

By Senator Hays

11-01125C-13

20131418\_\_

1                   A bill to be entitled  
2           An act relating to school safety; amending s. 790.115,  
3           F.S.; providing definitions; providing an exception to  
4           a prohibition on possession of firearms or other  
5           specified devices on school property or other  
6           specified areas for certain school district personnel;  
7           revising the applicability of a definition; amending  
8           s. 1006.12, F.S.; authorizing a district school board  
9           to designate one or more school safety officers for  
10          each school campus; authorizing a school principal and  
11          district school superintendent to designate certain  
12          school personnel to carry a concealed weapon or  
13          firearm on school property while performing school  
14          duties under certain circumstances; amending ss.  
15          435.04, 790.251, 921.0022, and 1012.315, F.S.;  
16          conforming cross-references; providing an effective  
17          date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21           Section 1. Section 790.115, Florida Statutes, is amended to  
22           read:

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

26           (1) As used in this section, the term:

27           (a) "School," except as provided in subsection (3), means  
28           any preschool, elementary school, middle school, junior high  
29           school, secondary school, career center, or postsecondary

11-01125C-13

20131418\_\_

30 school, whether public or nonpublic.

31 (b) "School district" means a school district organized and  
32 existing pursuant to s. 4(a), Art. IX of the State Constitution.

33 (2) ~~(1)~~ A person who exhibits any sword, sword cane,  
34 firearm, electric weapon or device, destructive device, or other  
35 weapon as defined in s. 790.001(13), including a razor blade,  
36 box cutter, or common pocketknife, except as authorized in  
37 support of school-sanctioned activities, in the presence of one  
38 or more persons in a rude, careless, angry, or threatening  
39 manner and not in lawful self-defense, at a school-sponsored  
40 event or on the grounds or facilities of any school, school bus,  
41 or school bus stop, or within 1,000 feet of the real property  
42 that comprises a public or private elementary school, middle  
43 school, or secondary school, during school hours or during the  
44 time of a sanctioned school activity, commits a felony of the  
45 third degree, punishable as provided in s. 775.082, s. 775.083,  
46 or s. 775.084. This subsection does not apply to the exhibition  
47 of a firearm or weapon on private real property within 1,000  
48 feet of a school by the owner of such property or by a person  
49 whose presence on such property has been authorized, licensed,  
50 or invited by the owner.

51 (3) This section does not apply to school district  
52 personnel who have been designated by a school principal or by  
53 the district school superintendent as authorized to carry a  
54 concealed weapon or firearm on school district property.

55 (a) A school principal or the district school  
56 superintendent may designate one or more school district  
57 personnel to carry a concealed weapon or firearm on school  
58 district property.

11-01125C-13

20131418

59       (b) A designee authorized to carry a concealed weapon or  
60 firearm on school district property under this subsection may  
61 carry such weapon or firearm in a concealed manner only and may  
62 do so only while performing his or her official school duties.  
63 Additionally, the designee must submit to the authorizing  
64 principal or authorizing superintendent proof of completion of  
65 training or experience as described in ss. 493.6113(3)(b) and  
66 493.6303(4).

67       (c) For purposes of this subsection, "school" means any  
68 public elementary school, public middle school, public junior  
69 high school, or public secondary school.

70       (4)~~(2)~~(a) A person shall not possess any firearm, electric  
71 weapon or device, destructive device, or other weapon as defined  
72 in s. 790.001(13), including a razor blade or box cutter, except  
73 as authorized in support of school-sanctioned activities, at a  
74 school-sponsored event or on the property of any school, school  
75 bus, or school bus stop; however, a person may carry a firearm:

76           1. In a case to a firearms program, class or function which  
77 has been approved in advance by the principal or chief  
78 administrative officer of the school as a program or class to  
79 which firearms could be carried;

80           2. In a case to a career center having a firearms training  
81 range; or

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

86  
87 ~~For the purposes of this section, "school" means any preschool,~~

11-01125C-13

20131418

88 ~~elementary school, middle school, junior high school, secondary~~  
89 ~~school, career center, or postsecondary school, whether public~~  
90 ~~or nonpublic.~~

91 (b) A person who willfully and knowingly possesses any  
92 electric weapon or device, destructive device, or other weapon  
93 as defined in s. 790.001(13), including a razor blade or box  
94 cutter, except as authorized in support of school-sanctioned  
95 activities, in violation of this subsection commits a felony of  
96 the third degree, punishable as provided in s. 775.082, s.  
97 775.083, or s. 775.084.

