

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; providing
21 requirements for openly carrying such firearm;
22 amending s. 790.25, F.S.; revising legislative
23 findings concerning the possession and carrying of
24 weapons and firearms; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

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

790.0015 Infringement of rights; penalties; construction.—

(1) Section 790.33, including the penalty provisions of s. 790.33(3)(c), (d), (e), and (f), apply to any person or entity infringing upon the rights conferred by this chapter, chapter 766, s. 8, Art. I of the State Constitution, or the Second Amendment to the United States Constitution. Notwithstanding any other law, no immunity applies to persons or entities infringing upon such rights in violation of s. 790.33.

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

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

(b) This chapter, chapter 776, s. 8, Art. I of the State Constitution, and the Second Amendment to the United States Constitution do not expand any existing duty of, or create any

53 additional duty for, a private owner or lessee of real property
 54 or its agent, or a private employer.

55 Section 2. Section 790.0016, Florida Statutes, is created
 56 to read:

57 790.0016 Employer weapons policies.—An employee shall not
 58 have a cause of action against an employer related to
 59 disciplinary action of the employer, including termination of
 60 employment, resulting from the failure of the employee to comply
 61 with an order of the employer to carry or not carry, or relating
 62 to the manner of carrying, a weapon on his or her person during
 63 work hours. This section does not impair a cause of action
 64 against an employer which arises under another law.

65 Section 3. Section 790.02, Florida Statutes, is amended to
 66 read:

67 790.02 Officer to arrest without warrant and upon probable
 68 cause.—The unlicensed carrying of a concealed weapon is declared
 69 a breach of peace, and any officer authorized to make arrests
 70 under the laws of this state may make arrests without warrant of
 71 persons violating ~~the provisions of~~ s. 790.01 when said officer
 72 has reasonable suspicion ~~grounds~~ or probable cause to believe
 73 that the offense of unlicensed carrying of a concealed weapon is
 74 being committed.

75 Section 4. Section 790.053, Florida Statutes, is amended
 76 to read:

77 790.053 Open carrying of weapons.—

78 (1) Subject to the restrictions and limitations of ss.

79 790.06 and 790.10, a person licensed to carry a concealed weapon
 80 or concealed firearm pursuant to this chapter may openly carry
 81 such weapon or firearm; however, except as otherwise provided by
 82 law and in subsection (3) ~~(2)~~, it is unlawful for any other
 83 person to openly carry on or about his or her person a any
 84 firearm or electric weapon or device. ~~It is not a violation of~~
 85 ~~this section for a person licensed to carry a concealed firearm~~
 86 ~~as provided in s. 790.06(1), and who is lawfully carrying a~~
 87 ~~firearm in a concealed manner, to briefly and openly display the~~
 88 ~~firearm to the ordinary sight of another person, unless the~~
 89 ~~firearm is intentionally displayed in an angry or threatening~~
 90 ~~manner, not in necessary self-defense.~~

91 (2) A firearm that is openly carried under this section by
 92 a licensee may be loaded or unloaded and must be carried on or
 93 about the licensee in a holster that is wholly or partially
 94 visible or carried on or about the licensee in a case or bag
 95 that is wholly or partially visible.

96 (3)~~(2)~~ A person may openly carry, for purposes of lawful
 97 self-defense:

98 (a) A self-defense chemical spray.

99 (b) A nonlethal stun gun or dart-firing stun gun or other
 100 nonlethal electric weapon or device that is designed solely for
 101 defensive purposes.

102 (4)~~(3)~~ Any person violating this section commits a
 103 misdemeanor of the second degree, punishable as provided in s.
 104 775.082 or s. 775.083.

105 Section 5. Subsection (1) of section 790.25, Florida
106 Statutes, is amended to read:

107 790.25 Lawful ownership, possession, and use of firearms
108 and other weapons.—

109 (1) DECLARATION OF POLICY.—The Legislature finds as a
110 matter of public policy and fact that the possession and
111 carrying of weapons and firearms by law-abiding individuals for
112 lawful purposes, including self-defense, enhances public safety
113 and that it is necessary to promote firearms safety and to curb
114 and prevent the use of firearms and other weapons in crime and
115 by incompetent persons without prohibiting the lawful use in
116 defense of life, home, and property, and the use by United
117 States or state military organizations, and as otherwise now
118 authorized by law, including the right to use and own firearms
119 for target practice and marksmanship on target practice ranges
120 or other lawful places, and lawful hunting and other lawful
121 purposes.

122 Section 6. This act shall take effect upon becoming a law.