

1 A bill to be entitled
2 An act relating to weapons and firearms; amending s.
3 790.115, F.S.; increasing the penalties for a person
4 who exhibits a weapon in a certain way in the presence
5 of one or more persons on or near a school or school
6 activity; increasing the penalties for a person who
7 stores or leaves a loaded firearm within the reach or
8 easy access of a minor who obtains the firearm and
9 commits specified violations; creating criminal
10 penalties for the discharge of a firearm obtained by a
11 minor if a person stores or leaves a loaded firearm
12 within the reach or easy access of such minor;
13 increasing the penalties for a person who discharges a
14 weapon or firearm in violation of a specified
15 provision; amending s. 790.174, F.S.; increasing the
16 penalties for a person who fails to store or leave a
17 firearm in a specified manner and as a result, a minor
18 gains access to the firearm and the minor possesses or
19 exhibits the firearm in a public place or in a
20 specified manner; creating criminal penalties for the
21 discharge of a firearm obtained by the minor if a
22 person violates certain provisions; amending s.
23 790.22, F.S.; creating criminal penalties for an adult
24 who violates specified provisions, resulting in the
25 child exhibiting a weapon in a certain way in the

26 presence of one or more persons on or near a school or
27 school activity; creating criminal penalties for an
28 adult who violates specified provisions, resulting in
29 the discharge of a firearm obtained by a child;
30 amending s. 921.0022, F.S.; conforming provisions to
31 changes made by the act; reenacting s. 409.175(5)(f),
32 F.S., relating to the adoption of a form used by
33 child-placing agencies, to incorporate the amendment
34 made to s. 790.174, F.S., in a reference thereto;
35 providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Subsections (1) and (2) of section 790.115,
40 Florida Statutes, are amended to read:

41 790.115 Possessing or discharging weapons or firearms at a
42 school-sponsored event or on school property prohibited;
43 penalties; exceptions.—

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

51 the grounds or facilities of any school, school bus, or school
52 bus stop, or within 1,000 feet of the real property that
53 comprises a public or private elementary school, middle school,
54 or secondary school, during school hours or during the time of a
55 sanctioned school activity, commits a felony of the second ~~third~~
56 degree, punishable as provided in s. 775.082, s. 775.083, or s.
57 775.084. This subsection does not apply to the exhibition of a
58 firearm or weapon on private real property within 1,000 feet of
59 a school by the owner of such property or by a person whose
60 presence on such property has been authorized, licensed, or
61 invited by the owner.

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

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

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

74 3. In a vehicle pursuant to s. 790.25(5); except that
75 school districts may adopt written and published policies that

76 waive the exception in this subparagraph for purposes of student
77 and campus parking privileges.

78
79 For the purposes of this section, "school" means any preschool,
80 elementary school, middle school, junior high school, secondary
81 school, career center, or postsecondary school, whether public
82 or nonpublic.

83 (b) A person who willfully and knowingly possesses any
84 electric weapon or device, destructive device, or other weapon
85 as defined in s. 790.001(13), including a razor blade or box
86 cutter, except as authorized in support of school-sanctioned
87 activities, in violation of this subsection commits a felony of
88 the third degree, punishable as provided in s. 775.082, s.
89 775.083, or s. 775.084.

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

94 2. A person who stores or leaves a loaded firearm within
95 the reach or easy access of a minor who obtains the firearm and
96 commits a violation of subparagraph 1. commits a misdemeanor of
97 the first ~~second~~ degree, punishable as provided in s. 775.082 or
98 s. 775.083; except that this does not apply if the firearm was
99 stored or left in a securely locked box or container or in a
100 location which a reasonable person would have believed to be

101 secure, or was securely locked with a firearm-mounted push-
102 button combination lock or a trigger lock; if the minor obtains
103 the firearm as a result of an unlawful entry by any person; or
104 to members of the Armed Forces, National Guard, or State
105 Militia, or to police or other law enforcement officers, with
106 respect to firearm possession by a minor which occurs during or
107 incidental to the performance of their official duties.

