790.06. 72 (b) (4) It is not a violation of this section for A person 73 who carries to carry for purposes of lawful self-defense, in a 74 concealed manner: 75 1. (a) A self-defense chemical spray. 76 2.(b) A nonlethal stun gun or dart-firing stun gun or 77 other nonlethal electric weapon or device that is designed solely for defensive purposes. 78 Page 3 of 14

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79	(4) (5) This section does not preclude any prosecution for										
80											
81	the use of an electric weapon or device, a dart-firing stun gun,										
	or a self-defense chemical spray during the commission of any										
82	criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.										
83	790.235, or for any other criminal offense.										
84	Section 4. For the purpose of incorporating the amendment										
85	made by this act to section 790.01, Florida Statutes, in a										
86	reference thereto, paragraph (e) of subsection (3) of section										
87	921.0022, Florida Statutes, is reenacted to read:										
88	921.0022 Criminal Punishment Code; offense severity										
89	ranking chart										
90	(3) OFFENSE SEVERITY RANKING CHART										
91	(e) LEVEL 5										
92											
	Florida Felony										
	Statute Degree Description										
93											
	316.027(2)(a) 3rd Accidents involving										
	personal injuries										
	other than serious										
	bodily injury, failure										
	to stop; leaving										
	scene.										
94											
	316.1935(4)(a) 2nd Aggravated fleeing or										
	eluding.										
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95 322.34(6) Careless operation of 3rd motor vehicle with suspended license, resulting in death or serious bodily injury. 96 327.30(5) 3rd Vessel accidents involving personal injury; leaving scene. 97 Willful molestation of a 379.367(4) 3rd commercial harvester's spiny lobster trap, line, or buoy. 98 379.3671 3rd Willful molestation, (2) (c) 3. possession, or removal of a commercial harvester's trap contents or trap gear by another harvester. 99 381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

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FLOR	IDA	HOUS	SE O	FREF	PRES	ΕΝΤΑ	TIVES
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HB 1273 2015 100 Failure to obtain workers' 2nd 440.10(1)(g)compensation coverage. 101 Unlawful solicitation for 440.105(5) 2nd the purpose of making workers' compensation claims. 102 440.381(2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. 103 624.401(4)(b)2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000. 104 626.902(1)(c) 2nd Representing an unauthorized insurer; repeat offender. Page 6 of 14

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HB 1273 2015 105 790.01(2) Carrying a concealed 3rd firearm. 106 790.162 2nd Threat to throw or discharge destructive device. 107 790.163(1) 2nd False report of deadly explosive or weapon of mass destruction. 108 Possession of short-790.221(1) 2nd barreled shotgun or machine gun. 109 790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices. 110 796.05(1) 2nd Live on earnings of a prostitute; 1st offense. 111 800.04(6)(c)3rd Lewd or lascivious conduct; offender less than 18 years of age. 112 Page 7 of 14

FLORIDA HOUSE OF REPRESEN	ITATIVES
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	HB 1273	2015
113	800.04(7)(b)	2nd Lewd or lascivious exhibition; offender 18 years of age or older.
114	806.111(1)	3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
Υ Τ Τ Τ	812.0145(2)(b)	2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
115	812.015(8)	3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
116	812.019(1)	2nd Stolen property; dealing in or trafficking in.
117	812.131(2)(b)	3rd Robbery by sudden snatching.
ļ		Page 8 of 14

FLORIDA HOUSE OF REPRESENTATI	VES
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	HB 1273		2015
119	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
120	817.234(11)(b)		<pre>2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.</pre>
122	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification
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FLORIDA HOUSE OF REPRESEN	N T A T I V E S
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	HB 1273	2015
123		information of 10 or more individuals.
124	817.625(2)(b)	2nd Second or subsequent fraudulent use of scanning device or reencoder.
124	825.1025(4)	3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
125	827.071(4)	2nd Possess with intent to promote any photographic material, motion picture,
126	827.071(5)	etc., which includes sexual conduct by a child. 3rd Possess, control, or
	827.071(5)	3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
127	839.13(2)(b)	2nd Falsifying records of an Page 10 of 14

FLORI	DА	ΗΟU	SE	OF	REPR	ESE	ΝΤΑ	TIVES
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	HB 1273		2015
100			individual in the care and custody of a state agency involving great bodily harm or death.
128	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
129	847.0135(5)(b)		2nd Lewd or lascivious exhibition using computer; offender 18 years or older.
130			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
131	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
132	874.05(1)(b)		2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
133		Page	e 11 of 14

FLORI	DA	ΗΟU	SE	OF	REPR	ESE	ΝΤΑ	TIVES
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	HB 1273		2015
124	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
134	893.13(1)(a)1.	2nd	<pre>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).</pre>
	893.13(1)(c)2.	2nd	<pre>Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</pre>
136		Dogo 12 of 14	

FLORIDA HOUSE OF REPRESEN	I T A T I V E S
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	893.13(1)(d)1.	1st	Sell, manufacture, or
			deliver cocaine (or other
			s. 893.03(1)(a), (1)(b),
			(1)(d), (2)(a), (2)(b), or
			(2)(c)4. drugs) within
			1,000 feet of university.
137			
	893.13(1)(e)2.	2nd	Sell, manufacture, or
			deliver cannabis or other
			drug prohibited under s.
			893.03(1)(c), (2)(c)1.,
			(2)(c)2., (2)(c)3.,
			(2)(c)5., (2)(c)6.,
			(2)(c)7., (2)(c)8.,
			(2)(c)9., (3), or (4)
			within 1,000 feet of
			property used for
			religious services or a
			specified business site.
138			
	893.13(1)(f)1.	lst	Sell, manufacture, or
			deliver cocaine (or other
			s. 893.03(1)(a), (1)(b),
			(1)(d), or $(2)(a)$, $(2)(b)$,
			or (2)(c)4. drugs) within
			1,000 feet of public
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FLORIDA HO	USE OF	REPRES	ENTATIVES
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	HB 1273	2015
139		housing facility.
	893.13(4)(b)	2nd Deliver to minor cannabis
		(or other s. 893.03(1)(c),
		(2)(c)1., (2)(c)2.,
		(2)(c)3., (2)(c)5.,
		(2)(c)6., (2)(c)7.,
		(2)(c)8., (2)(c)9., (3), or
		(4) drugs).
140		
	893.1351(1)	3rd Ownership, lease, or rental
		for trafficking in or
		manufacturing of controlled
141		substance.
141	Section 5	This act shall take effect July 1, 2015.
172	Section 5.	THIS det Shall take effect outy 1, 2010.
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