

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.

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53 | Section 2. This act shall take effect upon becoming a law. |