108 3. A person who violates subparagraph 2., resulting in the
109 discharge of the firearm obtained by the minor, commits a felony
110 of the third degree, punishable as provided in s. 775.082, s.
111 775.083, or 775.084.

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

117 (e) The penalties of this subsection shall not apply to
118 persons licensed under s. 790.06. Persons licensed under s.
119 790.06 shall be punished as provided in s. 790.06(12), except
120 that a licenseholder who unlawfully discharges a weapon or
121 firearm on school property as prohibited by this subsection
122 commits a felony of the second degree, punishable as provided in
123 s. 775.082, s. 775.083, or s. 775.084.

124 Section 2. Subsection (2) of section 790.174, Florida
125 Statutes, is amended, subsection (1) is republished, present

126 subsection (3) of that section is redesignated as subsection
127 (4), and a new subsection (3) is added to that section, to read:

128 790.174 Safe storage of firearms required.—

129 (1) A person who stores or leaves, on a premise under his
130 or her control, a loaded firearm, as defined in s. 790.001, and
131 who knows or reasonably should know that a minor is likely to
132 gain access to the firearm without the lawful permission of the
133 minor's parent or the person having charge of the minor, or
134 without the supervision required by law, shall keep the firearm
135 in a securely locked box or container or in a location which a
136 reasonable person would believe to be secure or shall secure it
137 with a trigger lock, except when the person is carrying the
138 firearm on his or her body or within such close proximity
139 thereto that he or she can retrieve and use it as easily and
140 quickly as if he or she carried it on his or her body.

141 (2) It is a misdemeanor of the first ~~second~~ degree,
142 punishable as provided in s. 775.082 or s. 775.083, if a person
143 violates subsection (1) by failing to store or leave a firearm
144 in the required manner and as a result thereof a minor gains
145 access to the firearm, without the lawful permission of the
146 minor's parent or the person having charge of the minor, and
147 possesses or exhibits it, without the supervision required by
148 law:

149 (a) In a public place; or

150 (b) In a rude, careless, angry, or threatening manner in

151 violation of s. 790.10.

152

153 This subsection does not apply if the minor obtains the firearm
154 as a result of an unlawful entry by any person.

155 (3) A person who violates subsection (2), resulting in the
156 discharge of the firearm obtained by the minor, commits a felony
157 of the third degree, punishable as provided in s. 775.082, s.
158 775.083, or s. 775.084.

159 Section 3. Subsection (2) and paragraph (a) of subsection
160 (4) of section 790.22, Florida Statutes, are amended to read:

161 790.22 Use of BB guns, air or gas-operated guns, or
162 electric weapons or devices by minor under 16; limitation;
163 possession of firearms by minor under 18 prohibited; penalties.-

164 (2) Any adult responsible for the welfare of any child
165 under the age of 16 years who knowingly permits such child to
166 use or have in his or her possession any BB gun, air or gas-
167 operated gun, electric weapon or device, or firearm in violation
168 of ~~the provisions of~~ subsection (1) of this section commits a
169 misdemeanor of the second degree, punishable as provided in s.
170 775.082 or s. 775.083.

171 (a) An adult who violates this subsection, resulting in
172 the child violating s. 790.115(1), commits a misdemeanor of the
173 first degree, punishable as provided in s. 775.082 or s.
174 775.083.

175 (b) An adult who violates this subsection, resulting in

176 | the discharge of the firearm obtained by the child, commits a
 177 | felony of the third degree, punishable as provided in s.
 178 | 775.082, s. 775.083, or s. 775.084.

179 | (4) (a) Any parent or guardian of a minor, or other adult
 180 | responsible for the welfare of a minor, who knowingly and
 181 | willfully permits the minor to possess a firearm in violation of
 182 | subsection (3) commits a felony of the third degree, punishable
 183 | as provided in s. 775.082, s. 775.083, or s. 775.084.

184 | 1. An adult who violates this paragraph, resulting in the
 185 | child violating s. 790.115(1), commits a felony of the second
 186 | degree, punishable as provided in s. 775.082, s. 775.083, or
 187 | 775.084.

188 | 2. An adult who violates this paragraph, resulting in the
 189 | discharge of the firearm obtained by the child, commits a felony
 190 | of the first degree, as punishable in s. 775.082, s. 775.083, or
 191 | s. 775.084.

