

1                                   A bill to be entitled  
 2           An act relating to school safety; amending s. 790.115,  
 3           F.S.; prohibiting possession of common pocketknives on  
 4           school property or other specified locations; providing  
 5           exceptions; providing penalties; providing an exemption  
 6           from criminal liability for possession of specified  
 7           weapons for persons who voluntarily surrender the weapon  
 8           in certain circumstances; amending s. 1006.13, F.S.;  
 9           providing an exemption from zero tolerance policy for  
 10          possession of specified weapons for persons who  
 11          voluntarily surrender the weapon in certain circumstances;  
 12          requiring development of policies to allow parents or  
 13          guardians to claim confiscated prohibited items; amending  
 14          ss. 435.04 and 921.0022, F.S.; conforming cross-  
 15          references; providing an effective date.

16  
 17   Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1. Subsection (2) of section 790.115, Florida  
 20   Statutes, is amended to read:

21           790.115 Possessing or discharging weapons or firearms at a  
 22   school-sponsored event or on school property prohibited;  
 23   penalties; exceptions.--

24           (2)(a) A person shall not possess any firearm, electric  
 25   weapon or device, destructive device, or other weapon as defined  
 26   in s. 790.001(13), including a razor blade, ~~or~~ box cutter, or  
 27   common pocketknife, except as authorized in support of school-  
 28   sanctioned activities, at a school-sponsored event or on the

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29 | property of any school, school bus, or school bus stop; however,  
 30 | a person may carry a firearm:

31 |       1. In a case to a firearms program, class or function  
 32 | which has been approved in advance by the principal or chief  
 33 | administrative officer of the school as a program or class to  
 34 | which firearms could be carried;

35 |       2. In a case to a career center having a firearms training  
 36 | range; or

37 |       3. In a vehicle pursuant to s. 790.25(5); except that  
 38 | school districts may adopt written and published policies that  
 39 | waive the exception in this subparagraph for purposes of student  
 40 | and campus parking privileges.

41 |  
 42 | For the purposes of this section, "school" means any preschool,  
 43 | elementary school, middle school, junior high school, secondary  
 44 | school, career center, or postsecondary school, whether public  
 45 | or nonpublic.

46 |       (b)1. Except as provided in subparagraph 2. and paragraph  
 47 | (c), a person who willfully and knowingly possesses any electric  
 48 | weapon or device, destructive device, or other weapon in  
 49 | violation of paragraph (a) as defined in s. 790.001(13),  
 50 | including a razor blade or box cutter, except as authorized in  
 51 | support of school sanctioned activities, in violation of this  
 52 | subsection commits a felony of the third degree, punishable as  
 53 | provided in s. 775.082, s. 775.083, or s. 775.084.

54 |       2. A person who willfully and knowingly possesses a common  
 55 | pocketknife in violation of paragraph (a) commits a misdemeanor

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56 of the second degree, punishable as provided in s. 775.082 or s.  
57 775.083.

58 (c)1. A person who willfully and knowingly possesses any  
59 firearm in violation of this subsection commits a felony of the  
60 third degree, punishable as provided in s. 775.082, s. 775.083,  
61 or s. 775.084.

62 2. A person who stores or leaves a loaded firearm within  
63 the reach or easy access of a minor who obtains the firearm and  
64 commits a violation of subparagraph 1. commits a misdemeanor of  
65 the second degree, punishable as provided in s. 775.082 or s.  
66 775.083; except that this does not apply if the firearm was  
67 stored or left in a securely locked box or container or in a  
68 location which a reasonable person would have believed to be  
69 secure, or was securely locked with a firearm-mounted push-  
70 button combination lock or a trigger lock; if the minor obtains  
71 the firearm as a result of an unlawful entry by any person; or  
72 to members of the Armed Forces, National Guard, or State  
73 Militia, or to police or other law enforcement officers, with  
74 respect to firearm possession by a minor which occurs during or  
75 incidental to the performance of their official duties.

76 (d) A person who discharges any weapon or firearm while in  
77 violation of paragraph (a), unless discharged for lawful defense  
78 of himself or herself or another or for a lawful purpose,  
79 commits a felony of the second degree, punishable as provided in  
80 s. 775.082, s. 775.083, or s. 775.084.

81 (e) The penalties of this subsection shall not apply to  
82 persons licensed under s. 790.06. Persons licensed under s.  
83 790.06 shall be punished as provided in s. 790.06(12), except

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84 that a licenseholder who unlawfully discharges a weapon or  
85 firearm on school property as prohibited by this subsection  
86 commits a felony of the second degree, punishable as provided in  
87 s. 775.082, s. 775.083, or s. 775.084.

