

HB 1227 clarifies “ballistic knife” in Florida

April 29, 2003 ... The combined efforts of the Florida Cutlery Association, the American Knife & Tool Institute (AKTI) and its members, and concerned knife owners across the United States sent Florida bill HB 1227 (combined with the identical Senate version - SB 2256) to Governor Jeb Bush for his signature.

The bill, which clarifies the definition of ballistic knife to make it absolutely clear that the blade of the knife must physically separate from the handle of the knife for it to be called a “ballistic” knife, went through two committee hearings in both the Senate and the House, passing out of the four committees with unanimous “YES” votes, then passed both the full House and Senate with unanimous votes.

AKTI fully supported the lobbying effort, including providing sample letters to email to lawmakers as each of the committee meetings were scheduled. Because of tight scheduling at the end of the legislative session, the industry often received only one or two days’ notice of a key committee meeting. But there were enough emails sent to make it clear to lawmakers that there was broad public support for the bill. As lobbyist Richard Watson said, “the old standard was that one letter represented as many as 10,000 other potential voters, who felt the same way but hadn’t quite taken the final step of writing their own letter. I don’t know what the new standard is for emails, but lawmakers clearly monitor email volume as a barometer of public sentiment.”

Two years of lobbying pay off

The successful lobbying effort was the culmination of two years of work. The initial arrest of a Florida switchblade seller set up at a flea market in the fall of 2000, his flight from the country after winning the first round of the legal process (then having his victory appealed by

HB 1227, which clarifies the definition of a “ballistic knife” (banned in Florida in 1985) is expected to be signed by Governor Jeb Bush in late May. The law will become effective upon signing.

the prosecutor), and the failure of his attorney to appear at the appeal level, created a Court of Appeals ruling that effectively became law in the state. In short, automatic knives (which had been openly and legally sold in the state for some 30-40 years) were now declared illegal.

Automatic knives (where the blade is released by a button) are a controversial subject in both the knife industry and in the law enforcement community. But the broad concern was that the Fourth District Court of Appeal had so blatantly misconstrued and misapplied the statute banning ballistic knives that it opened the door to prosecution for manufacture or possession of automatic knives and of virtually any model of one-hand opening knife, which are estimated to be as much as 90 percent of the total knife industry annual sales.

Concern about making “de-facto criminals” of the vast majority of Florida knife owners prompted a meeting of board members of the American Knife & Tool Institute, concerned manufacturers, knife distributors, retailers and collectors at the 2001 Blade Show in Atlanta, Georgia. It was agreed that a steering committee would be formed to hire a lobbyist, then identify pertinent legislation in the 2001-2002 legislative session to which

the knife industry could attach a clarifying amendment.

The only flaw in that strategy is identifying the right bill to which the rider amendment can be attached. You need a bill that is likely to be passed by the two houses of the legislature, then be signed by the governor. Furthermore, you need the support of the original bill sponsors who must agree to the attachment of the rider amendment. If you guess wrong, you lose a year. We guessed wrong and never got a rider attached to a passed bill by the time the legislative session ended in April 2002.

That unsuccessful foray into Florida politics convinced members of the American Knife & Tool Institute Executive Committee of two things. First, we needed to succeed in the 2002-2003 legislative session. Secondly, state citizens are the most effective force when it comes to lobbying state lawmakers.

Therefore, AKTI urged key members of the Florida lobbying effort to create a state organization to spearhead this new effort. The Florida Cutlery Association was created in the fall of 2002.

The association’s first decision was to pursue a new strategy of introducing a free-standing bill. This would put them in control of their own legislative destiny. Their second decision was to retain Richard Watson as their lobbyist because he had been hired by AKTI one year earlier and understood the history, the process and the players.