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

102 2. A person who stores or leaves a loaded firearm within  
103 the reach or easy access of a minor who obtains the firearm and  
104 commits a violation of subparagraph 1. commits a misdemeanor of  
105 the second degree, punishable as provided in s. 775.082 or s.  
106 775.083; except that this does not apply if the firearm was  
107 stored or left in a securely locked box or container or in a  
108 location which a reasonable person would have believed to be  
109 secure, or was securely locked with a firearm-mounted push-  
110 button combination lock or a trigger lock; if the minor obtains  
111 the firearm as a result of an unlawful entry by any person; or  
112 to members of the Armed Forces, National Guard, or State  
113 Militia, or to police or other law enforcement officers, with  
114 respect to firearm possession by a minor which occurs during or  
115 incidental to the performance of their official duties.

116 (d) A person who discharges any weapon or firearm while in

11-01125C-13

20131418\_\_

117 violation of paragraph (a), unless discharged for lawful defense  
118 of himself or herself or another or for a lawful purpose,  
119 commits a felony of the second degree, punishable as provided in  
120 s. 775.082, s. 775.083, or s. 775.084.

121 (e) The penalties of this subsection shall not apply to  
122 persons licensed under s. 790.06. Persons licensed under s.  
123 790.06 shall be punished as provided in s. 790.06(12), except  
124 that a licenseholder who unlawfully discharges a weapon or  
125 firearm on school property as prohibited by this subsection  
126 commits a felony of the second degree, punishable as provided in  
127 s. 775.082, s. 775.083, or s. 775.084.

128 (5)~~(3)~~ This section does not apply to any law enforcement  
129 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),  
130 (8), (9), or (14).

131 (6)~~(4)~~ Notwithstanding s. 985.24, s. 985.245, or s.  
132 985.25(1), any minor under 18 years of age who is charged under  
133 this section with possessing or discharging a firearm on school  
134 property shall be detained in secure detention, unless the state  
135 attorney authorizes the release of the minor, and shall be given  
136 a probable cause hearing within 24 hours after being taken into  
137 custody. At the hearing, the court may order that the minor  
138 continue to be held in secure detention for a period of 21 days,  
139 during which time the minor shall receive medical, psychiatric,  
140 psychological, or substance abuse examinations pursuant to s.  
141 985.18, and a written report shall be completed.

142 Section 2. Paragraph (b) of subsection (2) of section  
143 1006.12, Florida Statutes, is amended, and subsection (3) is  
144 added to that section, to read:

145 1006.12 School resource officers and school safety

11-01125C-13

20131418\_\_

146 officers.-

147 (2)

148 (b) A district school board may commission one or more  
149 school safety officers for the protection and safety of school  
150 personnel, property, and students on each school campus within  
151 the school district. The district school superintendent may  
152 recommend and the district school board may appoint the ~~one or~~  
153 ~~more~~ school safety officers.

154 (3) A school principal or the district school  
155 superintendent may also authorize one or more school district  
156 personnel to carry a concealed weapon or firearm on school  
157 district property under s. 790.115(3).

