

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Poppell offered the following:

2
3 **Amendment (with title amendment)**

4 Between line(s) 192 and 193 insert:

5 Section 2. Subsection (2) of section 790.115, Florida
6 Statutes, is amended to read:

7 790.115 Possessing or discharging weapons or firearms at a
8 school-sponsored event or on school property prohibited;
9 penalties; exceptions.--

10 (2) (a) A person shall not possess any firearm, electric
11 weapon or device, destructive device, or other weapon as defined
12 in s. 790.001(13), including a razor blade, ~~or~~ box cutter, or
13 common pocketknife, except as authorized in support of school-
14 sanctioned activities, at a school-sponsored event or on the
15 property of any school, school bus, or school bus stop; however,
16 a person may carry a firearm:

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17 1. In a case to a firearms program, class or function
18 which has been approved in advance by the principal or chief
19 administrative officer of the school as a program or class to
20 which firearms could be carried;

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

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

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28 For the purposes of this section, "school" means any preschool,
29 elementary school, middle school, junior high school, secondary
30 school, career center, or postsecondary school, whether public
31 or nonpublic.

32 (b)1. Except as provided in subparagraph 2. and paragraph
33 (c), a person who willfully and knowingly possesses any electric
34 weapon or device, destructive device, or other weapon in
35 violation of paragraph (a) as defined in s. 790.001(13),
36 including a razor blade or box cutter, except as authorized in
37 support of school-sanctioned activities, in violation of this
38 subsection commits a felony of the third degree, punishable as
39 provided in s. 775.082, s. 775.083, or s. 775.084.

40 2. A person who willfully and knowingly possesses a common
41 pocketknife in violation of paragraph (a) commits a misdemeanor
42 of the second degree, punishable as provided in s. 775.082 or s.
43 775.083. For purposes of this section "common pocketknife" means
44 a folding knife having one or more blades or tools, none of

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45 which lock into place, and the sharpened edges of which are
46 plain and nonserrated. Sharpened blades shall be sharp on one
47 edge only and the length of the longest sharpened blade shall be
48 no longer than 3 inches, measured in linear fashion from the
49 base of the sharpened edge to the point. No switchblade, gravity
50 knife, automatic knife, or butterfly knife is considered a
51 common pocketknife.

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

56 2. A person who stores or leaves a loaded firearm within
57 the reach or easy access of a minor who obtains the firearm and
58 commits a violation of subparagraph 1. commits a misdemeanor of
59 the second degree, punishable as provided in s. 775.082 or s.
60 775.083; except that this does not apply if the firearm was
61 stored or left in a securely locked box or container or in a
62 location which a reasonable person would have believed to be
63 secure, or was securely locked with a firearm-mounted push-
64 button combination lock or a trigger lock; if the minor obtains
65 the firearm as a result of an unlawful entry by any person; or
66 to members of the Armed Forces, National Guard, or State
67 Militia, or to police or other law enforcement officers, with
68 respect to firearm possession by a minor which occurs during or
69 incidental to the performance of their official duties.

70 (d) A person who discharges any weapon or firearm while in
71 violation of paragraph (a), unless discharged for lawful defense
72 of himself or herself or another or for a lawful purpose,

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73 commits a felony of the second degree, punishable as provided in
74 s. 775.082, s. 775.083, or s. 775.084.

75 (e) The penalties of this subsection shall not apply to
76 persons licensed under s. 790.06. Persons licensed under s.
77 790.06 shall be punished as provided in s. 790.06(12), except
78 that a licenseholder who unlawfully discharges a weapon or
79 firearm on school property as prohibited by this subsection
80 commits a felony of the second degree, punishable as provided in
81 s. 775.082, s. 775.083, or s. 775.084.

82 Section 3. Paragraph (r) of subsection (2) of section
83 435.04, Florida Statutes, is amended to read:

84 435.04 Level 2 screening standards.--

85 (2) The security background investigations under this
86 section must ensure that no persons subject to the provisions of
87 this section have been found guilty of, regardless of
88 adjudication, or entered a plea of nolo contendere or guilty to,
89 any offense prohibited under any of the following provisions of
90 the Florida Statutes or under any similar statute of another
91 jurisdiction:

92 (r) Section 790.115(2)(b)1., relating to possessing an
93 electric weapon or device, destructive device, or other weapon
94 on school property.

95 Section 4. Paragraph (d) of subsection (3) of section
96 921.0022, Florida Statutes, is amended to read:

97 921.0022 Criminal Punishment Code; offense severity
98 ranking chart.--

99 (3) OFFENSE SEVERITY RANKING CHART

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	Florida Statute	Felony Degree	Description
100			(d) LEVEL 4
101	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.
102	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
103	499.0051(2)	3rd	Failure to authenticate pedigree papers.
104	499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
105	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
106	784.074(1)(c)	3rd	Battery of sexually violent

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107			predators facility staff.
108	784.075	3rd	Battery on detention or commitment facility staff.
109	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
110	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
111	784.081 (3)	3rd	Battery on specified official or employee.
112	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
113	784.083 (3)	3rd	Battery on code inspector.
114	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from

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115			appointed guardian.
116	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
117	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
118	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
119	790.115 (2) (b) <u>1.</u>	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
120	790.115 (2) (c)	3rd	Possessing firearm on school property.
121	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.

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122	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
123	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
124	810.06	3rd	Burglary; possession of tools.
125	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
126	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
127	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
128	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.

HOUSE AMENDMENT

Bill No. CS/HB 575

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129	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
130	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
131	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
132	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
133	837.02 (1)	3rd	Perjury in official proceedings.
134	837.021 (1)	3rd	Make contradictory statements in official proceedings.
135	838.022	3rd	Official misconduct.
136	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

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137	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
138	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
139	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
140	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
141	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal street gang.
142	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
143	914.14 (2)	3rd	Witnesses accepting bribes.

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914.22(1) 3rd Force, threaten, etc., witness,
victim, or informant.

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914.23(2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

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918.12 3rd Tampering with jurors.

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934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

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===== T I T L E A M E N D M E N T =====

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Between line(s) 15 and 16 insert:

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amending s. 790.115, F.S.; prohibiting possession of common
pocketknives on school property or other specified locations;
providing a definition; providing exceptions; providing
penalties; amending ss. 435.04 and 921.0022, F.S.; conforming
cross-references;

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