“We were successful,” Watson believes, “because we drafted our legislation very narrowly and presented it as a clarification to existing law.” To reinforce its contention that the 1985 legislature had clearly intended its ban on ballistic knives to apply only to knives where the blade actually separated from the handle ... and not to automatic knives or other one-hand opening models ... Watson re-

FLORIDA

searched supporting documents pertaining to that original law. More importantly, he secured a letter from then Senator Kiser, the original sponsor, clearly stating that ballistic knives were the only target of the legislature when it voted for the ban. "Senator Kiser told us he would go anywhere and do anything necessary to make that clear to current House and Senate members," Watson added.

The Florida Cutlery Association and the American Knife & Tool Institute thank all who contributed their time or money to the successful lobbying effort.

Now for those interested in some of the other documents and progress reports as this effort unfolded, here are a select few, presented in reverse order (the most recent ones first):

From Richard Watson - lobbyist for Florida Cutlery Association ...

Please email Governor Bush urging him to sign HB 1227 (Clarification of Self-propelled Knife Statute). The Governor is called Florida's E-Governor because of his steering Florida onto the Electronic Highway. His address and a sample letter appear below. Also, provide a copy of your email to the analyst in his office who is evaluating the bill and to me.

HERE'S THE TIME FRAME:

I spoke to the analyst, Kurt Ahrendt, yesterday. The Governor has not formally received the bill as of Monday, April 28. Since we are in the last seven days of the Regular Session, he will now have 15 days to take action. Even though the bill was passed nine days prior to the end of Session, his time limit runs from the date he actually receives the bill.

The analyst has a deadline of Friday, May 2nd. His recommendation will be sent to the Governor on that day. I have provided pertinent parts of my files to aide the analysis. **Governor Bush values input on the bills before him.** He has three choices: He can sign the bill. He can veto the bill. He can let the bill become law without his signature if he fails to act with the prescribed time. I am asking you to contact the Governor and urge him to sign the bill. **Please ACT IMMEDIATELY.**

HERE'S A SAMPLE MESSAGE:

(Feel free to edit the message and personalize it with your reasons for support-

Text of HB 1227

(Underlined portions are revisions.)

- 1 A bill to be entitled
- 2 An act relating to self-propelled knives; amending s.
- 3 790.225, F.S.; clarifying the definition of self-propelled
- 4 knife, the unlawful manufacture, display, sale, ownership,
- 5 possession, or use of which is prohibited; providing
- 6 nonapplicability; providing a penalty; providing an
- 7 effective date.
- 8 9 Be It Enacted by the Legislature of the State of Florida:
- 10 11 Section 1. Section 790.225, Florida Statutes, is amended
- 12 to read:
- 13 790.225 Ballistic self-propelled knives; unlawful
- 14 to
- 15 14 manufacture, sell, or possess; forfeiture; penalty.—
- 16 (1) It is unlawful for any person to manufacture, display,
- 17 sell, own, possess, or use a ballistic self-propelled knife
- 18 which is a device that propels a knifelike blade as a projectile
- 19 and which physically separates the blade from the device by
- 20 means of a coil spring, elastic material, or compressed gas. A
- 21 ballistic self-propelled knife is declared to be a dangerous or
- 22 deadly weapon and a contraband item. It shall be subject to
- 23 seizure and shall be disposed of as provided in s. 790.08(1) and
- 24 (6).
- 25 (2) This section shall not apply to:
- 26 (a) Any device from which a knifelike blade opens, where
- 27 such blade remains physically integrated with the device when
- 28 open.
- 29 (b) Any device which propels an arrow, a bolt, or a dart
- 30 by means of any common bow, compound bow, crossbow, or
- 31 underwater spear gun.

ing the bill. Also, change the subject line, as well. Some subject lines you might use include "Sign HB 1227," "I Support HB 1227," "Please Sign HB 1227," "I Urge You to Sign HB 1227!".)

Subject: Clarification of Self-propelled Knife Statute (HB 1227) ...

Dear Governor Bush:

Please sign HB 1227! This bill corrects an erroneous District Court of Appeal decision which has had a very negative impact on people who have ordinary pocket-knives.

