

By Senator Haridopolos

26-1540A-06

See HB 1291

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

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

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

19           790.001 Definitions.--As used in this chapter, except  
20 where the context otherwise requires:

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

25           Section 2. Subsection (1) and paragraphs (a) and (b)  
26 of subsection (2) of section 790.115, Florida Statutes, are  
27 amended to read:

28           790.115 Possessing or discharging weapons or firearms  
29 at a school-sponsored event or on school property prohibited;  
30 penalties; exceptions.--  
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1           (1) A person who exhibits any sword, sword cane,  
2 firearm, electric weapon or device, destructive device, or  
3 other weapon, including a razor blade, box cutter, ~~or~~ knife,  
4 including a common pocketknife, dirk, metallic knuckles,  
5 slungshot, billie, tear gas gun, chemical weapon or device, or  
6 other deadly weapon, except as authorized in support of  
7 school-sanctioned activities, in the presence of one or more  
8 persons in a rude, careless, angry, or threatening manner and  
9 not in lawful self-defense, at a school-sponsored event or on  
10 the grounds or facilities of any school, school bus, or school  
11 bus stop, or within 1,000 feet of the real property that  
12 comprises a public or private elementary school, middle  
13 school, or secondary school, during school hours or during the  
14 time of a sanctioned school activity, commits a felony of the  
15 third degree, punishable as provided in s. 775.082, s.  
16 775.083, or s. 775.084. This subsection does not apply to the  
17 exhibition of a firearm or weapon on private real property  
18 within 1,000 feet of a school by the owner of such property or  
19 by a person whose presence on such property has been  
20 authorized, licensed, or invited by the owner.

21           (2)(a) A person shall not possess any firearm,  
22 electric weapon or device, destructive device, or other weapon  
23 as defined in s. 790.001(13), including a razor blade or box  
24 cutter, ~~or knife,~~ except as authorized in support of  
25 school-sanctioned activities, at a school-sponsored event or  
26 on the property of any school, school bus, or school bus stop;  
27 however, a person may carry a firearm:

28           1. In a case to a firearms program, class or function  
29 which has been approved in advance by the principal or chief  
30 administrative officer of the school as a program or class to  
31 which firearms could be carried;

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

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

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8 For the purposes of this section, "school" means any  
9 preschool, elementary school, middle school, junior high  
10 school, secondary school, career center, or postsecondary  
11 school, whether public or nonpublic.

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

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

21           810.095 Trespass on school property with firearm or  
22 other weapon prohibited.--

23           (1) It is a felony of the third degree, punishable as  
24 provided in s. 775.082, s. 775.083, or s. 775.084, for a  
25 person who is trespassing upon school property to bring onto,  
26 or to possess on, such school property, any weapon as defined  
27 in s. 790.001(13) or any firearm.

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