

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

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 20 Section 1. Section 790.061, Florida Statutes, is amended  
 21 to read:

22 790.061 Judges and justices; exceptions from licensure  
 23 provisions; authority to carry concealed weapon or firearm.--

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

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

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

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

48 | 790.115 Possessing or discharging weapons or firearms at a  
 49 | school-sponsored event or on school property prohibited;  
 50 | penalties; exceptions.--

51 | (1) A person who exhibits any sword, sword cane, firearm,  
 52 | electric weapon or device, destructive device, or other weapon  
 53 | as defined in s. 790.001(13), including a razor blade, box  
 54 | cutter, or common pocketknife, except as authorized in support  
 55 | of school-sanctioned activities, in the presence of one or more  
 56 | persons in a rude, careless, angry, or threatening manner and

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

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

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

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

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

85  
86 For the purposes of this section, "school" means any preschool,  
87 elementary school, middle school, junior high school, secondary  
88 school, career center, or postsecondary school, whether public  
89 or nonpublic.

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

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

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

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113 | respect to firearm possession by a minor which occurs during or  
114 | incidental to the performance of their official duties.

115 |       (d) A person who discharges any weapon or firearm while in  
116 | violation of paragraph (a), unless discharged for lawful defense  
117 | of himself or herself or another or for a lawful purpose,  
118 | commits a felony of the second degree, punishable as provided in  
119 | s. 775.082, s. 775.083, or s. 775.084.

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

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

135 |       (4) Notwithstanding s. 985.24, s. 985.245, or s.  
136 | 985.25(1), any minor under 18 years of age who is charged under  
137 | this section with possessing or discharging a firearm on school  
138 | property shall be detained in secure detention, unless the state  
139 | attorney authorizes the release of the minor, and shall be given  
140 | a probable cause hearing within 24 hours after being taken into

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141 custody. At the hearing, the court may order that the minor  
142 continue to be held in secure detention for a period of 21 days,  
143 during which time the minor shall receive medical, psychiatric,  
144 psychological, or substance abuse examinations pursuant to s.  
145 985.18, and a written report shall be completed.

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