

Florida's Pop-Tart Gun Bill is as Dumb as it Gets

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It is not easy being a native Floridian. Florida is the butt of many jokes.¹ [1. Among other [anatomical parts](#).] There is no end to the weird news and head-shaking stories that emanate from our fair peninsula.² [2. Follow [@_FloridaMan](#) to keep up on all of the stories that make the state so special.] So, with all of the sad, strange people and events in the state, it surely can't be easy to be a state legislator and pass rational, level-headed laws to regulate our activities. Of course, under the leadership of comic-book-villain-turned-governor Rick Scott, it seems that Florida is in no danger of having any rational, level-headed legislation become law.

While numerous [short-sighted](#) and [unconstitutional](#) nonsense has spewed forth from Tallahassee in the past few years, the state has now stooped to a new low by enacting what it possibly the stupidest law in the history of mankind: the so-called "Pop-Tart Gun Bill."³ [3. [HB 7029](#).]

The bill has a stupid nickname because it stems from a stupid incident in Maryland where an eight-year-old was suspended for chewing a pop-tart into the shape of a gun.⁴ [4. Or, even worse, it may have been in the shape of Florida.] You, along with the rest of the Twitterverse, probably think that such action was an overreaction by a school administrator trying too hard to enforce a zero-tolerance policy.

Of course, administrators may be a little gun shy nowadays due to the fact that—[regardless how the number is calculated](#)—school shootings have become a sad feature of the American experience. And, of course, there are [conflicting stories](#) about what really happened with the faux frosted firearm. Nevertheless, because the story is so outrageous, it spread quickly on social media and the 24-hour news cycle.

To the rescue of persecuted pastry-chewers across the Sunshine State came State Senator Greg Evers, who sponsored an idiotic, reactionary NRA-backed piece of legislation to combat the problem of overzealous administrators who don't consult the NRA before taking action. When asked exactly what this legislation would do, Evers replied that it would prevent situations "[where you chew a Pop-Tart into the shape of a gun and you are expelled](#)" from school. It should be noted that the eight-year-old in question was not expelled, but rather suspended for two days.⁵ [5. And for his harrowing experience, he got [a standing ovation and a lifetime membership to the NRA](#).] Evers also justified the law based on an unsubstantiated anecdote about a student being expelled for stating he had a cap gun at home.

Clearly, there is no epidemic of children having their lives ruined and educations destroyed because they chewed breakfast pastries into the shape of crude weapons. But now students

and parents can rest easily knowing that the Florida legislature has once again acted swiftly to ameliorate a fake crisis.⁶ [6. See also the [phony voter fraud scandal](#) which justified stricter voter registration measures.] Our wise legislators also made sure that the bill did not just cover pastries, but *any* food item. Here is the primary part of the text added to the statute relating to the code of student conduct:

Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. 1006.13. Simulating a firearm or weapon while playing includes, but is not limited to:

1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
4. Using a finger or hand to simulate a firearm or weapon.
5. Vocalizing an imaginary firearm or weapon.
6. Drawing a picture, or possessing an image, of a firearm or weapon.
7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

The bill does contain an exception for incidents where a student “disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm.” So at least there is that.

There does not seem to be any pending legislation to protect Florida schoolchildren from equally ridiculous and (likely) undeserved punishment for other non-gun-related behavior, such as [sending sarcastic tweets](#), [making bad chemistry jokes](#), or [releasing a bunch of balloons in the school halls](#). Such legislation would be just as stupid as HB 7029, because there is no absolutely no need to invoke the full power of the state through statutory reform in order to prevent such incidents.

But here in Florida, where [roughly 700 people are killed by firearms each year](#), gun legislation only works in one direction.⁷ [7. See, e.g., [Fla. Stat. § 790.338](#) (The Firearm Owners’ Privacy Act, commonly referred to as “Docs v. Glocks), which prohibited doctors from discussing firearm ownership with patients. The majority of this stupid law was struck down as unconstitutional in [Wollschlaeger v. Farmer](#), 880 F. Supp. 2d 1251 (S.D. Fla. 2012).] In addition to the incredibly stupid and useless Pop-Tart Gun Bill, Florida simultaneously loosened its

controversial Stand Your Ground Law. Apparently, the law that allows citizens to hunt and kill unarmed teenagers was overly restrictive and [not confusing enough](#).

If we had any true leadership in Florida, it would be wholly unnecessary to codify a law preventing non-existent punishments for non-existent behavior. Preventing pastry-based imitation firearm punishment doesn't require legislation, it requires common sense—something lawmakers in Florida are severely lacking.



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