

# FL CONSTITUTIONAL CARRY PAMPHLET

COURTESY OF E&O TACTICAL

visit: EOTACTICAL.US

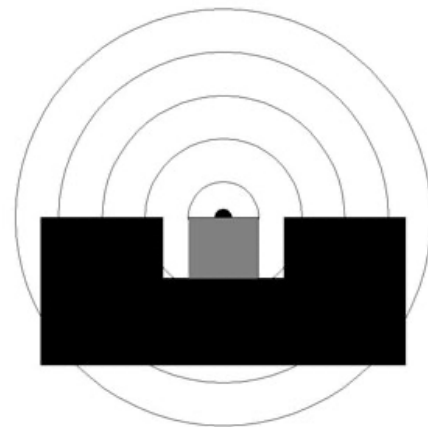


## 4 BASIC RULES OF FIREARM SAFETY

- 1 Treat all firearms as if they were loaded
- 2 Point the muzzle in a safe direction at all times
- 3 Keep your finger off the trigger and on the frame until you are on target and intend to shoot
- 4 Be sure of your target and beyond

### Shooting Fundamentals:

- 1- Grip
- 2- Shooting Stance
- 3- Sight Alignment / Sight Picture
- 4- Breathing
- 5- Trigger Control / Trigger Squeeze
- 6- Follow Through



Incorrect Alignment, Front Post too Low



Incorrect Alignment, Front Post too High



Correct Alignment, Front Post matches rear Posts

## FL Statute 790 – Gun Law

- min age is 21 years old +
- Open carry is not allowed in Florida
- Convicted Felons cannot possess a firearm
- **Safe Storage 790.174:**
  - Gun owners shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when the person is carrying the firearm on his or her body or within such close proximity there to that he or she can retrieve and use it as easily and quickly as if he or she carried it on his or her body.
  - \*Not securing the firearm constitutes a misdemeanor of a second degree.

### 790.233 – Domestic Violence

- Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking;

## FL Statute 776 – Stand Your Ground

A person is justified in the use of deadly force and **does not have a duty to retreat** if:

He or she **reasonably** believes that such force is necessary **to prevent imminent death or great bodily harm** to himself or herself or another or to prevent the imminent commission of a forcible felony

- A person is presumed to have held a reasonable fear of imminent death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another. To include: **Dwelling, Residence, Vehicle or any other place** where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and **meet force with force**, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

# Constitutional Carry

## Effect of Proposed Changes – Carrying a Concealed Weapon or Concealed Firearm Without a License

HB 543 amends s. 790.01, F.S., to authorize a person to carry a concealed weapon or concealed firearm if he or she:

- Has a valid CWL ; or
- Does not have a CWL, but otherwise satisfies the criteria for receiving and maintaining a CWL,

except that such person is not required to demonstrate competency with a firearm or affirmatively state that he or she desires a legal means to carry a concealed weapon or concealed firearm for lawful self-defense.

The bill defines a “concealed weapon or concealed firearm” as a handgun, electronic weapon or device, tear gas gun, knife.<sup>30</sup> This is the same kind of firearm and same type of weapons authorized to be carried under current law by a CWL holder.

The bill creates s. 790.013, F.S., to require a person who carries a concealed weapon or concealed firearm without a CWL to:

- Carry valid identification at all times when he or she is in actual possession of a concealed weapon or concealed firearm and display such identification upon demand by a law enforcement officer, a violation of which is punishable as a noncriminal violation and a \$25 fine; and
- Obey the prohibition against carrying a concealed weapon or concealed firearm in certain locations where a person with a CWL is not authorized to carry a concealed weapon or concealed firearm, a violation of which is punishable as a second degree misdemeanor.

The bill amends s. 790.06(1), F.S., to delete the requirement for a CWL holder to carry his or her CWL when he or she is in actual possession of a concealed weapon or concealed firearm. A CWL holder is still required to carry valid identification when carrying a concealed weapon or concealed firearm and must display such identification to a law enforcement officer upon demand. The bill leaves the remainder of the CWL licensing scheme in place, which allows a person to receive a CWL to obtain the additional benefits of licensure including the ability to carry a concealed weapon or concealed firearm in another state through a CWL reciprocity agreement and to receive an exemption from the three day waiting period between the sale and purchase of a handgun.

