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

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

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

790.115  Possessing or discharging weapons or firearms at a
school-sponsored event or on school property prohibited;
penalties; exceptions.—
(1) A person who exhibits any sword, sword cane, firearm,
electric weapon or device, destructive device, or other weapon
as defined in s. 790.001(13), including a razor blade, box
cutter, or common pocketknife, except as authorized in support
of school-sanctioned activities, in the presence of one or more
persons in a rude, careless, angry, or threatening manner and
not in lawful self-defense, at a school-sponsored event or on
the grounds or facilities of any school property, school bus, or
school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a school-sanctioned activity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such private real property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

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

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

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

3. In a vehicle or as otherwise provided pursuant to s. 775.083.
790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

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

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

(c)1. A person who willfully and knowingly possesses any firearm on school property, during school hours or during the time of a school-sanctioned activity, except as authorized in support of school-sanctioned activities or as provided in paragraph (a), in violation of this subsection commits a felony
of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(e) The prohibitions penalties of this subsection do not apply to persons licensed under s. 790.06. Persons licensed under s. 790.06 shall be regulated punished as provided in s. 790.06(12), except that a licenseholder who willfully and
unlawfully discharges a weapon or firearm on school property during school hours or during the time of a school-sanctioned activity as prohibited by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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