

By Senator Haridopolos

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See HB

1 A bill to be entitled

2 An act relating to school safety; amending s.

3 790.115, F.S.; prohibiting possession of common

4 pocketknives on school property or other

5 specified locations; providing exceptions;

6 providing penalties; providing an exemption

7 from criminal liability for possession of

8 specified weapons for persons who voluntarily

9 surrender the weapon in certain circumstances;

10 amending ss. 435.04 and 921.0022, F.S.;

11 conforming cross-references; providing an

12 effective date.

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

16 Section 1. Subsection (2) of section 790.115, Florida
17 Statutes, is amended to read:

18 790.115 Possessing or discharging weapons or firearms
19 at a school-sponsored event or on school property prohibited;
20 penalties; exceptions.--

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 common pocketknife, except as authorized in support
25 of school-sanctioned activities, at a school-sponsored event
26 or on the property of any school, school bus, or school bus
27 stop; 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.

7
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)1. Except as provided in subparagraph 2. and
13 paragraph (c), a person who willfully and knowingly possesses
14 any electric weapon or device, destructive device, or other
15 weapon in violation of paragraph (a) as defined in s.
16 790.001(13), including a razor blade or box cutter, except as
17 authorized in support of school sanctioned activities, in
18 violation of this subsection commits a felony of the third
19 degree, punishable as provided in s. 775.082, s. 775.083, or
20 s. 775.084.

21 2. A person who willfully and knowingly possesses a
22 common pocketknife in violation of paragraph (a) commits a
23 misdemeanor of the second degree, punishable as provided in s.
24 775.082 or s. 775.083.

25 (c)1. A person who willfully and knowingly possesses
26 any firearm in violation of this subsection commits a felony
27 of the third degree, punishable as provided in s. 775.082, s.
28 775.083, or s. 775.084.

29 2. A person who stores or leaves a loaded firearm
30 within the reach or easy access of a minor who obtains the
31 firearm and commits a violation of subparagraph 1. commits a

1 | misdemeanor of the second degree, punishable as provided in s.
2 | 775.082 or s. 775.083; except that this does not apply if the
3 | firearm was stored or left in a securely locked box or
4 | container or in a location which a reasonable person would
5 | have believed to be secure, or was securely locked with a
6 | firearm-mounted push-button combination lock or a trigger
7 | lock; if the minor obtains the firearm as a result of an
8 | unlawful entry by any person; or to members of the Armed
9 | Forces, National Guard, or State Militia, or to police or
10 | other law enforcement officers, with respect to firearm
11 | possession by a minor which occurs during or incidental to the
12 | performance of their official duties.

13 | (d) A person who discharges any weapon or firearm
14 | while in violation of paragraph (a), unless discharged for
15 | lawful defense of himself or herself or another or for a
16 | lawful purpose, commits a felony of the second degree,
17 | punishable as provided in s. 775.082, s. 775.083, or s.
18 | 775.084.

19 | (e) The penalties of this subsection shall not apply
20 | to persons licensed under s. 790.06. Persons licensed under s.
21 | 790.06 shall be punished as provided in s. 790.06(12), except
22 | that a licenseholder who unlawfully discharges a weapon or
23 | firearm on school property as prohibited by this subsection
24 | commits a felony of the second degree, punishable as provided
25 | in s. 775.082, s. 775.083, or s. 775.084.

26 | (f) Any person who voluntarily approaches a school
27 | official and voluntarily surrenders an electric weapon or
28 | device, destructive device, or other weapon as defined in s.
29 | 790.001(13), including a razor blade, box cutter, or common
30 | pocketknife, shall not be subject to criminal penalty under
31 |

1 this subsection provided that the person could lawfully
2 possess the item when off school grounds.

3 Section 2. Paragraph (r) of subsection (2) of section
4 435.04, Florida Statutes, is amended to read:

5 435.04 Level 2 screening standards.--

6 (2) The security background investigations under this
7 section must ensure that no persons subject to the provisions
8 of this section have been found guilty of, regardless of
9 adjudication, or entered a plea of nolo contendere or guilty
10 to, any offense prohibited under any of the following
11 provisions of the Florida Statutes or under any similar
12 statute of another jurisdiction:

13 (r) Section 790.115(2)(b)1., relating to possessing an
14 electric weapon or device, destructive device, or other weapon
15 on school property.

