

HB 1539

2004
CS

CHAMBER ACTION

1 The Committee on Public Safety & Crime Prevention recommends the
2 following:

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4 **Committee Substitute**

5 Remove the entire bill and insert:

6
7 A bill to be entitled
8 An act relating to regulation of weapons and firearms in
9 seaports; amending s. 790.001, F.S.; revising the
10 definition of "sterile area" to include that area of a
11 seaport passenger terminal to which access is controlled
12 by the inspection of persons and property in accordance
13 with a state-approved seaport security plan; amending s.
14 790.06, F.S.; prohibiting the carrying of a concealed
15 weapon or firearm inside the passenger terminal and
16 sterile area of any seaport; providing an exception;
17 providing a second degree misdemeanor penalty for
18 violation; amending s. 790.165, F.S.; including seaports
19 within nonapplicability provisions with respect to
20 specified unlawful activities relating to hoax bombs;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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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.

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

790.06 License to carry concealed weapon or firearm.--

(12) No license issued pursuant to this section shall authorize any person to carry a concealed weapon or firearm into any place of nuisance as defined in s. 823.05; any police, sheriff, or highway patrol station; any detention facility, prison, or jail; any courthouse; any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom; any polling place; any meeting of the governing body of a county, public school district, municipality, or special district; any meeting of the Legislature or a committee thereof; any school, college, or professional athletic event not related to firearms; any school administration building; any portion of an establishment

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52 | licensed to dispense alcoholic beverages for consumption on the
53 | premises, which portion of the establishment is primarily
54 | devoted to such purpose; any elementary or secondary school
55 | facility; any area technical center; any college or university
56 | facility unless the licensee is a registered student, employee,
57 | or faculty member of such college or university and the weapon
58 | is a stun gun or nonlethal electric weapon or device designed
59 | solely for defensive purposes and the weapon does not fire a
60 | dart or projectile; inside the passenger terminal and sterile
61 | area of any airport, provided that no person shall be prohibited
62 | from carrying any legal firearm into the terminal, which firearm
63 | is encased for shipment for purposes of checking such firearm as
64 | baggage to be lawfully transported on any aircraft; inside the
65 | passenger terminal and sterile area of any seaport, provided
66 | that no person shall be prohibited from carrying any legal
67 | firearm into the terminal, to the extent authorized by federal
68 | law, which firearm is encased for shipment for purposes of
69 | checking such firearm as baggage to be lawfully transported on
70 | any vessel and provided that the vessel owner, captain,
71 | operator, or other person responsible for the operation of such
72 | vessel authorizes passengers to transport firearms on board the
73 | vessel to the extent authorized by federal guidelines; or any
74 | place where the carrying of firearms is prohibited by federal
75 | law. Any person who willfully violates any provision of this
76 | subsection commits a misdemeanor of the second degree,
77 | punishable as provided in s. 775.082 or s. 775.083.

78 | Section 3. Subsection (4) of section 790.165, Florida
79 | Statutes, is amended to read:

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80 | 790.165 Planting of "hoax bomb" prohibited; penalties.--

81 | (2) Any person who, without lawful authority,
82 | manufactures, possesses, sells, delivers, sends, mails,
83 | displays, uses, threatens to use, attempts to use, or conspires
84 | to use, or who makes readily accessible to others, a hoax bomb
85 | commits a felony of the second degree, punishable as provided in
86 | s. 775.082, s. 775.083, or s. 775.084.

87 | (4) Subsection (2) does not apply to any law enforcement
88 | officer, firefighter, person, or corporation licensed pursuant
89 | to chapter 493, or member of the armed forces of the United
90 | States while engaged in training or other lawful activity within
91 | the scope of his or her employment, or to any person properly
92 | authorized to test a security system, or to any security
93 | personnel, while operating within the scope of their employment,
94 | including, but not limited to, security personnel in airports,
95 | seaports, and other controlled access areas, or to any member of
96 | a theatrical company or production using a hoax bomb as property
97 | during the course of a rehearsal or performance.

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