158 Section 3. Paragraphs (p) and (q) of subsection (2) of  
159 section 435.04, Florida Statutes, are amended to read:

160 435.04 Level 2 screening standards.-

161 (2) The security background investigations under this  
162 section must ensure that no persons subject to the provisions of  
163 this section have been arrested for and are awaiting final  
164 disposition of, have been found guilty of, regardless of  
165 adjudication, or entered a plea of nolo contendere or guilty to,  
166 or have been adjudicated delinquent and the record has not been  
167 sealed or expunged for, any offense prohibited under any of the  
168 following provisions of state law or similar law of another  
169 jurisdiction:

170 (p) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting  
171 firearms or weapons within 1,000 feet of a school.

172 (q) Section 790.115(4) (b) ~~790.115(2) (b)~~, relating to  
173 possessing an electric weapon or device, destructive device, or  
174 other weapon on school property.

11-01125C-13

20131418\_\_

175 Section 4. Paragraph (a) of subsection (7) of section  
 176 790.251, Florida Statutes, is amended to read:

177 790.251 Protection of the right to keep and bear arms in  
 178 motor vehicles for self-defense and other lawful purposes;  
 179 prohibited acts; duty of public and private employers; immunity  
 180 from liability; enforcement.—

181 (7) EXCEPTIONS.—The prohibitions in subsection (4) do not  
 182 apply to:

183 (a) Any school property as defined in s. 790.115(1) and  
 184 regulated under that section ~~s. 790.115~~.

185 Section 5. Paragraphs (d) and (f) of subsection (3) of  
 186 section 921.0022, Florida Statutes, are amended to read:

187 921.0022 Criminal Punishment Code; offense severity ranking  
 188 chart.—

189 (3) OFFENSE SEVERITY RANKING CHART

190 (d) LEVEL 4

191

Florida	Felony	
Statute	Degree	Description

192

316.1935(3)(a)	2nd	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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193

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
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	11-01125C-13		20131418__
195	499.0051(2)	3rd	Failure to authenticate pedigree papers.
	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
196			
	517.07(1)	3rd	Failure to register securities.
197			
	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
198			
	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
199			
	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
200			
	784.075	3rd	Battery on detention or commitment facility staff.
201			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
202			
	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
203			
	784.081(3)	3rd	Battery on specified official or employee.

11-01125C-13

20131418\_\_

204

784.082 (3) 3rd Battery by detained person on visitor or other detainee.

205

784.083 (3) 3rd Battery on code inspector.

206

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

207

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

208

787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

209

787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

210

787.07 3rd Human smuggling.

211

790.115 (2) 3rd Exhibiting firearm or weapon within ~~790.115 (1)~~ 1,000 feet of a school.

212

790.115 (4) (b) 3rd Possessing electric weapon or device, ~~790.115 (2) (b)~~ destructive device, or other weapon on

11-01125C-13

20131418\_\_

school property.

213

790.115 (4) (c) 3rd Possessing firearm on school property.

~~790.115 (2) (c)~~

214

800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

215

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

216

810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

217

810.06 3rd Burglary; possession of tools.

218

810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

219

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

220

812.014 (2) (c) 4.-10. 3rd Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.

221

812.0195 (2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

11-01125C-13

20131418\_\_

222

817.563 (1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

223

817.568 (2) (a) 3rd Fraudulent use of personal identification information.

224

817.625 (2) (a) 3rd Fraudulent use of scanning device or reencoder.

225

828.125 (1) 2nd Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

226

837.02 (1) 3rd Perjury in official proceedings.

227

837.021 (1) 3rd Make contradictory statements in official proceedings.

228

838.022 3rd Official misconduct.

229

839.13 (2) (a) 3rd Falsifying records of an individual in the care and custody of a state agency.

230

839.13 (2) (c) 3rd Falsifying records of the Department of Children and Family Services.

231

843.021 3rd Possession of a concealed handcuff key

11-01125C-13

20131418\_\_

by a person in custody.

232

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

233

843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

234

847.0135(5)(c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

235

874.05(1) 3rd Encouraging or recruiting another to join a criminal gang.

236

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).

237

914.14(2) 3rd Witnesses accepting bribes.

238

914.22(1) 3rd Force, threaten, etc., witness, victim, or informant.