The bill amends s. 790.25(5), F.S., to provide that a person who is authorized to carry a concealed weapon or concealed firearm under the bill may carry such concealed weapon or concealed firearm on his or her person while in the interior of a private conveyance, regardless of whether the person has a CWL.

## Definitions

### Background

Section 790.001, F.S., defines terms applicable to the entirety of ch. 790, F.S. However, the term “handgun,” which is used throughout ch. 790, F.S., is undefined in this section.<sup>31</sup>

### Effect of Proposed Changes – Definitions

The bill amends s. 790.001, F.S., to define the term “handgun” as a firearm capable of being carried and used by one hand, such as a pistol or revolver.<sup>32</sup>

### Nonresidents

#### Background

A nonresident of Florida may carry a concealed weapon or concealed firearm in Florida if he or she:

- Is 21 years of age or older;<sup>33</sup>
- Has in his or her immediate possession a valid license to carry a concealed weapon or concealed

firearm issued by his or her state of residence, if such state honors a Florida CWL;<sup>34</sup> and

- Is a resident of the United States.<sup>35</sup>

A nonresident is subject to the same laws and restrictions with respect to carrying a concealed weapon or concealed firearm as a Florida resident with a CWL.<sup>36</sup>

### Effect of Proposed Changes – Nonresidents

The bill amends s. 790.015, F.S., to authorize a nonresident without a CWL issued by his or her state of residence to carry a concealed weapon or concealed firearm in Florida if he or she satisfies the criteria for receiving and maintaining a Florida CWL, except that such person is not required to demonstrate competency with a firearm or affirmatively state that he or she desires a legal means to carry a concealed weapon or concealed firearm for lawful self-defense. This aligns the requirements for a nonresident to carry a concealed weapon or concealed firearm in Florida with those for a Florida resident.

The bill also deletes the reciprocity requirement that limits recognition of a CWL issued by other states to only those states that honor a Florida CWL. Thus, a person who holds a CWL from any state will be authorized to carry a concealed weapon or concealed firearm while in Florida if such person is also at least 21 years old and a resident of the United States.



## Background

Section 790.052, F.S., authorizes a law enforcement officer or correctional officer who holds an active certification from the Criminal Justice Standards and Training Commission<sup>37</sup> to carry a concealed firearm on or about his or her person during off-duty hours at the discretion of a supervising officer. Such a law enforcement officer or correctional officer is authorized to perform law enforcement duties that an on-duty officer would reasonably be expected to perform.<sup>38</sup> A law enforcement officer, correctional officer, or correctional probation officer may also carry a concealed weapon as a private citizen under the exemption in s. 790.06(5)(b), F.S., that authorizes a law enforcement officer, correctional officer, or correctional probation officer to carry a concealed weapon or concealed firearm without a CWL. In such cases where a law enforcement officer, correctional officer, or correctional probation officer is carrying a concealed weapon or concealed firearm as a private citizen, the officer's employing agency is not liable for the officer's use of such weapon or firearm.<sup>39</sup>

## Effect of Proposed Changes – Carrying Concealed Firearms – Off-Duty Law Enforcement Officers

The bill amends s. 790.052, F.S., to conform this section to changes made by the bill that authorize a person to carry a concealed weapon or concealed firearm without a CWL. The bill clarifies that a law enforcement officer, correctional officer, or correctional probation officer is authorized to carry a concealed weapon or concealed firearm as a private citizen under the exemption in s. 790.06(5)(b), F.S., with a CWL issued under s. 790.06, F.S., or without a license under s. 790.01, F.S. The bill also provides that the appointing or employing agency of such an officer is not liable for the use of a firearm carried when the officer is off-duty and acting as a private citizen.

