



1 A bill to be entitled
2 An act relating to weapons and firearms; creating s.
3 790.0015, F.S.; providing that certain persons and
4 public entities that infringe on specified rights of
5 an individual may be subject to liability under
6 specified provisions and have no immunity; providing
7 an exception; providing construction; creating s.
8 790.0016, F.S.; providing that an employer may direct
9 an employee regarding weapons; providing that an
10 employee has no cause of action against an employer
11 regarding such direction; providing construction;
12 amending s. 790.02, F.S.; specifying that a law
13 enforcement officer may arrest a person for the
14 unlicensed carrying of a concealed weapon only upon
15 reasonable suspicion or probable cause that such a
16 violation is being committed; amending s. 790.053,
17 F.S.; providing that a person licensed to carry a
18 concealed firearm or concealed weapon may also openly
19 carry such firearm or weapon as long as such person is
20 in compliance with specified provisions; authorizing a
21 public hospital to prohibit the open carrying of
22 weapons and firearms; providing requirements for
23 openly carrying such firearm; specifying circumstances
24 under which a person may not openly carry a firearm;
25 providing that a person illegally present in the
26 United States is ineligible for a license to carry a



CS/CS/CS/HB 163, Engrossed 1

2016

27 | concealed weapon or a concealed firearm; providing
28 | that a person illegally present in the United States
29 | is ineligible for a license to carry a concealed
30 | weapon or a concealed firearm; amending s. 790.06,
31 | F.S.; providing that certain legislators may carry a
32 | concealed weapon or firearm in meetings of the
33 | Legislature; amending s. 790.25, F.S.; revising
34 | legislative findings concerning the possession and
35 | carrying of weapons and firearms; providing an
36 | effective date.

37 |

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

39 |

40 | Section 1. Section 790.0015, Florida Statutes, is created
41 | to read:

42 | 790.0015 Infringement of rights; penalties; construction.—

43 | (1) Section 790.33, including the penalty provisions of s.
44 | 790.33(3)(c), (d), (e), and (f), apply to any person or entity
45 | infringing upon the rights conferred by this chapter, chapter
46 | 776, s. 8, Art. I of the State Constitution, or the Second
47 | Amendment to the United States Constitution. Notwithstanding any
48 | other law, no immunity applies to persons or entities infringing
49 | upon such rights in violation of s. 790.33.

50 | (2) This section is not intended to restrict a law
51 | enforcement officer's ability or authority to conduct
52 | investigations as otherwise authorized by law.



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

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 of, or create any
65 additional duty for, a private owner or lessee of real property
66 or its agent, or a private employer.

67 Section 2. 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 carry, or relating
74 to the manner of carrying, a weapon on his or her person during
75 work hours. This section does not impair a cause of action
76 against an employer which arises under another law.

77 Section 3. Section 790.02, Florida Statutes, is amended to
78 read:



79 790.02 Officer to arrest without warrant and upon probable
80 cause.—The unlicensed carrying of a concealed weapon is declared
81 a breach of peace, and any officer authorized to make arrests
82 under the laws of this state may make arrests without warrant of
83 persons violating ~~the provisions of~~ s. 790.01 when said officer
84 has reasonable suspicion ~~grounds~~ or probable cause to believe
85 that the offense of unlicensed carrying of a concealed weapon is
86 being committed.

87 Section 4. Section 790.053, Florida Statutes, is amended
88 to read:

89 790.053 Open carrying of weapons.—

90 (1) (a) Subject to the restrictions and limitations of ss.
91 790.06 and 790.10 and except as provided in paragraph (b), a
92 person licensed to carry a concealed weapon or concealed firearm
93 pursuant to this chapter may openly carry such weapon or
94 firearm; however, except as otherwise provided by law and in
95 subsection (3) ~~(2)~~, it is unlawful for any other person to
96 openly carry on or about his or her person a ~~any~~ firearm or
97 electric weapon or device. ~~It is not a violation of this section~~
98 ~~for a person licensed to carry a concealed firearm as provided~~
99 ~~in s. 790.06(1), and who is lawfully carrying a firearm in a~~
100 ~~concealed manner, to briefly and openly display the firearm to~~
101 ~~the ordinary sight of another person, unless the firearm is~~
102 ~~intentionally displayed in an angry or threatening manner, not~~
103 ~~in necessary self-defense.~~



104 (b) Notwithstanding paragraph (a), a public hospital may
105 prohibit a licensee from openly carrying a weapon or firearm.

