



HB 0017

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A bill to be entitled  
 An act relating to public K-12 education; creating s.  
 1003.09, F.S.; providing a definition of the term "school  
 property"; requiring reports to law enforcement agencies  
 or agents of forcible felonies, or threats of forcible  
 felonies, on school property; providing penalties for  
 noncompliance; providing that a person reporting in good  
 faith shall be immune from liability; prohibiting immunity  
 to suspected persons; prohibiting reprisal or discharge  
 due to reporting; providing for civil cause of action  
 under certain circumstances; providing an effective date.

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

Section 1. Section 1003.09, Florida Statutes, is created  
 to read:

1003.09 Mandatory reports of forcible felonies, or threats  
 of forcible felonies, on school property.--

(1) For purposes of this section, "school property" means  
 the grounds or facilities of any elementary school, middle or  
 junior high school, secondary or high school, or area technical  
 center.

(2) Any person, including, but not limited to:

(a) A member of a school's instructional personnel,  
 administrative personnel, educational support personnel, or  
 other personnel;

(b) A health or mental health professional;

(c) A practitioner who relies solely on spiritual means  
 for healing; or

(d) A social worker,



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32 who knows, or has reasonable cause to suspect, that any person  
33 has made a threat to commit or has committed a forcible felony,  
34 as defined by s. 776.08, on school property shall immediately,  
35 by the quickest means of communication, give notice to the local  
36 municipal police department, the county sheriff, school district  
37 law enforcement, or the Department of Law Enforcement.

38 (3) Any person who is required to report known threats or  
39 commission of a forcible felony on school property, and who  
40 knowingly and willfully fails to do so, or who knowingly and  
41 willfully prevents another person from doing so, commits a  
42 misdemeanor of the second degree, punishable as provided in s.  
43 775.082 or s. 775.083.

44 (4) (a) Any person reporting in good faith any instance of  
45 a threat or commission of a forcible felony to a law enforcement  
46 agency or agent pursuant to this section shall be immune from  
47 any civil or criminal liability that might otherwise result by  
48 reason of such action.

49 (b) Nothing contained in this section shall be deemed to  
50 grant civil or criminal immunity to any person suspected of  
51 having threatened to commit or having committed a forcible  
52 felony on school property.

53 (5) (a) No person may be subjected to reprisal or discharge  
54 because of his or her actions in reporting a threat or  
55 commission of a forcible felony on school property pursuant to  
56 the requirements of this section.

57 (b) Any person making a report pursuant to this section  
58 shall have a civil cause of action for appropriate compensatory  
59 and punitive damages against any person who causes detrimental  
60 changes in the residency or employment status of such reporting



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61 party by reason of his or her making such report. Any  
62 detrimental change made in the residency or employment status of  
63 such person, including, but not limited to, discharge,  
64 termination, demotion, transfer, or reduction in pay or benefits  
65 or work privileges, or negative evaluations within a prescribed  
66 period of time, shall establish a rebuttable presumption that  
67 such action was retaliatory.

68 Section 2. This act shall take effect July 1, 2003.