## Open Carrying of Weapons

### Background

Section 790.053, F.S., prohibits a person from openly carrying a firearm or electric weapon or device<sup>40</sup> on or about his or her person unless the person is a law enforcement officer or engaged in one of the activities listed in s. 790.25(3), F.S., such as hunting, camping, or military service. A violation of this prohibition is punishable as a second degree misdemeanor.<sup>41</sup> The open carry prohibition does not apply to a person who is:

- Openly carrying a self-defense chemical spray<sup>42</sup> or a nonlethal stun gun or dart-firing stun gun<sup>43</sup> or other nonlethal electric weapon or device that is designed solely for defensive purposes;<sup>44</sup> or
- A CWL holder, who briefly and openly displays a 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.<sup>45</sup>

### Background

Section 790.052, F.S., authorizes a law enforcement officer or correctional officer who holds an active certification from the Criminal Justice Standards and Training Commission<sup>37</sup> to carry a concealed firearm on or about his or her person during off-duty hours at the discretion of a

supervising officer. Such a law enforcement officer or correctional officer is authorized to perform law enforcement duties that an on-duty officer would reasonably be expected to perform.<sup>38</sup> A law enforcement officer, correctional officer, or correctional probation officer may also carry a concealed weapon as a private citizen under the exemption in s. 790.06(5)(b), F.S., that authorizes a law enforcement officer, correctional officer, or correctional probation officer to carry a concealed weapon or concealed firearm without a CWL. In such cases where a law enforcement officer, correctional officer, or correctional probation officer is carrying a concealed weapon or concealed firearm as a private citizen, the officer's employing agency is not liable for the officer's use of such weapon or firearm.<sup>39</sup>

## Effect of Proposed Changes – Carrying Concealed Firearms – Off-Duty Law Enforcement Officers

The bill amends s. 790.052, F.S., to conform this section to changes made by the bill that authorize a person to carry a concealed weapon or concealed firearm without a CWL. The bill clarifies that a law enforcement officer, correctional officer, or correctional probation officer is authorized to carry a concealed weapon or concealed firearm as a private citizen under the exemption in s. 790.06(5)(b), F.S., with a CWL issued under s. 790.06, F.S., or without a license under s. 790.01, F.S. The bill also provides that the appointing or employing agency of such an officer is not liable for the use of a firearm carried when the officer is off-duty and acting as a private citizen.

## Open Carrying of Weapons

### Background

Section 790.053, F.S., prohibits a person from openly carrying a firearm or electric weapon or device<sup>40</sup> on or about his or her person unless the person is a law enforcement officer or engaged in one of the activities listed in s. 790.25(3), F.S., such as hunting, camping, or military service. A violation of this prohibition is punishable as a second degree misdemeanor.<sup>41</sup> The open carry prohibition does not apply to a person who is:

- Openly carrying a self-defense chemical spray<sup>42</sup> or a nonlethal stun gun or dart-firing stun gun<sup>43</sup> or other nonlethal electric weapon or device that is designed solely for defensive purposes;<sup>44</sup> or
- A CWL holder, who briefly and openly displays a 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.<sup>45</sup>

## Crimes in Pharmacies

### Background

Section 790.145, F.S., prohibits a person from possessing a concealed firearm or a destructive device within the premises of a pharmacy,<sup>51</sup> a violation of which is punishable as a third degree felony, unless such person is a:

- Law enforcement officer;

- Person employed and authorized by the owner, operator, or manager of the pharmacy to carry a firearm or destructive device on such premises; or
- CWL holder.

The conduct prohibited under s. 790.145, F.S., is prohibited generally in other sections. Section 790.01(2), F.S., prohibits carrying a concealed firearm in any location without a CWL and violation of such prohibition constitutes a third degree felony. Section 790.161, F.S., prohibits a person from willfully and unlawfully making, possessing, throwing, projecting, placing, discharging, or attempting to make, possess, throw, project, place, or discharge any destructive device, regardless of location. A violation of this prohibition is punishable as a third degree felony.<sup>52</sup> The owner of a pharmacy may also prohibit a person from carrying a firearm on his or her property regardless of whether the person has a CWL, a violation of which is punishable as an armed trespass, a third degree felony.<sup>53</sup>

#### Effect of Proposed Changes – Crimes in Pharmacies

The bill repeals s. 790.145, F.S., in its entirety as the conduct prohibited under this section is prohibited in ss. 790.01(2), 790.161, and s. 810.08(2), F.S., with identical criminal penalties. Thus, this section is duplicative and unnecessary.

**Amendments can be found by visiting [flsenate.gov](http://flsenate.gov)**