

By Senator Rossin

35-13-01

1                                   A bill to be entitled  
2           An act relating to the offense of possessing a  
3           firearm at school; amending s. 230.235, F.S.;  
4           requiring that a child convicted of bringing a  
5           firearm to school, to any school function, or  
6           onto any school-sponsored transportation be  
7           assigned to a disciplinary program or  
8           second-chance school; requiring that the child  
9           be placed into secure detention and criminally  
10          prosecuted if the child fails to comply with  
11          the requirements of the disciplinary program or  
12          second-chance school; 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. Section 230.235, Florida Statutes, is  
18 amended to read:

19           230.235 Policy of zero tolerance for crime.--

20           (1) Each school district shall adopt a policy of zero  
21 tolerance for crime and substance abuse pursuant to this  
22 section. Such a policy shall include the reporting of  
23 delinquent acts and crimes occurring whenever and wherever  
24 students are under the jurisdiction of the school district.

25           (2)(a) The policy shall require students found to have  
26 committed one of the following offenses to be expelled, with  
27 or without continuing educational services, from the student's  
28 regular school for a period of not less than 1 full year, and  
29 to be referred for criminal prosecution:

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1           1.(a) Bringing a firearm or weapon, as defined in  
2 chapter 790, to school, to any school function, or onto any  
3 school-sponsored transportation.

4           2.(b) Making a threat or false report, as defined by  
5 ss. 790.162 and 790.163, respectively, involving school or  
6 school personnel's property, school transportation, or a  
7 school-sponsored activity.

8           (b) Except as provided in paragraph (c), district  
9 school boards may assign the student to a disciplinary program  
10 or second-chance ~~second-chance~~ school for the purpose of  
11 continuing educational services during the period of  
12 expulsion. Superintendents may consider the 1-year expulsion  
13 requirement on a case-by-case basis and request the district  
14 school board to modify the requirement by assigning the  
15 student to a disciplinary program or second-chance ~~second~~  
16 ~~chance~~ school if it is determined to be in the best interest  
17 of the student and the school system. If a student committing  
18 any of the offenses in paragraph (a) ~~this subsection~~ is a  
19 student with a disability, the school district shall comply  
20 with procedures pursuant to s. 232.251 and any applicable  
21 state board rule.

22           (c) Any child convicted of bringing a firearm to  
23 school, to any school function, or onto any school-sponsored  
24 transportation must be assigned to a disciplinary program or  
25 second-chance school during the period of expulsion if such a  
26 program is available within the school district. If the child  
27 fails to attend or comply with the requirements of the  
28 disciplinary program or second-chance school, the child shall  
29 be placed into secure detention care, as provided in s.  
30 985.215, and shall be prosecuted as provided by law.

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1           (3) Each school district shall enter into an agreement  
2 with the county sheriff's office or local police department  
3 specifying guidelines for ensuring that felonies and violent  
4 misdemeanors, whether committed by a student or adult, and  
5 delinquent acts that would be felonies or violent misdemeanors  
6 if committed by an adult, are reported to law enforcement.  
7 Such agreements shall include the role of school resource  
8 officers, if applicable, in handling reported incidents,  
9 special circumstances in which school officials may handle  
10 incidents without filing a report to law enforcement, and a  
11 procedure for ensuring that school personnel properly report  
12 appropriate delinquent acts and crimes. The school principal  
13 shall be responsible for ensuring that all school personnel  
14 are properly informed as to their responsibilities regarding  
15 crime reporting, that appropriate delinquent acts and crimes  
16 are properly reported, and that actions taken in cases with  
17 special circumstances are properly taken and documented.

18           Section 2. This act shall take effect July 1, 2001.

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21           SENATE SUMMARY

22           Requires that a child who is convicted of bringing a  
23 firearm to school, to any school function, or onto any  
24 school-sponsored transportation be assigned to a  
25 disciplinary program or second-chance school if such  
26 program is available within the school district. If the  
27 child fails to comply with the requirements of the  
28 disciplinary program or second-chance school, requires  
29 that the child be placed into secure detention and  
30 criminally prosecuted.  
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