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A bill to be entitled

An act relating to the carrying of concealed weapons or firearms by justices and judges; amending s. 790.061, F.S.; providing that any county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state and in compliance with specified requirements shall be allowed to carry a concealed weapon or firearm at any time and into any place or facility in the state; providing exceptions; providing that such justices and judges shall be considered "qualified law enforcement officers"; amending s. 790.115, F.S.; including such justices and judges within provisions of nonapplicability with respect to the prohibited possession or discharge of weapons or firearms at a school-sponsored event or on school property, to conform; providing an effective date.

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

Section 1. Section 790.061, Florida Statutes, is amended to read:

790.061 Judges and justices; exceptions from licensure provisions; authority to carry concealed weapon or firearm.--A county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state is not required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or

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30 firearm, except that any such justice or judge must comply with
 31 the provisions of s. 790.06(2)(h). The Department of Agriculture
 32 and Consumer Services shall issue a license to carry a concealed
 33 weapon or firearm to any such justice or judge upon
 34 demonstration of competence of the justice or judge pursuant to
 35 s. 790.06(2)(h). Notwithstanding the provisions of ss.
 36 790.06(12) and 790.115, any county court judge, circuit court
 37 judge, district court of appeal judge, justice of the supreme
 38 court, federal district court judge, or federal court of appeals
 39 judge serving in this state and in compliance with this section
 40 shall be allowed to carry a concealed weapon or firearm at any
 41 time and into any place or facility in the state, except a
 42 prison, jail, airport, or any place or facility where carrying a
 43 concealed weapon is restricted by federal law. It is the intent
 44 of the Legislature by this act that such justices and judges are
 45 considered "qualified law enforcement officers" as that term is
 46 used and defined in U.S.C. Title 18, chapter 44, s. 962B, the
 47 Law Enforcement Officers Safety Act of 2003.

48 Section 2. Section 790.115, Florida Statutes, is amended
 49 to read:

50 790.115 Possessing or discharging weapons or firearms at a
 51 school-sponsored event or on school property prohibited;
 52 penalties; exceptions.--

53 (1) A person who exhibits any sword, sword cane, firearm,
 54 electric weapon or device, destructive device, or other weapon,
 55 including a razor blade, box cutter, or knife, except as
 56 authorized in support of school-sanctioned activities, in the
 57 presence of one or more persons in a rude, careless, angry, or
 58 threatening manner and not in lawful self-defense, at a school-

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59 sponsored event or on the grounds or facilities of any school,
 60 school bus, or school bus stop, or within 1,000 feet of the real
 61 property that comprises a public or private elementary school,
 62 middle school, or secondary school, during school hours or
 63 during the time of a sanctioned school activity, commits a
 64 felony of the third degree, punishable as provided in s.
 65 775.082, s. 775.083, or s. 775.084. This subsection does not
 66 apply to the exhibition of a firearm or weapon on private real
 67 property within 1,000 feet of a school by the owner of such
 68 property or by a person whose presence on such property has been
 69 authorized, licensed, or invited by the owner.

70 (2)(a) A person shall not possess any firearm, electric
 71 weapon or device, destructive device, or other weapon, including
 72 a razor blade, box cutter, or knife, except as authorized in
 73 support of school-sanctioned activities, at a school-sponsored
 74 event or on the property of any school, school bus, or school
 75 bus stop; however, a person may carry a firearm:

76 1. In a case to a firearms program, class or function
 77 which has been approved in advance by the principal or chief
 78 administrative officer of the school as a program or class to
 79 which firearms could be carried;

80 2. In a case to a career center having a firearms training
 81 range; or

82 3. In a vehicle pursuant to s. 790.25(5); except that
 83 school districts may adopt written and published policies that
 84 waive the exception in this subparagraph for purposes of student
 85 and campus parking privileges.

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87 For the purposes of this section, "school" means any preschool,
 88 elementary school, middle school, junior high school, secondary
 89 school, career center, or postsecondary school, whether public
 90 or nonpublic.

91 (b) A person who willfully and knowingly possesses any
 92 electric weapon or device, destructive device, or other weapon,
 93 including a razor blade, box cutter, or knife, except as
 94 authorized in support of school-sanctioned activities, in
 95 violation of this subsection commits a felony of the third
 96 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 97 775.084.

98 (c)1. A person who willfully and knowingly possesses any
 99 firearm in violation of this subsection commits a felony of the
 100 third degree, punishable as provided in s. 775.082, s. 775.083,
 101 or s. 775.084.

102 2. A person who stores or leaves a loaded firearm within
 103 the reach or easy access of a minor who obtains the firearm and
 104 commits a violation of subparagraph 1. commits a misdemeanor of
 105 the second degree, punishable as provided in s. 775.082 or s.
 106 775.083; except that this does not apply if the firearm was
 107 stored or left in a securely locked box or container or in a
 108 location which a reasonable person would have believed to be
 109 secure, or was securely locked with a firearm-mounted push-
 110 button combination lock or a trigger lock; if the minor obtains
 111 the firearm as a result of an unlawful entry by any person; or
 112 to members of the Armed Forces, National Guard, or State
 113 Militia, or to police or other law enforcement officers, with
 114 respect to firearm possession by a minor which occurs during or
 115 incidental to the performance of their official duties.

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116 (d) A person who discharges any weapon or firearm while in
 117 violation of paragraph (a), unless discharged for lawful defense
 118 of himself or herself or another or for a lawful purpose,
 119 commits a felony of the second degree, punishable as provided in
 120 s. 775.082, s. 775.083, or s. 775.084.

121 (e) The penalties of this subsection shall not apply to
 122 persons licensed under s. 790.06. Persons licensed under s.
 123 790.06 shall be punished as provided in s. 790.06(12), except
 124 that a licenseholder who unlawfully discharges a weapon or
 125 firearm on school property as prohibited by this subsection
 126 commits a felony of the second degree, punishable as provided in
 127 s. 775.082, s. 775.083, or s. 775.084.

128 (3) This section does not apply to any law enforcement
 129 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
 130 (8), (9), or (14), or to any county court judge, circuit court
 131 judge, district court of appeal judge, justice of the supreme
 132 court, federal district court judge, or federal court of appeals
 133 judge serving in this state and in compliance with ss.
 134 790.06(2)(h) and 790.061.

135 (4) Notwithstanding s. 985.213, s. 985.214, or s.
 136 985.215(1), any minor under 18 years of age who is charged under
 137 this section with possessing or discharging a firearm on school
 138 property shall be detained in secure detention, unless the state
 139 attorney authorizes the release of the minor, and shall be given
 140 a probable cause hearing within 24 hours after being taken into
 141 custody. At the hearing, the court may order that the minor
 142 continue to be held in secure detention for a period of 21 days,
 143 during which time the minor shall receive medical, psychiatric,

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144 | psychological, or substance abuse examinations pursuant to s.

145 | 985.224, and a written report shall be completed.

146 | Section 3. This act shall take effect upon becoming a law.