The prohibition on self-propelled knives was passed in a bill in 1985. A self-propelled knife is a spring-loaded, self-propelled knife that was designed to shoot a knife blade out of the handle of the knife for a distance of up to 35 feet. In advertisements, the knife was called SHAW which stood for "Serious Human Assassination Weapon." **These knives should be banned.** The definition in the legislation was very narrowly drafted to ONLY BAN THAT ONE KNIFE. The legislature took care to prevent it from affecting any common knife or other types of pocketknife.

However, in 2000 a South Florida Court misinterpreted the law and issued an opinion that had the effect of EXPANDING the definition to encompass common automatic opening pocketknives owned by millions of law-abiding citizens. This bill CLARIFIES the law and puts things back the way the legislature intended to ban only the knife known as the SHAW, not common pocketknives owned by law-abiding citizens.

Please sign the bill!
Sincerely,

Here's another possible letter to copy and/or modify and send ...

Please sign HB 1227 !

Dear Governor Bush:

Signing HB 1227 into law will allow millions of responsible, law-abiding Floridians who carry ordinary pocketknives for their work or recreation to continue to do so.

As a member of the American Knife & Tool Institute, I am concerned that the recent Florida v. Darynani case clearly went beyond the original intention of the Florida legislature when it expressly banned ballistic knives in 1985. The original bill sponsor, Senator Kiser, and his fellow lawmakers never intended this ban to apply to any other knives than those where the blade physically separates from the handle or body of the knife.

The practical result of the Darynani case and its misinterpretation of the statute 790.225 was to create thousands of "defacto" criminals in Florida. A wide range of knives commonly used by police, rescue personnel, firefighters, hunters, fishermen,

hikers, carpenters, electricians, auto mechanics and even backyard gardeners across the state have been practically banned. If you know any of those people who depend on knives in their everyday lives, you know how important it can be to have a knife that opens with one hand. Countless lives have been saved in emergency situations where a user or rescuer could get a knife blade open with one hand. Let's not make criminals of these responsible, law-abiding people just because they carry a pocketknife for their work or recreation.

Thank you for your support of HB 1227.

Sincerely,

April 25, 2003

Senate passes SB 2256 unanimously. HB 1227 substituted for it and sent to Governor Jeb Bush.

April 23, 2003

Good news: HB 1227 (Clarification of Self-propelled Knives) passed the House today on a 117-0 vote. The bill has been immediately certified to the Senate. When the Senate bill comes up today for second reading, the House bill will be substituted in lieu of the Senate bill. When the Senate bill comes up for final vote later this week, the House bill will be taken up, passed, and sent to the Governor.

Hopefully, all these actions will take place in the next three days. Sometimes during the ending days of the session, all the bills listed on the Special Order Calendar are not reached. I do not see any problems and will keep you informed.

Thanks to everyone who has made this effort a success.

Richard Watson
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**AKTI
ANNUAL MEETING
Thursday, June 12, 2003
5:00 p.m.**

before Blade Show
Renaissance Waverly Hotel
Cobb Galleria Center
Atlanta, Georgia

Coming Soon

AKTI is currently surveying the Attorney Generals in the 50 states to develop a uniform national standard for measuring knife blades.

Watch for survey results in an upcoming newsletter.

Knives Needed!

If you have a unique knife you could donate to the monthly AKTI auction to benefit the organization, contact the AKTI Communications Coordinator at Communications@akti.org or (715) 445-3781

Visit www.akti.org for AKTI or knife information

YES, I will join AKTI and help support responsible knife use!

Give generously! Your membership dues help ...

