

1 for a depth of at least 6 millimeters; a device for which the
2 entire exterior surface is colored white, bright red, bright
3 orange, bright yellow, bright green, bright blue, bright pink,
4 or bright purple, either singly or as the predominant color in
5 combination with other colors in any pattern; or a device that
6 is constructed of transparent or translucent materials that
7 permit unmistakable observation of the complete contents of
8 the device.

9 (2) A person may not sell or offer for sale within
10 this state, by mail or in any other manner, an imitation
11 firearm.

12 (3) A person may sell or offer for sale an imitation
13 firearm if the device is sold solely for purposes of:

14 (a) Export in interstate or foreign commerce;

15 (b) Lawful use in theatrical productions, including
16 motion picture, television, and stage productions;

17 (c) Use in a certified or regulated sporting event or
18 competition;

19 (d) Use in military or civil defense activities or
20 ceremonial activities; or

21 (e) Public displays authorized by public or private
22 schools.

23 (4)(a) A person who violates subsection (2) commits a
24 misdemeanor of the first degree, punishable as provided in s.
25 775.082 or s. 775.083, Florida Statutes.

26 (b) A person who violates subsection (2) a second or
27 subsequent time commits a felony of the third degree,
28 punishable as provided in s. 775.082 or s. 775.083, Florida
29 Statutes.

30 Section 2. Section 790.07, Florida Statutes, is
31 amended to read:

1 790.07 Persons engaged in criminal offense, having
2 weapons or imitation firearms.--

3 (1) Whoever, while committing or attempting to commit
4 any felony or while under indictment, displays, uses,
5 threatens, or attempts to use any weapon or electric weapon or
6 device or carries a concealed weapon commits ~~is guilty of~~ a
7 felony of the third degree, punishable as provided in s.
8 775.082, s. 775.083, or s. 775.084.

9 (2) Whoever, while committing or attempting to commit
10 any felony, displays, uses, threatens, or attempts to use any
11 firearm or imitation firearm, or carries a concealed firearm,
12 commits ~~is guilty of~~ a felony of the second degree, punishable
13 as provided in s. 775.082, s. 775.083, and s. 775.084.

14 (3) The following crimes are excluded from application
15 of this section: Antitrust violations, unfair trade
16 practices, restraints of trade, nonsupport of dependents,
17 bigamy, or other similar offenses.

18 (4) Whoever, having previously been convicted of a
19 violation of subsection (1) or subsection (2) and, subsequent
20 to such conviction, displays, uses, threatens, or attempts to
21 use any weapon, firearm, imitation firearm, or electric weapon
22 or device, carries a concealed weapon, or carries a concealed
23 firearm while committing or attempting to commit any felony or
24 while under indictment commits ~~is guilty of~~ a felony of the
25 first degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084. Sentence may ~~shall~~ not be suspended or
27 deferred under the provisions of this subsection.

28 Section 3. This act shall take effect October 1, 2006.
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SENATE SUMMARY

Defines the term "imitation firearm." Prohibits the sale of any imitation firearm. Provides exceptions. Provides penalties for a person who sells an imitation firearm. Provides penalties for a person who displays, uses, threatens, or attempts to use any imitation firearm while committing or attempting to commit a felony.