

ENROLLED

HB 1291, Engrossed 1

2006 Legislature

1 A bill to be entitled

2 An act relating to weapons; amending s. 790.001, F.S.;
3 revising the definition of "weapon"; amending s. 790.115,
4 F.S.; revising and clarifying provisions related to the
5 prohibited exhibition and possession of specified weapons
6 and firearms at a school-sponsored event or on school
7 property; providing penalties; amending s. 810.095, F.S.;
8 clarifying provisions with respect to prohibited trespass
9 on school property with a firearm or other weapon;
10 providing a penalty; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (13) of section 790.001, Florida
15 Statutes, is amended to read:

16 790.001 Definitions.--As used in this chapter, except
17 where the context otherwise requires:

18 (13) "Weapon" means any dirk, knife, metallic knuckles,
19 slungshot, billie, tear gas gun, chemical weapon or device, or
20 other deadly weapon except a firearm or a common pocketknife,
21 plastic knife, or blunt-bladed table knife.

22 Section 2. Subsection (1) and paragraphs (a) and (b) of
23 subsection (2) of section 790.115, Florida Statutes, are amended
24 to read:

25 790.115 Possessing or discharging weapons or firearms at a
26 school-sponsored event or on school property prohibited;
27 penalties; exceptions.--

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28 (1) A person who exhibits any sword, sword cane, firearm,
29 electric weapon or device, destructive device, or other weapon
30 as defined in s. 790.001(13), including a razor blade, box
31 cutter, or common pocketknife ~~knife~~, except as authorized in
32 support of school-sanctioned activities, in the presence of one
33 or more persons in a rude, careless, angry, or threatening
34 manner and not in lawful self-defense, at a school-sponsored
35 event or on the grounds or facilities of any school, school bus,
36 or school bus stop, or within 1,000 feet of the real property
37 that comprises a public or private elementary school, middle
38 school, or secondary school, during school hours or during the
39 time of a sanctioned school activity, commits a felony of the
40 third degree, punishable as provided in s. 775.082, s. 775.083,
41 or s. 775.084. This subsection does not apply to the exhibition
42 of a firearm or weapon on private real property within 1,000
43 feet of a school by the owner of such property or by a person
44 whose presence on such property has been authorized, licensed,
45 or invited by the owner.

46 (2) (a) A person shall not possess any firearm, electric
47 weapon or device, destructive device, or other weapon as defined
48 in s. 790.001(13), including a razor blade or, box cutter, ~~or~~
49 ~~knife~~, except as authorized in support of school-sanctioned
50 activities, at a school-sponsored event or on the property of
51 any school, school bus, or school bus stop; however, a person
52 may carry a firearm:

53 1. In a case to a firearms program, class or function
54 which has been approved in advance by the principal or chief

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55 administrative officer of the school as a program or class to
 56 which firearms could be carried;

57 2. In a case to a career center having a firearms training
 58 range; or

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

63

64 For the purposes of this section, "school" means any preschool,
 65 elementary school, middle school, junior high school, secondary
 66 school, career center, or postsecondary school, whether public
 67 or nonpublic.

68 (b) A person who willfully and knowingly possesses any
 69 electric weapon or device, destructive device, or other weapon
 70 as defined in s. 790.001(13), including a razor blade or box
 71 cutter, ~~or knife~~, except as authorized in support of school-
 72 sanctioned activities, in violation of this subsection commits a
 73 felony of the third degree, punishable as provided in s.
 74 775.082, s. 775.083, or s. 775.084.

75 Section 3. Subsection (1) of section 810.095, Florida
 76 Statutes, is amended to read:

77 810.095 Trespass on school property with firearm or other
 78 weapon prohibited.--

79 (1) It is a felony of the third degree, punishable as
 80 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
 81 who is trespassing upon school property to bring onto, or to

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82 | possess on, such school property, ~~any weapon~~ as defined in s.
83 | 790.001(13) or any firearm.

84 | Section 4. This act shall take effect July 1, 2006.