192 | Section 4. Paragraphs (d) and (f) of subsection (3) of
 193 | section 921.0022, Florida Statutes, are amended to read:

194 | 921.0022 Criminal Punishment Code; offense severity
 195 | ranking chart.—

196 | (3) OFFENSE SEVERITY RANKING CHART

197 | (d) LEVEL 4

198 |

Florida	Felony	
Statute	Degree	Description

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199	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
200	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
201	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
202	517.07 (1)	3rd	Failure to register securities.
203	517.12 (1)	3rd	Failure of dealer,

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204			associated person, or issuer of securities to register.
205	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
206	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
207	784.075	3rd	Battery on detention or commitment facility staff.
208	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
209	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
	784.081 (3)	3rd	Battery on specified official or employee.

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210	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
211	784.083 (3)	3rd	Battery on code inspector.
212	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
213	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
214	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
215	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or

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216			delivering to designated person.
217	787.07	3rd	Human smuggling.
218	790.115 (1)	<u>2nd</u> 3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
219	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
220	790.115 (2) (c)	3rd	Possessing firearm on school property.
221	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure;

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222			unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
223			
	810.06	3rd	Burglary; possession of tools.
224			
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
225			
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
226			
	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
227			
	812.0195 (2)	3rd	Dealing in stolen

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228	817.563 (1)	3rd	property by use of the Internet; property stolen \$300 or more.
229	817.568 (2) (a)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
230	817.625 (2) (a)	3rd	Fraudulent use of personal identification information.
231	828.125 (1)	2nd	Fraudulent use of scanning device or reencoder.
232	837.02 (1)	3rd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
			Perjury in official proceedings.

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233	837.021 (1)	3rd	Make contradictory statements in official proceedings.
234	838.022	3rd	Official misconduct.
235	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
236	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
237	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
238	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
239	843.15 (1) (a)	3rd	Failure to appear while

240	847.0135(5)(c)	3rd	on bail for felony (bond estreature or bond jumping).
241	874.05(1)(a)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
242	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
243	914.14(2)	3rd	Witnesses accepting bribes.
244	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.

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245	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
246	918.12	3rd	Tampering with jurors.
247	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
248			
249	(f) LEVEL 6		
250			
	Florida Statute	Felony Degree	Description
251	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
252	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
253	400.9935 (4) (c)	2nd	Operating a clinic, or offering services

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			requiring licensure, without a license.
254	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
255	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
256	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
257	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
258	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
259	784.021 (1) (b)	3rd	Aggravated assault; intent to commit

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			felony.
260	784.041	3rd	Felony battery; domestic battery by strangulation.
261	784.048 (3)	3rd	Aggravated stalking; credible threat.
262	784.048 (5)	3rd	Aggravated stalking of person under 16.
263	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
264	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
265	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
266	784.081 (2)	2nd	Aggravated assault on specified official or

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267			employee.
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
268			
	784.083 (2)	2nd	Aggravated assault on code inspector.
269			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
270			
	790.115 (2) (d)	<u>1st</u> 2nd	Discharging firearm or weapon on school property.
271			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
272			
	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of

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278	806.031 (2)	2nd	years of age or older. Arson resulting in great bodily harm to firefighter or any other person.
279	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
280	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
281	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
282	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
283			

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284	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
285	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
286	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
287	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
288	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
289	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.

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290	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
291	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
292	827.03 (2) (c)	3rd	Abuse of a child.
293	827.03 (2) (d)	3rd	Neglect of a child.
294	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
295	836.05	2nd	Threats; extortion.
296	836.10	2nd	Written threats to kill or do bodily injury.
	843.12	3rd	Aids or assists person to

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313 records exemption.—

314 (5)

315 (f) The department's rules shall include adoption of a
316 form to be used by child-placing agencies during an adoption
317 home study that requires all prospective adoptive applicants to
318 acknowledge in writing the receipt of a document containing
319 solely and exclusively the language provided for in s. 790.174
320 verbatim.

321 Section 6. This act shall take effect July 1, 2017.