239

914.23(2) 3rd Retaliation against a witness, victim, or informant, no bodily injury.

240

918.12 3rd Tampering with jurors.

11-01125C-13

20131418\_\_

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934.215                    3rd    Use of two-way communications device to facilitate commission of a crime.

(f) LEVEL 6

Florida	Felony	
Statute	Degree	Description

316.193 (2) (b)            3rd    Felony DUI, 4th or subsequent conviction.

499.0051 (3)              2nd    Knowing forgery of pedigree papers.

499.0051 (4)              2nd    Knowing purchase or receipt of prescription drug from unauthorized person.

499.0051 (5)              2nd    Knowing sale or transfer of prescription drug to unauthorized person.

775.0875 (1)              3rd    Taking firearm from law enforcement officer.

784.021 (1) (a)            3rd    Aggravated assault; deadly weapon without intent to kill.

784.021 (1) (b)            3rd    Aggravated assault; intent to commit felony.

11-01125C-13

20131418\_\_

252

784.041 3rd Felony battery; domestic battery by strangulation.

253

784.048 (3) 3rd Aggravated stalking; credible threat.

254

784.048 (5) 3rd Aggravated stalking of person under 16.

255

784.07 (2) (c) 2nd Aggravated assault on law enforcement officer.

256

784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.

257

784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.

258

784.081 (2) 2nd Aggravated assault on specified official or employee.

259

784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.

260

784.083 (2) 2nd Aggravated assault on code inspector.

261

787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

262

790.115 (4) (d) 2nd Discharging firearm or weapon on school

11-01125C-13

20131418\_\_

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~~790.115(2)(d)~~ property.

790.161(2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

790.164(1) 2nd False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

794.011(8)(a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

794.05(1) 2nd Unlawful sexual activity with specified minor.

800.04(5)(d) 3rd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.

800.04(6)(b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

806.031(2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

11-01125C-13

20131418\_\_

272

810.02(3)(c) 2nd Burglary of occupied structure; unarmed; no assault or battery.

273

810.145(8)(b) 2nd Video voyeurism; certain minor victims; 2nd or subsequent offense.

274

812.014(2)(b)1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

275

812.014(6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

276

812.015(9)(a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

277

812.015(9)(b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

278

812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

279

817.034(4)(a)1. 1st Communications fraud, value greater than \$50,000.

280

817.4821(5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

11-01125C-13 20131418\_\_

281	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
282	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
283	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
284	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
285	827.03 (2) (c)	3rd	Abuse of a child.
286	827.03 (2) (d)	3rd	Neglect of a child.
287	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
288	836.05	2nd	Threats; extortion.
289	836.10	2nd	Written threats to kill or do bodily injury.
290	843.12	3rd	Aids or assists person to escape.
	847.011	3rd	Distributing, offering to distribute, or



11-01125C-13

20131418\_\_

951.22(1) 3rd Intoxicating drug, firearm, or weapon  
introduced into county facility.

299

300 Section 6. Paragraphs (n) and (o) of subsection (1) of  
301 section 1012.315, Florida Statutes, are amended to read:

302 1012.315 Disqualification from employment.—A person is  
303 ineligible for educator certification, and instructional  
304 personnel and school administrators, as defined in s. 1012.01,  
305 are ineligible for employment in any position that requires  
306 direct contact with students in a district school system,  
307 charter school, or private school that accepts scholarship  
308 students under s. 1002.39 or s. 1002.395, if the person,  
309 instructional personnel, or school administrator has been  
310 convicted of:

311 (1) Any felony offense prohibited under any of the  
312 following statutes:

313 (n) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting  
314 firearms or weapons at a school-sponsored event, on school  
315 property, or within 1,000 feet of a school.

316 (o) Section 790.115(4)(b) ~~790.115(2)(b)~~, relating to  
317 possessing an electric weapon or device, destructive device, or  
318 other weapon at a school-sponsored event or on school property.

319 Section 7. This act shall take effect July 1, 2013.