

By Representative Jacobs

1 A bill to be entitled
2 An act relating to offenses involving
3 possessing or discharging weapons or firearms
4 on school property; amending s. 790.115, F.S.;
5 redefining the offenses of unlawful exhibition
6 or possession of firearms, devices, or weapons
7 on property of school, school bus, or school
8 bus stop to include a razor blade, a box
9 cutter, or a knife with greater than 4-inch
10 blade among such prohibited weapons or devices;
11 providing penalties; eliminating an exception
12 with respect to the offense of unlawful
13 possession of firearms, devices, or weapons on
14 property of school, school bus, or school bus
15 stop; removing provision which permits the
16 carrying of firearm in a vehicle for specified
17 lawful purposes of possession in private
18 conveyance as an exception to the offense of
19 unlawful possession of firearm or other weapon
20 on property of school, school bus, or school
21 bus stop, to prohibit the carrying of such
22 firearm under such circumstances; providing
23 penalties; providing an effective date.

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

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27 Section 1. Section 790.115, Florida Statutes, is
28 amended to read:

29 790.115 Possessing or discharging weapons or firearms
30 on school property prohibited; penalties; exceptions.--

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1 (1) A person who exhibits any sword, sword cane,
2 firearm, electric weapon or device, destructive device, or
3 other weapon, including a razor blade, box cutter, or knife
4 with a blade length greater than 4 inches, in the presence of
5 one or more persons in a rude, careless, angry, or threatening
6 manner and not in lawful self-defense, on the grounds or
7 facilities of any school, school bus, or school bus stop, or
8 within 1,000 feet of the real property that comprises a public
9 or private elementary school, middle school, or secondary
10 school, during school hours or during the time of a sanctioned
11 school activity, commits a felony of the third degree,
12 punishable as provided in s. 775.082, s. 775.083, or s.
13 775.084. This subsection does not apply to the exhibition of a
14 firearm or weapon on private real property within 1,000 feet
15 of a school by the owner of such property or by a person whose
16 presence on such property has been authorized, licensed, or
17 invited by the owner.

18 (2)(a) A person shall not possess any firearm,
19 electric weapon or device, destructive device, or other
20 weapon, including a razor blade, box cutter, or knife with a
21 blade length greater than 4 inches, on the property of any
22 school, school bus, or school bus stop; however, a person may
23 carry a firearm:

24 1. In a case to a firearms program, class or function
25 which has been approved in advance by the principal or chief
26 administrative officer of the school as a program or class to
27 which firearms could be carried; or

28 2. In a case to a vocational school having a firearms
29 training range; ~~or~~

30 3. ~~In a vehicle pursuant to s. 790.25(5).~~

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1 For the purposes of this section, "school" means any
2 preschool, elementary school, middle school, junior high
3 school, secondary school, vocational school, or postsecondary
4 school, whether public or nonpublic.

5 (b) A person who willfully and knowingly possesses any
6 electric weapon or device, destructive device, or other
7 weapon, including a razor blade, box cutter, or knife with a
8 blade length greater than 4 inches,in violation of this
9 subsection commits a felony of the third degree, punishable as
10 provided in s. 775.082, s. 775.083, or s. 775.084.

11 (c) A person who willfully and knowingly possesses any
12 firearm in violation of this subsection commits a felony of
13 the third degree, punishable as provided in s. 775.082, s.
14 775.083, or s. 775.084.

15 (d) A person who discharges any weapon or firearm
16 while in violation of paragraph (a), unless discharged for
17 lawful defense of himself or another or for a lawful purpose,
18 commits a felony of the second degree, punishable as provided
19 in s. 775.082, s. 775.083, or s. 775.084.

20 (e) The penalties of this subsection shall not apply
21 to persons licensed under s. 790.06. Persons licensed under
22 s. 790.06 shall be punished as provided in s. 790.06(12),
23 except that a licenseholder who unlawfully discharges a weapon
24 or firearm on school property as prohibited by this subsection
25 commits a felony of the second degree, punishable as provided
26 in s. 775.082, s. 775.083, or s. 775.084.

27 (3) This section does not apply to any law enforcement
28 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
29 (8), (9), or (14).

30 Section 2. This act shall take effect October 1, 1997.
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542-152-97

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HOUSE SUMMARY

Redefines the offenses of unlawful exhibition or possession of firearms, devices, or weapons on property of school, school bus, or school bus stop to include a razor blade, a box cutter, or a knife with greater than 4-inch blade among such prohibited weapons or devices. Provides penalties. Eliminates an exception with respect to the offense of unlawful possession of firearms, devices, or weapons on property of school, school bus, or school bus stop. Removes provision which permits the carrying of firearm in a vehicle for specified lawful purposes of possession in private conveyance as an exception to the offense of unlawful possession of firearm or other weapon on property of school, school bus, or school bus stop, to prohibit the carrying of such firearm under such circumstances. Provides penalties.