

HB 1291

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1 A bill to be entitled
 2 An act relating to weapons; amending s. 790.001, F.S.;
 3 revising the definition of "weapon"; amending s. 790.115,
 4 F.S.; revising and clarifying provisions related to the
 5 prohibited exhibition and possession of specified weapons
 6 and firearms at a school-sponsored event or on school
 7 property; providing penalties; amending s. 810.095, F.S.;
 8 clarifying provisions with respect to prohibited trespass
 9 on school property with a firearm or other weapon;
 10 providing a penalty; providing an effective date.

11

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

13

14 Section 1. Subsection (13) of section 790.001, Florida
 15 Statutes, is amended to read:

16 790.001 Definitions.--As used in this chapter, except
 17 where the context otherwise requires:

18 (13) "Weapon" means any dirk, knife, metallic knuckles,
 19 slungshot, billie, tear gas gun, chemical weapon or device, or
 20 other deadly weapon except ~~a firearm or~~ a common pocketknife,
 21 plastic knife, or blunt-bladed knife.

22 Section 2. Subsection (1) and paragraphs (a) and (b) of
 23 subsection (2) of section 790.115, Florida Statutes, are amended
 24 to read:

25 790.115 Possessing or discharging weapons or firearms at a
 26 school-sponsored event or on school property prohibited;
 27 penalties; exceptions.--

28 (1) A person who exhibits any sword, sword cane, firearm,
 29 electric weapon or device, destructive device, or other weapon,
 30 including a razor blade, box cutter, ~~or~~ including a
 31 common pocketknife, dirk, metallic knuckles, slungshot, billie,
 32 tear gas gun, chemical weapon or device, or other deadly weapon,
 33 except as authorized in support of school-sanctioned activities,
 34 in the presence of one or more persons in a rude, careless,
 35 angry, or threatening manner and not in lawful self-defense, at
 36 a school-sponsored event or on the grounds or facilities of any
 37 school, school bus, or school bus stop, or within 1,000 feet of
 38 the real property that comprises a public or private elementary
 39 school, middle school, or secondary school, during school hours
 40 or during the time of a sanctioned school activity, commits a
 41 felony of the third degree, punishable as provided in s.
 42 775.082, s. 775.083, or s. 775.084. This subsection does not
 43 apply to the exhibition of a firearm or weapon on private real
 44 property within 1,000 feet of a school by the owner of such
 45 property or by a person whose presence on such property has been
 46 authorized, licensed, or invited by the owner.

47 (2) (a) A person shall not possess any firearm, electric
 48 weapon or device, destructive device, or other weapon as defined
 49 in s. 790.001(13), including a razor blade or, box cutter, ~~or~~
 50 ~~knife~~, except as authorized in support of school-sanctioned
 51 activities, at a school-sponsored event or on the property of
 52 any school, school bus, or school bus stop; however, a person
 53 may carry a firearm:

54 1. In a case to a firearms program, class or function
 55 which has been approved in advance by the principal or chief

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56 administrative officer of the school as a program or class to
 57 which firearms could be carried;

58 2. In a case to a career center having a firearms training
 59 range; or

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

64
 65 For the purposes of this section, "school" means any preschool,
 66 elementary school, middle school, junior high school, secondary
 67 school, career center, or postsecondary school, whether public
 68 or nonpublic.

69 (b) A person who willfully and knowingly possesses any
 70 electric weapon or device, destructive device, or other weapon
 71 as defined in s. 790.001(13), including a razor blade or box
 72 cutter, ~~or knife~~, except as authorized in support of school-
 73 sanctioned activities, in violation of this subsection commits a
 74 felony of the third degree, punishable as provided in s.
 75 775.082, s. 775.083, or s. 775.084.

76 Section 3. Subsection (1) of section 810.095, Florida
 77 Statutes, is amended to read:

78 810.095 Trespass on school property with firearm or other
 79 weapon prohibited.--

80 (1) It is a felony of the third degree, punishable as
 81 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
 82 who is trespassing upon school property to bring onto, or to

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83 | possess on, such school property~~, any weapon~~ as defined in s.
84 | 790.001(13) or any firearm.

85 | Section 4. This act shall take effect July 1, 2006.