

HB 1539

2004

A bill to be entitled

An act relating to regulation of weapons and firearms in seaports; amending s. 790.001, F.S.; revising the definition of "sterile area" to include that area of a seaport passenger terminal to which access is controlled by the inspection of persons and property in accordance with a state-approved seaport security plan; amending s. 790.06, F.S.; prohibiting the carrying of a concealed weapon or firearm inside the passenger terminal and sterile area of any seaport; providing a second degree misdemeanor penalty for violation; amending s. 790.165, F.S.; including seaports within nonapplicability provisions with respect to specified unlawful activities relating to hoax bombs; providing an effective date.

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

Section 1. Subsection (18) of section 790.001, Florida Statutes, is amended to read:

790.001 Definitions.--As used in this chapter, except where the context otherwise requires:

(18) "Sterile area" means:

(a) The area of an airport to which access is controlled by the inspection of persons and property in accordance with federally approved airport security programs; or

(b) The area of a seaport passenger terminal to which access is controlled by the inspection of persons and property in accordance with a state-approved seaport security plan.

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29 Section 2. Subsection (12) of section 790.06, Florida
30 Statutes, is amended to read:

31 790.06 License to carry concealed weapon or firearm.--

32 (12) No license issued pursuant to this section shall
33 authorize any person to carry a concealed weapon or firearm into
34 any place of nuisance as defined in s. 823.05; any police,
35 sheriff, or highway patrol station; any detention facility,
36 prison, or jail; any courthouse; any courtroom, except that
37 nothing in this section would preclude a judge from carrying a
38 concealed weapon or determining who will carry a concealed
39 weapon in his or her courtroom; any polling place; any meeting
40 of the governing body of a county, public school district,
41 municipality, or special district; any meeting of the
42 Legislature or a committee thereof; any school, college, or
43 professional athletic event not related to firearms; any school
44 administration building; any portion of an establishment
45 licensed to dispense alcoholic beverages for consumption on the
46 premises, which portion of the establishment is primarily
47 devoted to such purpose; any elementary or secondary school
48 facility; any area technical center; any college or university
49 facility unless the licensee is a registered student, employee,
50 or faculty member of such college or university and the weapon
51 is a stun gun or nonlethal electric weapon or device designed
52 solely for defensive purposes and the weapon does not fire a
53 dart or projectile; inside the passenger terminal and sterile
54 area of any airport, provided that no person shall be prohibited
55 from carrying any legal firearm into the terminal, which firearm
56 is encased for shipment for purposes of checking such firearm as
57 baggage to be lawfully transported on any aircraft; inside the

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58 passenger terminal and sterile area of any seaport; or any place
59 where the carrying of firearms is prohibited by federal law. Any
60 person who willfully violates any provision of this subsection
61 commits a misdemeanor of the second degree, punishable as
62 provided in s. 775.082 or s. 775.083.

63 Section 3. Subsection (4) of section 790.165, Florida
64 Statutes, is amended to read:

65 790.165 Planting of "hoax bomb" prohibited; penalties.--

66 (2) Any person who, without lawful authority,
67 manufactures, possesses, sells, delivers, sends, mails,
68 displays, uses, threatens to use, attempts to use, or conspires
69 to use, or who makes readily accessible to others, a hoax bomb
70 commits a felony of the second degree, punishable as provided in
71 s. 775.082, s. 775.083, or s. 775.084.

72 (4) Subsection (2) does not apply to any law enforcement
73 officer, firefighter, person, or corporation licensed pursuant
74 to chapter 493, or member of the armed forces of the United
75 States while engaged in training or other lawful activity within
76 the scope of his or her employment, or to any person properly
77 authorized to test a security system, or to any security
78 personnel, while operating within the scope of their employment,
79 including, but not limited to, security personnel in airports,
80 seaports, and other controlled access areas, or to any member of
81 a theatrical company or production using a hoax bomb as property
82 during the course of a rehearsal or performance.

83 Section 4. This act shall take effect upon becoming a law.