



1 or on the property of any school, school bus, or school bus  
2 stop; however, a person may carry a firearm:

3 1. In a case to a firearms program, class or function  
4 which has been approved in advance by the principal or chief  
5 administrative officer of the school as a program or class to  
6 which firearms could be carried;

7 2. In a case to a career center having a firearms  
8 training range; or

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

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14 For the purposes of this section, "school" means any  
15 preschool, elementary school, middle school, junior high  
16 school, secondary school, career center, or postsecondary  
17 school, whether public or nonpublic.

18 (b)1. Except as provided in subparagraph 2. and  
19 paragraph (c), a person who willfully and knowingly possesses  
20 any electric weapon or device, destructive device, or other  
21 weapon in violation of paragraph (a) as defined in s.  
22 790.001(13), including a razor blade or box cutter, except as  
23 authorized in support of school sanctioned activities, in  
24 violation of this subsection commits a felony of the third  
25 degree, punishable as provided in s. 775.082, s. 775.083, or  
26 s. 775.084.

27 2. A person who willfully and knowingly possesses a  
28 common pocketknife in violation of paragraph (a) commits a  
29 misdemeanor of the second degree, punishable as provided in s.  
30 775.082 or s. 775.083.

1 (c)1. A person who willfully and knowingly possesses  
2 any firearm in violation of this subsection commits a felony  
3 of the third degree, punishable as provided in s. 775.082, s.  
4 775.083, or s. 775.084.

5 2. A person who stores or leaves a loaded firearm  
6 within the reach or easy access of a minor who obtains the  
7 firearm and commits a violation of subparagraph 1. commits a  
8 misdemeanor of the second degree, punishable as provided in s.  
9 775.082 or s. 775.083; except that this does not apply if the  
10 firearm was stored or left in a securely locked box or  
11 container or in a location which a reasonable person would  
12 have believed to be secure, or was securely locked with a  
13 firearm-mounted push-button combination lock or a trigger  
14 lock; if the minor obtains the firearm as a result of an  
15 unlawful entry by any person; or to members of the Armed  
16 Forces, National Guard, or State Militia, or to police or  
17 other law enforcement officers, with respect to firearm  
18 possession by a minor which occurs during or incidental to the  
19 performance of their official duties.

20 (d) A person who discharges any weapon or firearm  
21 while in violation of paragraph (a), unless discharged for  
22 lawful defense of himself or herself or another or for a  
23 lawful purpose, commits a felony of the second degree,  
24 punishable as provided in s. 775.082, s. 775.083, or s.  
25 775.084.

26 (e) The penalties of this subsection shall not apply  
27 to persons licensed under s. 790.06. Persons licensed under s.  
28 790.06 shall be punished as provided in s. 790.06(12), except  
29 that a licenseholder who unlawfully discharges a weapon or  
30 firearm on school property as prohibited by this subsection  
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1 commits a felony of the second degree, punishable as provided  
2 in s. 775.082, s. 775.083, or s. 775.084.

3 (f) Any person who voluntarily approaches a school  
4 official or law enforcement officer and voluntarily surrenders  
5 an electric weapon or device or other weapon as defined in s.  
6 790.001(13), including a razor blade, box cutter, or common  
7 pocketknife, shall not be subject to criminal penalty under  
8 this subsection provided that the person could lawfully  
9 possess the item when off school grounds and the item has not  
10 been used for any unlawful activity.

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

13 1006.13 Policy of zero tolerance for crime and  
14 victimization.--

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

21 (a) Bringing a firearm or weapon, as defined in  
22 chapter 790, to school, to any school function, or onto any  
23 school-sponsored transportation or possessing a firearm at  
24 school.

25 (b) Making a threat or false report, as defined by ss.  
26 790.162 and 790.163, respectively, involving school or school  
27 personnel's property, school transportation, or a  
28 school-sponsored activity.

29  
30 District school boards may assign the student to a  
31 disciplinary program for the purpose of continuing educational

1 services during the period of expulsion. District school  
2 superintendents may consider the 1-year expulsion requirement  
3 on a case-by-case basis and request the district school board  
4 to modify the requirement by assigning the student to a  
5 disciplinary program or second chance school if the request  
6 for modification is in writing and it is determined to be in  
7 the best interest of the student and the school system. If a  
8 student committing any of the offenses in this subsection is a  
9 student with a disability, the district school board shall  
10 comply with applicable State Board of Education rules. Except  
11 for possession of a firearm, any student who voluntarily  
12 approaches a school official or law enforcement officer and  
13 voluntarily surrenders any item prohibited by school district  
14 rules or regulations shall not be subject to disciplinary  
15 action provided that the student could lawfully possess the  
16 item when off school grounds and the item has not been used by  
17 the student for any unlawful activity or in violation of other  
18 school district rules or regulations. School districts shall  
19 develop policies for the confiscation and disposition of  
20 prohibited items that allow for the parent or legal guardian  
21 of the student to claim the item.

