

By Senator Baker

20-00907A-09

20091074__

1 A bill to be entitled
 2 An act relating to carrying of concealed weapons or
 3 firearms; amending s. 790.061, F.S.; providing that
 4 any county court judge, circuit court judge, district
 5 court of appeal judge, justice of the Supreme Court,
 6 federal district court judge, or federal court of
 7 appeals judge serving in this state, or such a judge
 8 who is retired or on senior status, and in compliance
 9 with specified requirements shall be allowed to carry
 10 a concealed weapon or firearm at any time and into any
 11 place or facility in the state; providing exceptions;
 12 amending s. 790.115, F.S.; including specified
 13 justices and judges within provisions of
 14 nonapplicability with respect to the prohibited
 15 possession or discharge of weapons or firearms at a
 16 school-sponsored event or on school property, to
 17 conform; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Section 790.061, Florida Statutes, is amended to
 22 read:

23 790.061 Judges and justices; exceptions from licensure
 24 provisions; authority to carry concealed weapon or firearm.-

25 (1) A county court judge, circuit court judge, district
 26 court of appeal judge, justice of the Supreme Court ~~supreme~~
 27 ~~court,~~ federal district court judge, or federal court of appeals
 28 judge serving in this state, or such a judge who is retired or
 29 on senior status, is not required to comply with the provisions

20-00907A-09

20091074__

30 of s. 790.06 in order to receive a license to carry a concealed
31 weapon or firearm, except that any such justice or judge must
32 comply with the provisions of s. 790.06(2) (h). The Department of
33 Agriculture and Consumer Services shall issue a license to carry
34 a concealed weapon or firearm to any such justice or judge upon
35 demonstration of competence of the justice or judge pursuant to
36 s. 790.06(2) (h).

37 (2) Notwithstanding the provisions of ss. 790.06(12) and
38 790.115, any county court judge, circuit court judge, district
39 court of appeal judge, justice of the Supreme Court, federal
40 district court judge, or federal court of appeals judge serving
41 in this state, or such a judge who is retired or on senior
42 status, and in compliance with this section shall be allowed to
43 carry a concealed weapon or firearm at any time and into any
44 place or facility in the state, except a prison, jail, airport,
45 or any place or facility where carrying a concealed weapon is
46 restricted by federal law.

47 Section 2. Section 790.115, Florida Statutes, is amended to
48 read:

49 790.115 Possessing or discharging weapons or firearms at a
50 school-sponsored event or on school property prohibited;
51 penalties; exceptions.—

52 (1) A person who exhibits any sword, sword cane, firearm,
53 electric weapon or device, destructive device, or other weapon
54 as defined in s. 790.001(13), including a razor blade, box
55 cutter, or common pocketknife, except as authorized in support
56 of school-sanctioned activities, in the presence of one or more
57 persons in a rude, careless, angry, or threatening manner and
58 not in lawful self-defense, at a school-sponsored event or on

20-00907A-09

20091074__

59 the grounds or facilities of any school, school bus, or school
60 bus stop, or within 1,000 feet of the real property that
61 comprises a public or private elementary school, middle school,
62 or secondary school, during school hours or during the time of a
63 sanctioned school activity, commits a felony of the third
64 degree, punishable as provided in s. 775.082, s. 775.083, or s.
65 775.084. This subsection does not apply to the exhibition of a
66 firearm or weapon on private real property within 1,000 feet of
67 a school by the owner of such property or by a person whose
68 presence on such property has been authorized, licensed, or
69 invited by the owner.

70 (2) (a) A person shall not possess any firearm, electric
71 weapon or device, destructive device, or other weapon as defined
72 in s. 790.001(13), including a razor blade or box cutter, except
73 as authorized in support of school-sanctioned activities, at a
74 school-sponsored event or on the property of any school, school
75 bus, or school bus stop; however, a person may carry a firearm:

76 1. In a case to a firearms program, class or function which
77 has been approved in advance by the principal or chief
78 administrative officer of the school as a program or class to
79 which firearms could be carried;

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

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

86
87 For the purposes of this section, "school" means any preschool,

20-00907A-09

20091074

88 elementary school, middle school, junior high school, secondary
89 school, career center, or postsecondary school, whether public
90 or nonpublic.

91 (b) A person who willfully and knowingly possesses any
92 electric weapon or device, destructive device, or other weapon
93 as defined in s. 790.001(13), including a razor blade or box
94 cutter, except as authorized in support of school-sanctioned
95 activities, in violation of this subsection commits a felony of
96 the third degree, punishable as provided in s. 775.082, s.
97 775.083, or s. 775.084.

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

102 2. A person who stores or leaves a loaded firearm within
103 the reach or easy access of a minor who obtains the firearm and
104 commits a violation of subparagraph 1. commits a misdemeanor of
105 the second degree, punishable as provided in s. 775.082 or s.
106 775.083; except that this does not apply if the firearm was
107 stored or left in a securely locked box or container or in a
108 location which a reasonable person would have believed to be
109 secure, or was securely locked with a firearm-mounted push-
110 button combination lock or a trigger lock; if the minor obtains
111 the firearm as a result of an unlawful entry by any person; or
112 to members of the Armed Forces, National Guard, or State
113 Militia, or to police or other law enforcement officers, with
114 respect to firearm possession by a minor which occurs during or
115 incidental to the performance of their official duties.

116 (d) A person who discharges any weapon or firearm while in

20-00907A-09

20091074__

117 violation of paragraph (a), unless discharged for lawful defense
118 of himself or herself or another or for a lawful purpose,
119 commits a felony of the second degree, punishable as provided in
120 s. 775.082, s. 775.083, or s. 775.084.

121 (e) The penalties of this subsection shall not apply to
122 persons licensed under s. 790.06. Persons licensed under s.
123 790.06 shall be punished as provided in s. 790.06(12), except
124 that a licenseholder who unlawfully discharges a weapon or
125 firearm on school property as prohibited by this subsection
126 commits a felony of the second degree, punishable as provided in
127 s. 775.082, s. 775.083, or s. 775.084.

128 (3) This section does not apply to any law enforcement
129 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
130 (8), (9), or (14) or to any county court judge, circuit court
131 judge, district court of appeal judge, justice of the Supreme
132 Court, federal district court judge, or federal court of appeals
133 judge serving in this state, or such a judge who is retired or
134 on senior status, and in compliance with ss. 790.06(2)(h) and
135 790.061.

136 (4) Notwithstanding s. 985.24, s. 985.245, or s. 985.25(1),
137 any minor under 18 years of age who is charged under this
138 section with possessing or discharging a firearm on school
139 property shall be detained in secure detention, unless the state
140 attorney authorizes the release of the minor, and shall be given
141 a probable cause hearing within 24 hours after being taken into
142 custody. At the hearing, the court may order that the minor
143 continue to be held in secure detention for a period of 21 days,
144 during which time the minor shall receive medical, psychiatric,
145 psychological, or substance abuse examinations pursuant to s.

20-00907A-09

20091074__

146 985.18, and a written report shall be completed.

147 Section 3. This act shall take effect upon becoming a law.