

By Senator Brandes

22-00260A-15

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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; providing an
 8 effective date.

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

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

14 790.01 Unlicensed carrying of concealed weapons or
 15 concealed firearms.-

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

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

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

29 (a) A person who carries a concealed weapon, or a person

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30 who may lawfully possess a firearm and who carries a concealed
31 firearm, on or about his or her person while in the act of
32 evacuating during a mandatory evacuation order issued during a
33 state of emergency declared by the Governor pursuant to chapter
34 252 or declared by a local authority pursuant to chapter 870.

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

38 1.(a) A self-defense chemical spray.

39 2.(b) A nonlethal stun gun or dart-firing stun gun or other
40 nonlethal electric weapon or device that is designed solely for
41 defensive purposes.

42 ~~(4)(5)~~ This section does not preclude any prosecution for
43 the use of an electric weapon or device, a dart-firing stun gun,
44 or a self-defense chemical spray during the commission of any
45 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.
46 790.235, or for any other criminal offense.

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