

HB 753

2014

1 A bill to be entitled
2 An act relating to school safety; providing
3 legislative intent; amending s. 790.115, F.S.;
4 providing an exception to a prohibition on possession
5 of firearms or other specified devices on school
6 property or other specified areas for authorized
7 concealed weapon or firearm licensees as designated by
8 school principals or district superintendents;
9 providing requirements for designees; amending s.
10 1006.07, F.S.; requiring school boards to formulate
11 policies and procedures for managing active shooter
12 and hostage situations; requiring that active shooter
13 training for each school be conducted by the law
14 enforcement agency that is designated as the first
15 responder agency for the school; requiring that plans
16 for new schools be reviewed by law enforcement
17 agencies for specified purposes; requiring that all
18 recommendations be incorporated in such plans before
19 construction contracts may be awarded; amending s.
20 1006.12, F.S.; permitting district school boards to
21 commission one or more school safety officers on each
22 school campus; amending ss. 435.04, 790.251, 921.0022,
23 and 1012.315, F.S.; conforming cross-references;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. It is the intent of the Legislature to prevent

29 violent crimes from occurring on school grounds. The Legislature
 30 acknowledges that the safekeeping of our students, teachers, and
 31 campuses is imperative. In addition, the Legislature's intent is
 32 not to mandate that a school have one or more designees as
 33 described in the amendments made by this act to s. 790.115,
 34 Florida Statutes; rather, the intent of the amendments is to
 35 allow the school principal or authorizing superintendent the
 36 opportunity to do so.

37 Section 2. Section 790.115, Florida Statutes, is amended
 38 to read:

39 790.115 Possessing or discharging weapons or firearms at a
 40 school-sponsored event or on school property prohibited;
 41 penalties; exceptions.—

42 (1) For purposes of this section, "school" means any
 43 preschool, elementary school, middle school, junior high school,
 44 or secondary school, whether public or nonpublic.

45 (2)~~(1)~~ A person who exhibits any sword, sword cane,
 46 firearm, electric weapon or device, destructive device, or other
 47 weapon as defined in s. 790.001(13), including a razor blade,
 48 box cutter, or common pocketknife, except as authorized in
 49 support of school-sanctioned activities, in the presence of one
 50 or more persons in a rude, careless, angry, or threatening
 51 manner and not in lawful self-defense, at a school-sponsored
 52 event or on the grounds or facilities of any school, school bus,
 53 or school bus stop, or within 1,000 feet of the real property
 54 that comprises a public or private elementary school, middle
 55 school, or secondary school, during school hours or during the
 56 time of a sanctioned school activity, commits a felony of the

HB 753

2014

57 | third degree, punishable as provided in s. 775.082, s. 775.083,
58 | or s. 775.084. This subsection does not apply to the exhibition
59 | of a firearm or weapon on private real property within 1,000
60 | feet of a school by the owner of such property or by a person
61 | whose presence on such property has been authorized, licensed,
62 | or invited by the owner.

63 | (3) This section does not apply to a member of a school's
64 | personnel who has been designated by the school principal of the
65 | school at which the member of the school's personnel is
66 | employed, or, for an administration building, by the district
67 | school superintendent, as authorized to carry a concealed weapon
68 | or firearm on school property.

69 | (a)1. A designee authorized to carry a concealed weapon or
70 | firearm on such school property under this subsection may only
71 | carry such weapon or firearm in a concealed manner. The weapon
72 | or firearm must be carried on the designee's person at all times
73 | while the designee is performing his or her official school
74 | duties.

75 | 2. The designee must submit to the authorizing principal
76 | or authorizing superintendent proof of completion of a minimum
77 | of 40 hours of a school safety program and annually complete 8
78 | hours of active shooter training and 4 hours of firearm
79 | proficiency training as the program and these trainings are
80 | defined and administered by the Department of Law Enforcement.
81 | For purposes of this subsection, a designee is an individual who
82 | is:

83 | a. A military veteran who was honorably discharged and who
84 | has not been found to have committed a firearms-related

85 disciplinary infraction during his or her service;

86 b. An active duty member of the military, the National
 87 Guard, or military reserves who has not been found to have
 88 committed a firearms-related disciplinary infraction during his
 89 or her service;

90 c. A law enforcement officer or a former law enforcement
 91 officer who has not been found to have committed a firearms-
 92 related disciplinary infraction during his or her law
 93 enforcement service; or

94 d. In possession of a valid permit under s. 790.06.

