

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 543 — Public Safety

by Judiciary Committee and Reps. Brannan, Payne, and others (CS/SB 150 by Fiscal Policy Committee and Senators Collins, Gruters, Martin, and Hooper)

The bill (Chapter 2023-18, L.O.F.) addresses public safety in two ways. First, the bill provides that persons who wish to carry a concealed weapon or concealed firearm, without obtaining and maintaining a concealed weapon or concealed firearm license from the Department of Agriculture and Consumer Services (DACS) may lawfully do so, if they meet certain criteria. Second, the bill amends various sections of law relating to school safety and creates the Florida Safe Schools Canine Program.

Firearms and Concealed Carry

The bill substantially amends s. 790.01, F.S., to provide that a person is authorized to carry a concealed weapon or concealed firearm if he or she is licensed, or is not licensed but otherwise satisfies the criteria for receiving and maintaining such a license under s. 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.

The bill further amends s. 790.01, F.S., by providing that in a prosecution for the unlawful carrying of a concealed weapon or concealed firearm, the state bears the burden of proving, as an element of the offense, both that a person is not licensed under s. 790.06, F.S., and that he or she is ineligible to receive and maintain such a license under the criteria listed in s. 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.

The bill creates s. 790.013, F.S., and amends s. 790.06, F.S., to provide the same requirements for the carrying and display of identification for licensed and authorized concealed weapon or concealed firearm carriers. A violation of these provisions is a noncriminal violation, punishable by a \$25 fine.

Additionally, s. 790.013, F.S., provides that a person who is authorized to carry a concealed weapon or concealed firearm without a license is subject to s. 790.06(12), F.S., in the same manner as a person who is licensed to carry a concealed weapon or concealed firearm. Section 790.06(12), F.S., provides that a concealed weapon or concealed firearm license does not authorize a person to carry a weapon or firearm in a concealed manner into specified locations.

The bill amends s. 790.053, F.S., the prohibition against openly carrying a firearm, to provide that it is not a violation for a person who is authorized to carry and a person who is licensed to carry a concealed weapon or concealed firearm, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

The bill amends s. 790.115(2), F.S., to provide the same penalty for a person who is authorized to carry and a person who is licensed to carry a concealed weapon or concealed firearm, when

such person willfully and knowingly possesses a weapon or firearm at a school-sponsored event or on the property of any school, school bus, or school bus stop. The penalty for such violation is a second degree misdemeanor.

Additionally, the bill amends s. 790.015, F.S., to allow a nonresident, who does not have a concealed weapon or concealed firearm license issued by his or her state, to carry concealed in Florida if he or she satisfies specified criteria in s. 790.06, F.S. The bill also removes the provision that limits recognition of other states' concealed weapon or concealed firearm licenses to states that honor Florida-issued licenses.

The bill amends s. 790.25, F.S., to clarify that a person may carry a concealed weapon or concealed firearm on his or her person while in a private conveyance if he or she is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1), F.S.

The bill repeals s. 790.145, F.S., which prohibits possession of a concealed firearm or a destructive device within the premises of a pharmacy.

The bill makes numerous technical and conforming changes to existing statutes relating to carrying a concealed weapon or concealed firearm.

School Safety

Guardians

The bill amends s. 1002.42, F.S., to provide that a private school may partner with a law enforcement agency or a security agency to establish or assign one or more safe-school officers. Safe-school officers are established or assigned for the protection and safety of school personnel, property, students, and visitors of a school. School guardians are considered one type of school-safe officer. A private school that establishes a safe-school officer must comply with the requirements of s. 1006.12, F.S.

Currently, only public and charter schools may establish guardian programs. The bill amends s. 30.15, F.S., to add private schools to the entities that may request the sheriff in the school's county to establish a guardian program for the purpose of training the private school employees. A person who completes the necessary training may serve as a school guardian for a private school only if he or she is appointed by the private school head of school. The name of the guardian program is changed to the Chris Hixson, Coach Aaron Feis, and Coach Scott Beigel Guardian Program.

The bill provides that the training required for the guardian program is a standardized statewide curriculum. A school guardian who has completed the required training program may not be required to attend another sheriff's training program unless there has been at least a one year break in his or her employment as a guardian.

The bill further amends s. 30.15, F.S., to increase the hours of instruction on active shooter or assailant scenarios to sixteen, rather than eight. Additionally, the number of hours of instruction on legal issues is decreased from twelve to four.

Active Assailant Response Policy

The bill creates s. 943.6873, F.S., to direct each law enforcement agency to create and maintain an active assailant response policy.

The Florida Department of Law Enforcement (FDLE) must make the model active assailant response policy developed by the Marjory Stoneman Douglas High School Public Safety Commission available on its website. Each agency must review the model policy and develop a written active assailant response policy that is consistent with the agency's response capabilities and includes response procedures specifying the command protocol and coordination with other law enforcement agencies.

All sworn personnel of each agency must be trained on the agency's existing active assailant response policy, or must be trained within 180 days after enacting a new or revised policy. Sworn personnel must receive at minimum annual training on the policy.

Office of Safe Schools

The bill amends s. 1001.212, F.S., relating to the Office of Safe Schools (OSS). The bill provides that the OSS must develop a statewide behavioral threat management operational process, a Florida-specific behavioral threat assessment instrument, and a threat management portal. Such behavioral threat management operational process must be developed to provide guidance on the process and be designed to identify, assess, manage, and monitor potential and real threats to schools. The behavioral threat assessment instrument must be used to evaluate the behavior of students who may pose a threat to the school, school staff, or other students and to coordinate intervention and services for such students. The threat management portal will be used to facilitate the electronic threat assessment reporting and documentation to evaluate the behavior of students who may pose a threat. Such portal will also be used to coordinate intervention and services for such students. All threat management teams must use the statewide behavioral threat management operational process upon its availability.

The bill amends s. 1003.25, F.S., to specify that records including corresponding documentation and any other information required by the Florida-specific behavioral threat assessment instrument which contains the evaluation, intervention, and management of the threat assessment evaluation and intervention services, must be transferred within 3 school days if a student transfers from school to school.

Additionally, the bill specifies that at least one member of the threat management team must be personally familiar with the individual who is the subject of the threat assessment. If no member of the team has such familiarity, an instructional or administrative personnel who is personally

familiar with the individual who is the subject of the threat assessment must consult with the threat management team but not be a participant in the decision-making process.

The Florida-specific behavioral threat assessment must be used by the threat management team when evaluating the behavior of students. The threat management team must prepare a threat assessment report.

The bill amends s. 1006.13, F.S., to specify that each district school board must adopt a policy of zero tolerance that, in part, identifies acts that are required to be reported under the school environmental safety incident reporting pursuant to s. 1006.07(9), F.S.

Florida Safe Schools Canine Program

The bill creates s. 1006.121, F.S., to direct the Department of Education, through the OSS, to establish the Florida Safe Schools Canine Program. This program may designate a person, school, or business entity as a Florida Safe Schools Canine Partner if the person, school, or business entity provides a monetary or in-kind donation to a law enforcement agency to purchase, train, or care for a firearm detection canine.

The bill provides for funds to be appropriated from the General Revenue Fund to multiple agencies.

These provisions were approved by the Governor and take effect July 1, 2023, unless otherwise provided.

Vote: Senate 27-13; House 76-32