

27 unlawful mutual combat.

28 Section 2. Subsection (2) of section 776.041, Florida
 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 (2) Initially provokes the use or threatened use of force
 34 against himself or herself, unless:

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
 40 great bodily harm to the assailant; or

41 (b) In good faith, the person withdraws from physical
 42 contact with the assailant and indicates clearly to the
 43 assailant that he or she desires to withdraw and terminate the
 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:

51 790.01 Unlicensed carrying of concealed weapons or
 52 concealed firearms.—

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

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
 61 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 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
 66 firearm, on or about his or her person while in the act of
 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 a
 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
 78 solely for defensive purposes.

79 | (4)~~(5)~~ This section does not preclude any prosecution for
 80 | the use of an electric weapon or device, a dart-firing stun gun,
 81 | 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 Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.

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322.34 (6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

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327.30 (5) 3rd Vessel accidents involving personal injury; leaving scene.

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379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

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379.3671 3rd Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
(2) (c) 3.

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381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing HIV positive.

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100	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
101	440.105 (5)	2nd	Unlawful solicitation for 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.

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105	790.01 (2)	3rd	Carrying a concealed 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	790.221 (1)	2nd	Possession of short- 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.
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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.
115	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
116	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
117	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
118	812.131 (2) (b)	3rd	Robbery by sudden snatching.

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119	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
120	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
121	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
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.
122	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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information of 10 or more
individuals.

123

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,
etc., which includes sexual
conduct by a child.

126

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

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134	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
135	893.13 (1) (a) 1.	2nd	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).
136	893.13 (1) (c) 2.	2nd	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.

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137	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.
138	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.	1st	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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housing facility.

139

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).

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893.1351(1)

3rd

Ownership, lease, or rental
for trafficking in or
manufacturing of controlled
substance.

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Section 5. This act shall take effect July 1, 2015.