95 (b) School superintendents and principals may create a
 96 school safety designee program for employees or volunteers. Each
 97 public or private school principal or, for an administration
 98 building, the superintendent, may designate one or more such
 99 designees who have passed the training administered by the
 100 Department of Law Enforcement and any additional screening or
 101 screenings as required by the school principal or superintendent
 102 pursuant to this subsection.

103 (4) ~~(2)~~(a) A person shall not possess any firearm, electric
 104 weapon or device, destructive device, or other weapon as defined
 105 in s. 790.001(13), including a razor blade or box cutter, except
 106 as authorized in support of school-sanctioned activities, at a
 107 school-sponsored event or on the property of any school, school
 108 bus, or school bus stop; however, a person may carry a firearm:

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

HB 753

2014

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

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

119
120 ~~For the purposes of this section, "school" means any preschool,~~
121 ~~elementary school, middle school, junior high school, secondary~~
122 ~~school, career center, or postsecondary school, whether public~~
123 ~~or nonpublic.~~

124 (b) A person who willfully and knowingly possesses any
125 electric weapon or device, destructive device, or other weapon
126 as defined in s. 790.001(13), including a razor blade or box
127 cutter, except as authorized in support of school-sanctioned
128 activities, in violation of this subsection commits a felony of
129 the third degree, punishable as provided in s. 775.082, s.
130 775.083, or s. 775.084.

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

135 2. A person who stores or leaves a loaded firearm within
136 the reach or easy access of a minor who obtains the firearm and
137 commits a violation of subparagraph 1. commits a misdemeanor of
138 the second degree, punishable as provided in s. 775.082 or s.
139 775.083; except that this does not apply if the firearm was
140 stored or left in a securely locked box or container or in a

HB 753

2014

141 location which a reasonable person would have believed to be
142 secure, or was securely locked with a firearm-mounted push-
143 button combination lock or a trigger lock; if the minor obtains
144 the firearm as a result of an unlawful entry by any person; or
145 to members of the Armed Forces, National Guard, or State
146 Militia, or to police or other law enforcement officers, with
147 respect to firearm possession by a minor which occurs during or
148 incidental to the performance of their official duties.

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

154 (e) The penalties of this subsection shall not apply to
155 persons licensed under s. 790.06. Persons licensed under s.
156 790.06 shall be punished as provided in s. 790.06(12), except
157 that a licenseholder who unlawfully discharges a weapon or
158 firearm on school property as prohibited by this subsection
159 commits a felony of the second degree, punishable as provided in
160 s. 775.082, s. 775.083, or s. 775.084.

161 ~~(5)~~⁽³⁾ This section does not apply to any law enforcement
162 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
163 (8), (9), or (14).

164 ~~(6)~~⁽⁴⁾ Notwithstanding s. 985.24, s. 985.245, or s.
165 985.25(1), any minor under 18 years of age who is charged under
166 this section with possessing or discharging a firearm on school
167 property shall be detained in secure detention, unless the state
168 attorney authorizes the release of the minor, and shall be given

HB 753

2014

169 a probable cause hearing within 24 hours after being taken into
170 custody. At the hearing, the court may order that the minor
171 continue to be held in secure detention for a period of 21 days,
172 during which time the minor shall receive medical, psychiatric,
173 psychological, or substance abuse examinations pursuant to s.
174 985.18, and a written report shall be completed.

175 Section 3. Subsections (4) and (6) of section 1006.07,
176 Florida Statutes, are amended and subsection (7) is added to
177 that section to read:

178 1006.07 District school board duties relating to student
179 discipline and school safety.—The district school board shall
180 provide for the proper accounting for all students, for the
181 attendance and control of students at school, and for proper
182 attention to health, safety, and other matters relating to the
183 welfare of students, including:

184 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

185 (a) Formulate and prescribe policies and procedures for
186 emergency drills and for actual emergencies, including, but not
187 limited to, fires, natural disasters, active shooters, hostage
188 situations, and bomb threats, for all the public schools of the
189 district which comprise grades K-12. District school board
190 policies shall include commonly used alarm system responses for
191 specific types of emergencies and verification by each school
192 that drills have been provided as required by law and fire
193 protection codes. The emergency response agency that is
194 responsible for notifying the school district for each type of
195 emergency must be listed in the district's emergency response
196 policy.

HB 753

2014

197 (b) Establish model emergency management and emergency
198 preparedness procedures, including emergency notification
199 procedures pursuant to paragraph (a), for the following life-
200 threatening emergencies:

201 1. Weapon-use, and hostage, and active shooter situations.
202 The active shooter situation training for each school must be
203 conducted by the law enforcement agency or agencies that are
204 designated as first responders to the school's campus.