22 Section 3. Paragraph (r) of subsection (2) of section  
23 435.04, Florida Statutes, is amended to read:

24 435.04 Level 2 screening standards.--

25 (2) The security background investigations under this  
26 section must ensure that no persons subject to the provisions  
27 of this section have been found guilty of, regardless of  
28 adjudication, or entered a plea of nolo contendere or guilty  
29 to, any offense prohibited under any of the following  
30 provisions of the Florida Statutes or under any similar  
31 statute of another jurisdiction:

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

4 Section 4. Paragraph (d) of subsection (3) of section  
5 921.0022, Florida Statutes, is amended to read:

6 921.0022 Criminal Punishment Code; offense severity  
7 ranking chart.--

8 (3) OFFENSE SEVERITY RANKING CHART

9 Florida	Felony	Description
10 Statute	Degree	
		(d) LEVEL 4
12 316.1935(3)(a)	2nd	Driving at high speed or with 13 wanton disregard for safety while 14 fleeing or attempting to elude 15 law enforcement officer who is in 16 a patrol vehicle with siren and 17 lights activated.
18 499.0051(1)	3rd	Failure to maintain or deliver 19 pedigree papers.
20 499.0051(2)	3rd	Failure to authenticate pedigree 21 papers.
22 499.0051(6)	2nd	Sale or delivery, or possession 23 with intent to sell, contraband 24 legend drugs.
25 784.07(2)(b)	3rd	Battery of law enforcement 26 officer, firefighter, intake 27 officer, etc.
28 784.074(1)(c)	3rd	Battery of sexually violent 29 predators facility staff.
30 784.075	3rd	Battery on detention or 31 commitment facility staff.

1	784.078	3rd	Battery of facility employee by
2			throwing, tossing, or expelling
3			certain fluids or materials.
4	784.08(2)(c)	3rd	Battery on a person 65 years of
5			age or older.
6	784.081(3)	3rd	Battery on specified official or
7			employee.
8	784.082(3)	3rd	Battery by detained person on
9			visitor or other detainee.
10	784.083(3)	3rd	Battery on code inspector.
11	784.085	3rd	Battery of child by throwing,
12			tossing, projecting, or expelling
13			certain fluids or materials.
14	787.03(1)	3rd	Interference with custody;
15			wrongly takes minor from
16			appointed guardian.
17	787.04(2)	3rd	Take, entice, or remove child
18			beyond state limits with criminal
19			intent pending custody
20			proceedings.
21	787.04(3)	3rd	Carrying child beyond state lines
22			with criminal intent to avoid
23			producing child at custody
24			hearing or delivering to
25			designated person.
26	790.115(1)	3rd	Exhibiting firearm or weapon
27			within 1,000 feet of a school.
28	790.115(2)(b) <u>1.</u>	3rd	Possessing electric weapon or
29			device, destructive device, or
30			other weapon on school property.
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1	790.115(2)(c)	3rd	Possessing firearm on school
2			property.
3	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
4			offender less than 18 years.
5	810.02(4)(a)	3rd	Burglary, or attempted burglary,
6			of an unoccupied structure;
7			unarmed; no assault or battery.
8	810.02(4)(b)	3rd	Burglary, or attempted burglary,
9			of an unoccupied conveyance;
10			unarmed; no assault or battery.
11	810.06	3rd	Burglary; possession of tools.
12	810.08(2)(c)	3rd	Trespass on property, armed with
13			firearm or dangerous weapon.
14	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
15			or more but less than \$20,000.
16	812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
17			firearm, motor vehicle,
18			livestock, etc.
19	812.0195(2)	3rd	Dealing in stolen property by use
20			of the Internet; property stolen
21			\$300 or more.
22	817.563(1)	3rd	Sell or deliver substance other
23			than controlled substance agreed
24			upon, excluding s. 893.03(5)
25			drugs.
26	817.568(2)(a)	3rd	Fraudulent use of personal
27			identification information.
28	817.625(2)(a)	3rd	Fraudulent use of scanning device
29			or reencoder.
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1	828.125(1)	2nd	Kill, maim, or cause great bodily
2			harm or permanent breeding
3			disability to any registered
4			horse or cattle.
5	837.02(1)	3rd	Perjury in official proceedings.
6	837.021(1)	3rd	Make contradictory statements in
7			official proceedings.
8	838.022	3rd	Official misconduct.
9	839.13(2)(a)	3rd	Falsifying records of an
10			individual in the care and
11			custody of a state agency.
12	839.13(2)(c)	3rd	Falsifying records of the
13			Department of Children and Family
14			Services.
15	843.021	3rd	Possession of a concealed
16			handcuff key by a person in
17			custody.
18	843.025	3rd	Deprive law enforcement,
19			correctional, or correctional
20			probation officer of means of
21			protection or communication.
22	843.15(1)(a)	3rd	Failure to appear while on bail
23			for felony (bond estreature or
24			bond jumping).
25	874.05(1)	3rd	Encouraging or recruiting another
26			to join a criminal street gang.
27	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
28			893.03(1)(a), (b), or (d),
29			(2)(a), (2)(b), or (2)(c)4.
30			drugs).
31	914.14(2)	3rd	Witnesses accepting bribes.

1	914.22(1)	3rd	Force, threaten, etc., witness,
2			victim, or informant.
3	914.23(2)	3rd	Retaliation against a witness,
4			victim, or informant, no bodily
5			injury.
6	918.12	3rd	Tampering with jurors.
7	934.215	3rd	Use of two-way communications
8			device to facilitate commission
9			of a crime.

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

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