

1 A bill to be entitled
 2 An act relating to weapons and firearms; amending s.
 3 790.115, F.S.; revising provisions prohibiting
 4 possession and discharge of weapons or firearms on
 5 school property or during school-sanctioned
 6 activities; creating and revising definitions;
 7 revising provisions relating to the regulation of
 8 persons holding licenses to carry concealed weapons or
 9 firearms; providing an effective date.

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

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 13 Section 1. Section 790.115, Florida Statutes, is amended
 14 to read:

15 790.115 Possessing or discharging weapons or firearms at a
 16 school-sponsored event or on school property prohibited;
 17 penalties; exceptions.—

18 (1) A person who exhibits any sword, sword cane, firearm,
 19 electric weapon or device, destructive device, or other weapon
 20 as defined in s. 790.001(13), including a razor blade, box
 21 cutter, or common pocketknife, except as authorized in support
 22 of school-sanctioned activities, in the presence of one or more
 23 persons in a rude, careless, angry, or threatening manner and
 24 not in lawful self-defense, at a school-sponsored event or on
 25 ~~the grounds or facilities of any school~~ property, school bus, or

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26 | school bus stop, or within 1,000 feet of the real property that
27 | comprises a public ~~or private~~ elementary school, middle school,
28 | or secondary school, during school hours or during the time of a
29 | school-sanctioned ~~sanctioned school~~ activity, commits a felony
30 | of the third degree, punishable as provided in s. 775.082, s.
31 | 775.083, or s. 775.084. This subsection does not apply to the
32 | exhibition of a firearm or weapon on private real property
33 | within 1,000 feet of a school by the owner of such private real
34 | property or by a person whose presence on such property has been
35 | authorized, licensed, or invited by the owner.

36 | (2) (a) A person shall not possess any firearm, electric
37 | weapon or device, destructive device, or other weapon as defined
38 | in s. 790.001(13), including a razor blade or box cutter, except
39 | as authorized in support of school-sanctioned activities, at a
40 | school-sponsored event or on the property of any school, school
41 | bus, or school bus stop, during school hours or during the time
42 | of a school-sanctioned activity; however, a person may carry a
43 | firearm:

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

48 | 2. In a case to a school ~~career center~~ having a firearms
49 | training range; or

50 | 3. In a vehicle or as otherwise provided pursuant to s.

51 ~~790.25 790.25(5); except that school districts may adopt written~~
52 ~~and published policies that waive the exception in this~~
53 ~~subparagraph for purposes of student and campus parking~~
54 ~~privileges.~~

55
56 For the purposes of this section, the term "school" means any
57 public preschool, elementary school, middle school, junior high
58 school, secondary school, postsecondary school, or any career
59 center; and the term "school property" means property owned or
60 leased by a school that is primarily devoted to instructional
61 use, or postsecondary school, whether public or nonpublic.

62 (b) A person who willfully and knowingly possesses any
63 electric weapon or device, destructive device, or other weapon
64 as defined in s. 790.001(13), including a razor blade or box
65 cutter on school property, during school hours or during the
66 time of a school-sanctioned activity, except as authorized in
67 support of school-sanctioned activities or as provided in
68 paragraph (a), in violation of this subsection commits a felony
69 of the third degree, punishable as provided in s. 775.082, s.
70 775.083, or s. 775.084.

71 (c)1. A person who willfully and knowingly possesses any
72 firearm on school property, during school hours or during the
73 time of a school-sanctioned activity, except as authorized in
74 support of school-sanctioned activities or as provided in
75 paragraph (a), in violation of this subsection commits a felony

76 of the third degree, punishable as provided in s. 775.082, s.
 77 775.083, or s. 775.084.

78 2. A person who stores or leaves a loaded firearm within
 79 the reach or easy access of a minor who obtains the firearm and
 80 commits a violation of subparagraph 1. commits a misdemeanor of
 81 the second degree, punishable as provided in s. 775.082 or s.
 82 775.083; except that this does not apply if the firearm was
 83 stored or left in a securely locked box or container or in a
 84 location which a reasonable person would have believed to be
 85 secure, or was securely locked with a firearm-mounted push-
 86 button combination lock or a trigger lock; if the minor obtains
 87 the firearm as a result of an unlawful entry by any person; or
 88 to members of the Armed Forces, National Guard, or State
 89 Militia, or to police or other law enforcement officers, with
 90 respect to firearm possession by a minor which occurs during or
 91 incidental to the performance of their official duties.

92 (d) A person who discharges any weapon or firearm while in
 93 violation of paragraph (a), unless discharged for lawful defense
 94 of himself or herself or another or for a lawful purpose,
 95 commits a felony of the second degree, punishable as provided in
 96 s. 775.082, s. 775.083, or s. 775.084.

97 (e) The prohibitions ~~penalties~~ of this subsection do ~~shall~~
 98 not apply to persons licensed under s. 790.06. Persons licensed
 99 under s. 790.06 shall be regulated ~~punished~~ as provided in s.
 100 790.06 ~~790.06(12)~~, except that a licenseholder who willfully and

101 unlawfully discharges a weapon or firearm on school property
102 during school hours or during the time of a school-sanctioned
103 activity as prohibited by this subsection commits a felony of
104 the second degree, punishable as provided in s. 775.082, s.
105 775.083, or s. 775.084.

106 (3) This section does not apply to any law enforcement
107 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
108 (8), (9), or (14).

109 (4) Notwithstanding s. 985.24, s. 985.245, or s.
110 985.25(1), any minor under 18 years of age who is charged under
111 this section with possessing or discharging a firearm on school
112 property during school hours or during the time of a school-
113 sanctioned activity shall be detained in secure detention,
114 unless the state attorney authorizes the release of the minor,
115 and shall be given a probable cause hearing within 24 hours
116 after being taken into custody. At the hearing, the court may
117 order that the minor continue to be held in secure detention for
118 a period of 21 days, during which time the minor shall receive
119 medical, psychiatric, psychological, or substance abuse
120 examinations pursuant to s. 985.18, and a written report shall
121 be completed.

122 Section 2. This act shall take effect July 1, 2017.