

By Senator Evers

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1                   A bill to be entitled  
2           An act relating to the code of student conduct;  
3           amending s. 1006.07, F.S.; providing that simulating a  
4           firearm or weapon while playing or wearing certain  
5           clothing or accessories is not grounds for  
6           disciplinary action or referral to the criminal  
7           justice or juvenile justice system; providing actions  
8           that constitute simulating a firearm or weapon while  
9           playing; providing criteria for determining whether  
10          certain student conduct warrants disciplinary action;  
11          providing criteria for determining appropriate  
12          consequences for such conduct; providing an effective  
13          date.

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

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17           Section 1. Paragraph (g) of subsection (2) of section  
18   1006.07, Florida Statutes, is amended to read:

19           1006.07 District school board duties relating to student  
20   discipline and school safety.—The district school board shall  
21   provide for the proper accounting for all students, for the  
22   attendance and control of students at school, and for proper  
23   attention to health, safety, and other matters relating to the  
24   welfare of students, including:

25           (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
26   conduct for elementary schools and a code of student conduct for  
27   middle and high schools and distribute the appropriate code to  
28   all teachers, school personnel, students, and parents, at the  
29   beginning of every school year. Each code shall be organized and

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30 written in language that is understandable to students and  
31 parents and shall be discussed at the beginning of every school  
32 year in student classes, school advisory council meetings, and  
33 parent and teacher association or organization meetings. Each  
34 code shall be based on the rules governing student conduct and  
35 discipline adopted by the district school board and shall be  
36 made available in the student handbook or similar publication.  
37 Each code shall include, but is not limited to:

38 (g) Notice that the possession of a firearm or weapon as  
39 defined in chapter 790 by any student while the student is on  
40 school property or in attendance at a school function is grounds  
41 for disciplinary action and may also result in criminal  
42 prosecution. Simulating a firearm or weapon while playing or  
43 wearing clothing or accessories that depict a firearm or weapon  
44 or expressing an opinion regarding a right guaranteed by the  
45 Second Amendment to the United States Constitution is not  
46 grounds for disciplinary action or referral to the criminal  
47 justice or juvenile justice system under this section or s.  
48 1006.13. Simulating a firearm or weapon while playing includes,  
49 but is not limited to:

50 1. Brandishing a partially consumed pastry or other food  
51 item to simulate a firearm or weapon.

52 2. Possessing a toy firearm or weapon that is 2 inches or  
53 less in overall length.

54 3. Possessing a toy firearm or weapon made of plastic snap-  
55 together building blocks.

56 4. Using a finger or hand to simulate a firearm or weapon.

57 5. Vocalizing sounds of an imaginary firearm or weapon.

58 6. Drawing a picture or possessing an image of a firearm or

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59 weapon.

60 7. Using a pencil, pen, or other writing or drawing utensil  
61 to simulate a firearm or weapon.

62  
63 However, a student may be subject to disciplinary action if  
64 simulating a firearm or weapon while playing substantially  
65 disrupts student learning, causes bodily harm to another person,  
66 or places another person in reasonable fear of bodily harm. The  
67 severity of consequences imposed upon a student, including  
68 referral to the criminal justice or juvenile justice system,  
69 must be proportionate to the severity of the infraction and  
70 consistent with district school board policies for similar  
71 infractions. If a student is disciplined for such conduct, the  
72 school principal or his or her designee must call the student's  
73 parent. Disciplinary action resulting from a student's clothing  
74 or accessories shall be determined pursuant to paragraph (d)  
75 unless the wearing of the clothing or accessory causes a  
76 substantial disruption to student learning, in which case the  
77 infraction may be addressed in a manner that is consistent with  
78 district school board policies for similar infractions. This  
79 paragraph does not prohibit a public school from adopting a  
80 school uniform policy.

81 Section 2. This act shall take effect upon becoming a law.