A bill to be entitled
An act relating to weapons and firearms; creating s. 776.00111, F.S.; providing for construction of statutes that implicate the right to bear arms or engage in self-defense; amending s. 790.02, F.S.; specifying that a law enforcement officer may arrest a person for the unlicensed carrying of a concealed weapon only upon probable cause that such a violation is being committed; amending s. 790.053, F.S.; providing that a person licensed to carry a concealed firearm or weapon may also openly carry such firearm or weapon; providing that a person or entity who infringes on specified rights of an individual may be subject to liability under specified provisions; providing an exception; providing that certain persons and entities have no immunity; amending s. 790.25, F.S.; revising legislative findings concerning the possession and carrying of weapons and firearms; revising provisions concerning the construction of provisions; providing an effective date.

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

Section 1. Section 776.00111, Florida Statutes, is created to read:

776.00111 Construction.—The judiciary shall employ strict
scrutiny in reviewing any statute that implicates the right to
bear arms or defend one’s self pursuant to this chapter. The
right to bear arms is a fundamental and individual right that
exists in any place that a person has the right to be, subject
only to exceptionally and narrowly tailored restrictions that
employ the least possible restriction on the right in order to
achieve a compelling government interest.

Section 2. Section 790.02, Florida Statutes, is amended to
read:

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

Section 3. Section 790.053, Florida Statutes, is amended
to read:

790.053 Open carrying of weapons.—
(1) A person licensed to carry a concealed firearm or
weapon pursuant to this chapter may openly carry such firearm or
weapon; however, except as otherwise provided by law and in
subsection (2), it is unlawful for any other person to openly
carry on or about his or her person a any firearm or electric
weapon or device. It is not a violation of this section for a
person licensed to carry a concealed firearm as provided in s. 790.06(1), and who is lawfully carrying a firearm in a concealed manner, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

(2) A person may openly carry, for purposes of lawful self-defense:
   (a) A self-defense chemical spray.
   (b) A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes.

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

(4) Unless probable cause exists to believe that a crime has been committed by an individual, any person or entity infringing upon the rights conferred on that individual by this chapter, chapter 776, s. 8, Art. I of the State Constitution, or the Second Amendment to the United States Constitution is liable pursuant to s. 790.33(3)(c), (d), (e), and (f). Notwithstanding any other law, no immunity shall apply to persons infringing on such rights in violation of this subsection.

Section 4. Subsections (1) and (4) of section 790.25, Florida Statutes, are amended to read:

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

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

(4) CONSTRUCTION.—The judiciary shall construe this act in conjunction with the right to bear arms or defend one's self as provided in chapter 776. The right to bear arms and defend one's self is a fundamental and individual right that exists in any place that a person has the right to be, subject only to exceptionally and narrowly tailored restrictions that employ the least possible restriction on the right in order to achieve a compelling government interest. This act shall be liberally construed to carry out the declaration of policy herein and in favor of the constitutional right to keep and bear arms for lawful purposes. This act is supplemental and additional to existing rights to bear arms now guaranteed by law and decisions.
of the courts of Florida, and nothing herein shall impair or diminish any of such rights. This act shall supersede any law, ordinance, or regulation in conflict herewith.

Section 5. This act shall take effect upon becoming a law.