

By the Committee on Criminal Justice and Senators Rossin and Crist

307-1778-01

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 found to have committed
5 the act of bringing a firearm to school, to any
6 school function, or onto any school-sponsored
7 transportation be assigned to a disciplinary
8 program or second-chance school; requiring that
9 the court retain jurisdiction over the child
10 during the expulsion period; providing that
11 sanctions pursuant to s. 985.231, F.S., apply
12 if the child fails to comply with the
13 requirements of the disciplinary program or
14 second-chance school; providing an effective
15 date.

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

19 Section 1. Section 230.235, Florida Statutes, is
20 amended to read:

21 230.235 Policy of zero tolerance for crime.--

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

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

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 found to have committed a delinquent
23 act, regardless of whether adjudication was withheld, or who
24 pleads guilty or nolo contendere to an act of bringing a
25 firearm to school, to any school function, or onto any
26 school-sponsored transportation must be assigned to a
27 disciplinary program or second-chance school during the 1-year
28 expulsion if such a program is available within the school
29 district, and the court shall retain jurisdiction during the
30 expulsion period. If the child fails to attend or comply with
31 the requirements of the disciplinary program or second-chance

1 school, the school shall notify the court and the department
2 in writing. Violations of this paragraph shall be handled
3 pursuant to the provisions of s. 985.231(1)(a)1.c.

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

21 Section 2. This act shall take effect July 1, 2001.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 492

- Requires the court to retain jurisdiction over a child found to have committed a delinquent act regardless of a withhold of adjudication, or one who pleads guilty or nolo contendere (rather than convicted) of bringing a firearm onto school property while the child is attending an available second-chance school.
- Requires the school to notify the court and the DJJ if the child violates the second-chance school requirements, and allows the court to order appropriate sanctions under current law.
- Deletes the bill's secure detention requirements.