88 (f) Any person who voluntarily approaches a school  
89 official or law enforcement officer and voluntarily surrenders  
90 an electric weapon or device or other weapon as defined in s.  
91 790.001(13), including a razor blade, box cutter, or common  
92 pocketknife, shall not be subject to criminal penalty under this  
93 subsection provided that the person could lawfully possess the  
94 item when off school grounds and the item has not been used for  
95 any unlawful activity.

96 Section 2. Subsection (2) of section 1006.13, Florida  
97 Statutes, is amended to read:

98 1006.13 Policy of zero tolerance for crime and  
99 victimization.--

100 (2) The zero tolerance policy shall require students found  
101 to have committed one of the following offenses to be expelled,  
102 with or without continuing educational services, from the  
103 student's regular school for a period of not less than 1 full  
104 year, and to be referred to the criminal justice or juvenile  
105 justice system.

106 (a) Bringing a firearm or weapon, as defined in chapter  
107 790, to school, to any school function, or onto any school-  
108 sponsored transportation or possessing a firearm at school.

109 (b) Making a threat or false report, as defined by ss.  
110 790.162 and 790.163, respectively, involving school or school

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111 personnel's property, school transportation, or a school-  
112 sponsored activity.

113  
114 District school boards may assign the student to a disciplinary  
115 program for the purpose of continuing educational services  
116 during the period of expulsion. District school superintendents  
117 may consider the 1-year expulsion requirement on a case-by-case  
118 basis and request the district school board to modify the  
119 requirement by assigning the student to a disciplinary program  
120 or second chance school if the request for modification is in  
121 writing and it is determined to be in the best interest of the  
122 student and the school system. If a student committing any of  
123 the offenses in this subsection is a student with a disability,  
124 the district school board shall comply with applicable State  
125 Board of Education rules. Except for possession of a firearm,  
126 any student who voluntarily approaches a school official or law  
127 enforcement officer and voluntarily surrenders any item  
128 prohibited by school district rules or regulations shall not be  
129 subject to disciplinary action provided that the student could  
130 lawfully possess the item when off school grounds and the item  
131 has not been used by the student for any unlawful activity or in  
132 violation of other school district rules or regulations. School  
133 districts shall develop policies for the confiscation and  
134 disposition of prohibited items that allow for the parent or  
135 legal guardian of the student to claim the item.

136 Section 3. Paragraph (r) of subsection (2) of section  
137 435.04, Florida Statutes, is amended to read:

138 435.04 Level 2 screening standards.--

139 (2) The security background investigations under this  
 140 section must ensure that no persons subject to the provisions of  
 141 this section have been found guilty of, regardless of  
 142 adjudication, or entered a plea of nolo contendere or guilty to,  
 143 any offense prohibited under any of the following provisions of  
 144 the Florida Statutes or under any similar statute of another  
 145 jurisdiction:

146 (r) Section 790.115(2)(b)1., relating to possessing an  
 147 electric weapon or device, destructive device, or other weapon  
 148 on school property.

149 Section 4. Paragraph (d) of subsection (3) of section  
 150 921.0022, Florida Statutes, is amended to read:

151 921.0022 Criminal Punishment Code; offense severity  
 152 ranking chart.--

153 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description
316.1935(3)(a)	2nd	(d) LEVEL 4  Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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157	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
158	499.0051(2)	3rd	Failure to authenticate pedigree papers.
159	499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
160	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
161	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
162	784.075	3rd	Battery on detention or commitment facility staff.
163	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
164	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.

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165	784.081 (3)	3rd	Battery on specified official or employee.
166	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
167	784.083 (3)	3rd	Battery on code inspector.
168	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
169	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
170	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
171	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.



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172	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
173	790.115 (2) (b) <u>1.</u>	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
174	790.115 (2) (c)	3rd	Possessing firearm on school property.
175	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
176	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
177	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
178	810.06	3rd	Burglary; possession of tools.
	810.08 (2) (c)	3rd	Trespass on property, armed

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			with firearm or dangerous weapon.
179	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
180	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
181	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
182	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
183	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
184	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
185	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent

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186			breeding disability to any registered horse or cattle.
	837.02 (1)	3rd	Perjury in official proceedings.
187			
	837.021 (1)	3rd	Make contradictory statements in official proceedings.
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	838.022	3rd	Official misconduct.
189			
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
190			
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
191			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
192			
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
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194	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
195	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal street gang.
196	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
197	914.14 (2)	3rd	Witnesses accepting bribes.
198	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
199	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
200	918.12	3rd	Tampering with jurors.
201	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.

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Section 5. This act shall take effect July 1, 2007.