205 2. Hazardous materials or toxic chemical spills.

206 3. Weather emergencies, including hurricanes, tornadoes,
207 and severe storms.

208 4. Exposure as a result of a manmade emergency.

209 (6) SAFETY AND SECURITY BEST PRACTICES.—Use the Safety and
210 Security Best Practices developed by the Office of Program
211 Policy Analysis and Government Accountability to conduct a self-
212 assessment of the school districts' current safety and security
213 practices. Based on these self-assessment findings, the district
214 school superintendent shall provide recommendations to the
215 district school board and local law enforcement agencies that
216 are first responders to the district campuses which identify
217 strategies and activities that the district school board should
218 implement in order to improve school safety and security.
219 Annually each district school board must receive the self-
220 assessment results at a publicly noticed district school board
221 meeting to provide the public an opportunity to hear the
222 district school board members discuss and take action on the
223 report findings. Each district school superintendent shall
224 report the self-assessment results and school board action to

HB 753

2014

225 the commissioner within 30 days after the district school board
226 meeting.

227 (7) SAFETY IN CONSTRUCTION AND PLANNING.-A district school
228 board must supply new construction plans for a new school to the
229 law enforcement agency designated as the first responding law
230 enforcement agency for that school for review and comment
231 concerning school safety and emergency issues before the
232 construction bid process begins. Any changes recommended by the
233 law enforcement agency based on its review must be incorporated
234 into the plans by the district school board before a
235 construction bid may be awarded.

236 Section 4. Paragraph (b) of subsection (2) of section
237 1006.12, Florida Statutes, is amended to read:

238 1006.12 School resource officers and school safety
239 officers.-

240 (2)

241 (b) A district school board may commission one or more
242 school safety officers for the protection and safety of school
243 personnel, property, and students on each school campus within
244 the school district. The district school superintendent may
245 recommend and the district school board may appoint the ~~one or~~
246 ~~more~~ school safety officers.

247 Section 5. Paragraphs (p) and (q) of subsection (2) of
248 section 435.04, Florida Statutes, are amended to read:

249 435.04 Level 2 screening standards.-

250 (2) The security background investigations under this
251 section must ensure that no persons subject to the provisions of
252 this section have been arrested for and are awaiting final

253 disposition of, have been found guilty of, regardless of
 254 adjudication, or entered a plea of nolo contendere or guilty to,
 255 or have been adjudicated delinquent and the record has not been
 256 sealed or expunged for, any offense prohibited under any of the
 257 following provisions of state law or similar law of another
 258 jurisdiction:

259 (p) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting
 260 firearms or weapons within 1,000 feet of a school.

261 (q) Section 790.115(4)(b) ~~790.115(2)(b)~~, relating to
 262 possessing an electric weapon or device, destructive device, or
 263 other weapon on school property.

264 Section 6. Paragraph (a) of subsection (7) of section
 265 790.251, Florida Statutes, is amended to read:

266 790.251 Protection of the right to keep and bear arms in
 267 motor vehicles for self-defense and other lawful purposes;
 268 prohibited acts; duty of public and private employers; immunity
 269 from liability; enforcement.—

270 (7) EXCEPTIONS.—The prohibitions in subsection (4) do not
 271 apply to:

272 (a) Any school property as defined in s. 790.115(1) and
 273 regulated under that section ~~s. 790.115~~.

274 Section 7. Paragraphs (d) and (f) of subsection (3) of
 275 section 921.0022, Florida Statutes, are amended to read:

276 921.0022 Criminal Punishment Code; offense severity
 277 ranking chart.—

278 (3) OFFENSE SEVERITY RANKING CHART

279 (d) LEVEL 4

280

HB 753

2014

	Florida Statute	Felony Degree	Description
281	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.
282	499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
283	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
284	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
285	517.07 (1)	3rd	Failure to register securities.
286	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
287	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.

HB 753

2014

288	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
289	784.075	3rd	Battery on detention or commitment facility staff.
290	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
291	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
292	784.081 (3)	3rd	Battery on specified official or employee.
293	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
294	784.083 (3)	3rd	Battery on code inspector.
295	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
296	787.03 (1)	3rd	Interference with custody;

HB 753

2014

wrongly takes minor from
appointed guardian.

297

787.04 (2) 3rd Take, entice, or remove child
beyond state limits with
criminal intent pending custody
proceedings.