106 (2) A firearm that is openly carried under this section by
107 a licensee may be loaded or unloaded and must be carried on or
108 about the licensee in a holster that is wholly or partially
109 visible or carried on or about the licensee in a case or bag
110 that is wholly or partially visible.

111 (3)~~(2)~~ A person may openly carry, for purposes of lawful
112 self-defense:

113 (a) A self-defense chemical spray.

114 (b) A nonlethal stun gun or dart-firing stun gun or other
115 nonlethal electric weapon or device that is designed solely for
116 defensive purposes.

117 (4)~~(3)~~ Any person violating this section commits a
118 misdemeanor of the second degree, punishable as provided in s.
119 775.082 or s. 775.083.

120 (5) Notwithstanding any other provision of law, a person
121 may not openly carry a firearm if the person is under the
122 influence of an alcoholic beverage, a chemical substance as
123 described in s. 877.111, or a controlled substance as defined in
124 chapter 893 when he or she is affected to the extent that his or
125 her normal faculties are impaired.

126 Section 5. A person illegally present in the United States
127 is ineligible for a license to carry a concealed weapon or a
128 concealed firearm under chapter 790, Florida Statutes.

129 Section 6. Paragraph (a) of subsection (12) of section



130 790.06, Florida Statutes, is amended to read:
 131 790.06 License to carry concealed weapon or firearm.—
 132 (12) (a) A license issued under this section does not
 133 authorize any person to openly carry a handgun or carry a
 134 concealed weapon or firearm into:
 135 1. Any place of nuisance as defined in s. 823.05;
 136 2. Any police, sheriff, or highway patrol station;
 137 3. Any detention facility, prison, or jail;
 138 4. Any courthouse;
 139 5. Any courtroom, except that nothing in this section
 140 would preclude a judge from carrying a concealed weapon or
 141 determining who will carry a concealed weapon in his or her
 142 courtroom;
 143 6. Any polling place;
 144 7. Any meeting of the governing body of a county, public
 145 school district, municipality, or special district;
 146 8. Any meeting of the Legislature or a committee thereof,
 147 except that this section does not preclude a member of the
 148 Legislature who is a licensee from carrying a concealed weapon
 149 or concealed firearm in such meeting;
 150 9. Any school, college, or professional athletic event not
 151 related to firearms;
 152 10. Any elementary or secondary school facility or
 153 administration building;
 154 11. Any career center;
 155 12. Any portion of an establishment licensed to dispense



156 alcoholic beverages for consumption on the premises, which
 157 portion of the establishment is primarily devoted to such
 158 purpose;

159 13. Any college or university facility unless the licensee
 160 is a registered student, employee, or faculty member of such
 161 college or university and the weapon is a stun gun or nonlethal
 162 electric weapon or device designed solely for defensive purposes
 163 and the weapon does not fire a dart or projectile;

164 14. The inside of the passenger terminal and sterile area
 165 of any airport, provided that no person shall be prohibited from
 166 carrying any legal firearm into the terminal, which firearm is
 167 encased for shipment for purposes of checking such firearm as
 168 baggage to be lawfully transported on any aircraft; or

169 15. Any place where the carrying of firearms is prohibited
 170 by federal law.

171 Section 7. Subsection (1) of section 790.25, Florida
 172 Statutes, is amended to read:

173 790.25 Lawful ownership, possession, and use of firearms
 174 and other weapons.—

175 (1) DECLARATION OF POLICY.—The Legislature finds as a
 176 matter of public policy and fact that the possession and
 177 carrying of weapons and firearms by law-abiding individuals for
 178 lawful purposes, including self-defense, enhances public safety
 179 and that it is necessary to promote firearms safety and to curb
 180 and prevent the use of firearms and other weapons in crime and
 181 by incompetent persons without prohibiting the lawful use in



CS/CS/CS/HB 163, Engrossed 1

2016

182 | defense of life, home, and property, and the use by United
183 | States or state military organizations, and as otherwise now
184 | authorized by law, including the right to use and own firearms
185 | for target practice and marksmanship on target practice ranges
186 | or other lawful places, and lawful hunting and other lawful
187 | purposes.

188 | Section 8. This act shall take effect upon becoming a law.