- 1) Fight for your knife rights...as we did in Boston, as we're doing in Florida, wherever AKTI is needed!**
- 2) Communicate regularly with knife users and the editors of more than 50 outdoor publications!**
- 3) Work with AKTI state groups to organize meetings with their lawmakers.**

Name _____

Company _____ Title _____

Address _____

City _____ State _____ Zip _____

Phone _____ E-Mail _____

- | | |
|--|--|
| <input type="checkbox"/> Check here if this is a renewal. | |
| <input type="checkbox"/> Platinum Associate - \$1,000/yr | <input type="checkbox"/> Premier Member - \$2,000/yr (Voting Membership) |
| <input type="checkbox"/> Gold Associate - \$500/yr | <input type="checkbox"/> Bronze Associate - \$100/yr |
| <input type="checkbox"/> Silver Associate - \$200/yr | |
| <input type="checkbox"/> Annual Ambassador Member (Individual) - \$35/yr | |
| <input type="checkbox"/> Life Membership (Individual) - \$750 | |

I support AKTI with an additional contribution of \$ _____

Check # _____ Enclosed for \$ _____

Visa/Mastercard Charge: _____ Exp: _____

Signed _____ Date: _____

Check here if you prefer to not receive any possible additional mailings.

Note: Since the American Knife and Tool Institute, Inc. has filed as a 501(c)(6) not for profit tax status, dues may be deductible as a business expense, but not as a charitable contribution.

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Web site: www.akti.org

Forum: go to www.akti.org and click

on [AKTI Forum](http://www.akti.org) or go to
www.bladeforum.com

or knifeforum.com

Serving the Knife Industry and Individual Knife Owners Since January 1998

The AMERICAN KNIFE & TOOL INSTITUTE ... Guide to Knife Naming

One of the biggest challenges facing knife manufacturers/ importers

is creating and selling new products. There are many aspects of produc-

ing a new product that will contribute to company sales and profits.

Great engineering, quality workmanship, eye-catching packaging,

effective distribution and the right price are all vital. Another key

ingredient of success is naming the new product.

The position of the American Knife & Tool Institute is that knife

names should be carefully chosen to reflect positively on the product, the

company and the entire industry, as well as on any buyer who ultimately

carries and uses the knife.

We cannot offer specific advice to individual companies. There are

already many possible names that are trademarked by various compa-

nies. And we recognize that in a competitive marketplace, the name of a

new product is only revealed at its first public launch.

Some very successful companies simply give a new knife a model

number. We respect that strategy. However, for those companies that

adopt other naming strategies, here are some observations and questions that

might help create a distinctive and memorable name, a name that both

creates consumer excitement and reflects positively on the entire industry.

1) While we recognize that some industries have a great deal of

license with respect to naming, the knife industry is typically

judged more harshly by the general public and by lawmakers.

For example, "action" movies are expected to have a "blood-

and-guts" name. Movie critics may turn thumbs down on the

movie; they rarely criticize the movie's title. A knife with a

similarly "graphic" name, however, would not be rated on its

product that was obviously designed for violence, rather than

for its life-saving or tool uses. Does your new knife name

promote the product's life-saving or tool use?

reflect positively on anyone who uses, imports or manufactures knives.

The above list was not meant to be exhaustive. Knife naming is a

creative process. AKTI encourages you to be creative in a way that will

reflect positively on anyone who uses, imports or manufactures knives.

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class. But most Americans over 30 know John Wayne was

meaning for those who read his "Inferno" in a college English

era. "Dover" or "Desert Storm" might. "Dan" might. "Dan" might. "Dan" might.

associations for those who grew up during the Vietnam War

events and characters. "Danang" may not have positive

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Work-related names touch many peoples' lives. But history

market. What if we called it simply ... "The JOB"?

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name of a specific industry or profession. But maybe we've

We could call our tough, sharp, do-everything model by the

unexpected circumstances, perhaps for a life-saving purpose.

name all the ways they've used their knife, sometimes in

think about their typical workday, they probably cannot even

one-hand-opening knife for a variety of daily tasks. When they

skilled tradesmen and women rely on a tough, sharp, often-

number of potential customers? Many rescue personnel and

Does the name help create a vivid mental picture for the largest

Woods" or "Wolf Country" might.*

2) Short names are most memorable. "The-knife-I-use-to-whittle-

tent-stakes-in-the-wilderness" probably wouldn't work. "Wild

3) Does the name help create a vivid mental picture for the largest

number of potential customers? Many rescue personnel and

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