298

787.04 (3) 3rd Carrying child beyond state
lines with criminal intent to
avoid producing child at
custody hearing or delivering
to designated person.

299

787.07 3rd Human smuggling.

300

790.115 (2) 3rd Exhibiting firearm or weapon
~~790.115 (1)~~ within 1,000 feet of a school.

301

790.115 (4) (b) 3rd Possessing electric weapon or
~~790.115 (2) (b)~~ device, destructive device, or
other weapon on school
property.

302

790.115 (4) (c) 3rd Possessing firearm on school
~~790.115 (2) (e)~~ property.

303

800.04 (7) (c) 3rd Lewd or lascivious exhibition;

HB 753

2014

offender less than 18 years.

304

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

305

810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

306

810.06 3rd Burglary; possession of tools.

307

810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

308

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

309

812.014 (2) (c) 4.-10. 3rd Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.

310

812.0195 (2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

HB 753

2014

311	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
312	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
313	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
314	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
315	837.02(1)	3rd	Perjury in official proceedings.
316	837.021(1)	3rd	Make contradictory statements in official proceedings.
317	838.022	3rd	Official misconduct.
318	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

HB 753

2014

319	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
320	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
321	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
322	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
323	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
324	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
325	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d),

HB 753

2014

(2) (a), (2) (b), or (2) (c) 4.
drugs).

326

914.14 (2) 3rd Witnesses accepting bribes.

327

914.22 (1) 3rd Force, threaten, etc., witness,
victim, or informant.

328

914.23 (2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

329

918.12 3rd Tampering with jurors.

330

934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

331

332 (f) LEVEL 6

333

Florida	Felony	
Statute	Degree	Description

334

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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335

499.0051 (3)	2nd	Knowing forgery of pedigree papers.
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HB 753

2014

336	499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
337	499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
338	775.0875(1)	3rd	Taking firearm from law enforcement officer.
339	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
340	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
341	784.041	3rd	Felony battery; domestic battery by strangulation.
342	784.048(3)	3rd	Aggravated stalking; credible threat.
343	784.048(5)	3rd	Aggravated stalking of person under 16.
344	784.07(2)(c)	2nd	Aggravated assault on law

HB 753

2014

enforcement officer.

345

784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.

346

784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.

347

784.081 (2) 2nd Aggravated assault on specified official or employee.

348

784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.

349

784.083 (2) 2nd Aggravated assault on code inspector.

350

787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

351

790.115 (4) (d) 2nd Discharging firearm or weapon on school property.
~~790.115 (2) (d)~~

352

790.161 (2) 2nd Make, possess, or throw destructive device with intent

HB 753

2014

360	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
361	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
362	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
363	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
364	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
365	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
366	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
	812.13 (2) (c)	2nd	Robbery, no firearm or other

HB 753

2014

weapon (strong-arm robbery).

367

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

368

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

369

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

370

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

371

825.103 (2) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

372

827.03 (2) (c) 3rd Abuse of a child.

373

827.03 (2) (d) 3rd Neglect of a child.

374

827.071 (2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

375

HB 753

2014

376	836.05	2nd	Threats; extortion.
377	836.10	2nd	Written threats to kill or do bodily injury.
378	843.12	3rd	Aids or assists person to escape.
379	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
380	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
381	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
382	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate

HB 753

2014

or offender on community supervision, resulting in great bodily harm.

383

944.40 2nd Escapes.

384

944.46 3rd Harboring, concealing, aiding escaped prisoners.

385

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

386

951.22(1) 3rd Intoxicating drug, firearm, or weapon introduced into county facility.

387

388 Section 8. Paragraphs (n) and (o) of subsection (1) of
389 section 1012.315, Florida Statutes, are amended to read:

390 1012.315 Disqualification from employment.—A person is
391 ineligible for educator certification, and instructional
392 personnel and school administrators, as defined in s. 1012.01,
393 are ineligible for employment in any position that requires
394 direct contact with students in a district school system,
395 charter school, or private school that accepts scholarship
396 students under s. 1002.39 or s. 1002.395, if the person,
397 instructional personnel, or school administrator has been
398 convicted of:

HB 753

2014

399 (1) Any felony offense prohibited under any of the
400 following statutes:

401 (n) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting
402 firearms or weapons at a school-sponsored event, on school
403 property, or within 1,000 feet of a school.

404 (o) Section 790.115(4)(b) ~~790.115(2)(b)~~, relating to
405 possessing an electric weapon or device, destructive device, or
406 other weapon at a school-sponsored event or on school property.

407 Section 9. This act shall take effect July 1, 2014.