16 Section 3. Paragraph (d) of subsection (3) of section
17 921.0022, Florida Statutes, is amended to read:

18 921.0022 Criminal Punishment Code; offense severity
19 ranking chart.--

20 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(d) LEVEL 4
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

1	499.0051(1)	3rd	Failure to maintain or deliver
2			pedigree papers.
3	499.0051(2)	3rd	Failure to authenticate pedigree
4			papers.
5	499.0051(6)	2nd	Sale or delivery, or possession
6			with intent to sell, contraband
7			legend drugs.
8	784.07(2)(b)	3rd	Battery of law enforcement
9			officer, firefighter, intake
10			officer, etc.
11	784.074(1)(c)	3rd	Battery of sexually violent
12			predators facility staff.
13	784.075	3rd	Battery on detention or
14			commitment facility staff.
15	784.078	3rd	Battery of facility employee by
16			throwing, tossing, or expelling
17			certain fluids or materials.
18	784.08(2)(c)	3rd	Battery on a person 65 years of
19			age or older.
20	784.081(3)	3rd	Battery on specified official or
21			employee.
22	784.082(3)	3rd	Battery by detained person on
23			visitor or other detainee.
24	784.083(3)	3rd	Battery on code inspector.
25	784.085	3rd	Battery of child by throwing,
26			tossing, projecting, or expelling
27			certain fluids or materials.
28	787.03(1)	3rd	Interference with custody;
29			wrongly takes minor from
30			appointed guardian.
31			

1	787.04(2)	3rd	Take, entice, or remove child
2			beyond state limits with criminal
3			intent pending custody
4			proceedings.
5	787.04(3)	3rd	Carrying child beyond state lines
6			with criminal intent to avoid
7			producing child at custody
8			hearing or delivering to
9			designated person.
10	790.115(1)	3rd	Exhibiting firearm or weapon
11			within 1,000 feet of a school.
12	790.115(2)(b) <u>1.</u>	3rd	Possessing electric weapon or
13			device, destructive device, or
14			other weapon on school property.
15	790.115(2)(c)	3rd	Possessing firearm on school
16			property.
17	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
18			offender less than 18 years.
19	810.02(4)(a)	3rd	Burglary, or attempted burglary,
20			of an unoccupied structure;
21			unarmed; no assault or battery.
22	810.02(4)(b)	3rd	Burglary, or attempted burglary,
23			of an unoccupied conveyance;
24			unarmed; no assault or battery.
25	810.06	3rd	Burglary; possession of tools.
26	810.08(2)(c)	3rd	Trespass on property, armed with
27			firearm or dangerous weapon.
28	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
29			or more but less than \$20,000.
30			
31			

1	812.014(2)(c)4.-10.3rd		Grand theft, 3rd degree, a will,
2			firearm, motor vehicle,
3			livestock, etc.
4	812.0195(2)	3rd	Dealing in stolen property by use
5			of the Internet; property stolen
6			\$300 or more.
7	817.563(1)	3rd	Sell or deliver substance other
8			than controlled substance agreed
9			upon, excluding s. 893.03(5)
10			drugs.
11	817.568(2)(a)	3rd	Fraudulent use of personal
12			identification information.
13	817.625(2)(a)	3rd	Fraudulent use of scanning device
14			or reencoder.
15	828.125(1)	2nd	Kill, maim, or cause great bodily
16			harm or permanent breeding
17			disability to any registered
18			horse or cattle.
19	837.02(1)	3rd	Perjury in official proceedings.
20	837.021(1)	3rd	Make contradictory statements in
21			official proceedings.
22	838.022	3rd	Official misconduct.
23	839.13(2)(a)	3rd	Falsifying records of an
24			individual in the care and
25			custody of a state agency.
26	839.13(2)(c)	3rd	Falsifying records of the
27			Department of Children and Family
28			Services.
29	843.021	3rd	Possession of a concealed
30			handcuff key by a person in
31			custody.

1	843.025	3rd	Deprive law enforcement,
2			correctional, or correctional
3			probation officer of means of
4			protection or communication.
5	843.15(1)(a)	3rd	Failure to appear while on bail
6			for felony (bond estreature or
7			bond jumping).
8	874.05(1)	3rd	Encouraging or recruiting another
9			to join a criminal street gang.
10	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
11			893.03(1)(a), (b), or (d),
12			(2)(a), (2)(b), or (2)(c)4.
13			drugs).
14	914.14(2)	3rd	Witnesses accepting bribes.
15	914.22(1)	3rd	Force, threaten, etc., witness,
16			victim, or informant.
17	914.23(2)	3rd	Retaliation against a witness,
18			victim, or informant, no bodily
19			injury.
20	918.12	3rd	Tampering with jurors.
21	934.215	3rd	Use of two-way communications
22			device to facilitate commission
23			of a crime.

24 Section 4. This act shall take effect July 1, 2007.