

By Senator Bean

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1 A bill to be entitled
2 An act relating to public schools; creating s.
3 1012.47, F.S.; establishing the School Safety Marshal
4 Program within the Department of Education;
5 authorizing and requiring a school safety marshal to
6 carry a concealed firearm on school grounds;
7 authorizing school districts to participate in the
8 program after following certain procedures; requiring
9 school districts to provide notice of intent to
10 participate in the program to employees and parents of
11 students within the district; prohibiting the
12 department from appointing a school safety marshal on
13 its own initiative; prohibiting school districts from
14 appointing a school safety marshal or authorizing a
15 person to carry a firearm on school grounds; providing
16 criteria for appointment as a school safety marshal;
17 requiring the Department of Law Enforcement to issue
18 an identification card to a school safety marshal;
19 prescribing information that must be present on the
20 marshal identification card; requiring a school safety
21 marshal to carry the marshal identification card on
22 school grounds; prohibiting a school safety marshal
23 from carrying an unapproved firearm or ammunition;
24 prohibiting the display or use of a firearm by a
25 school safety marshal in certain circumstances;
26 providing that a school safety marshal bears the cost
27 for equipment and training required for the marshal
28 program; requiring a school safety marshal to complete
29 annual training; providing that a school safety

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30 marshal is entitled to a stipend from the school
31 district; requiring school districts to pay the school
32 safety marshal stipend; authorizing school districts
33 to allocate safety dollars to fund school safety
34 marshals; providing that personal information of a
35 school safety marshal is exempt from public records
36 requirements; prescribing circumstances under which a
37 school safety marshal may be removed from the program;
38 eliminating right to carry a firearm on school ground
39 for a school safety marshal who is removed from the
40 program; authorizing school districts to withdraw from
41 the program after providing certain notices; requiring
42 the Department of Education and the Department of Law
43 Enforcement to adopt rules; amending s. 790.06, F.S.;
44 conforming provisions; amending s. 790.115, F.S.;
45 conforming provisions; providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Section 1012.47, Florida Statutes, is created to
50 read:

51 1012.47 School safety marshals.-

52 (1) The School Safety Marshal Program is established in the
53 Department of Education to ensure the protection of students,
54 teachers, staff, and members of the public on school grounds
55 from acts of violence.

56 (2) School safety marshals are appointed personnel within
57 each school district authorized and required to carry a
58 concealed firearm on school grounds.

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59 (3) Each school district may participate in the School
60 Safety Marshal Program by providing the department with a formal
61 resolution of its governing body adopting the use of the marshal
62 program within the school district. Each school district shall
63 provide a notice of intent to participate in the marshal program
64 to school employees and parents of students within the district
65 at least 30 days before the meeting of the governing body where
66 such resolution is considered.

67 (4) The department shall appoint a school safety marshal
68 only at the request and recommendation of a school district. A
69 school district may not appoint a school safety marshal or
70 authorize a person, except as currently provided by law, to
71 carry a firearm on school grounds.

72 (5) At the request and recommendation of a school district,
73 the department may appoint an individual as a school safety
74 marshal within the district, if the individual:

75 (a) Is a current member of the instructional personnel or
76 administrative personnel of the school district or a school
77 officer as those terms are defined in s. 1012.01, excluding
78 temporary, contract, or probationary personnel;

79 (b) Has the written authorization and approval of the
80 superintendent or governing body of the school district in which
81 he or she will serve as a school safety marshal;

82 (c) Possesses a valid concealed weapons permit issued in
83 this state pursuant to s. 790.06;

84 (d) Passes a level 2 background screening as described in
85 s. 435.04;

86 (e) Completes a mandatory training program coordinated by
87 the department, the school district, the Department of Law

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88 Enforcement, and a local law enforcement agency to include
89 training in basic policing, crisis management, hostile
90 situations, self-defense, first aid, emergency procedures, and
91 firearm safety within 6 months before appointment as a school
92 safety marshal; and

93 (f) Freely, willingly, and voluntarily consents to serving
94 as a school safety marshal.

95 (6) The Department of Law Enforcement shall issue an
96 identification card to an individual appointed as a school
97 safety marshal by the department. The card must identify the
98 individual as a member of the marshal program and include his or
99 her name, a color photograph of the individual, and the name of
100 the school district in which the individual serves as a marshal.
101 Each school safety marshal shall carry the identification card
102 at all times while on school grounds, armed or unarmed.

103 (7) A school safety marshal shall carry only firearms and
104 ammunition approved by the department while on school grounds.
105 The firearm must be concealed at all times except when displayed
106 in lawful self-defense or defense of others. It is the intent of
107 the Legislature that a school safety marshal display or use his
108 or her firearm only in extraordinary circumstances. A school
109 safety marshal may not use or display his or her firearm in
110 response to ordinary disciplinary incidents on schools grounds
111 unless deadly force is threatened or used. Ordinary disciplinary
112 incidents include, but are not limited to, verbal abuse,
113 arguments, acts of bullying, or fisticuffs. Each school safety
114 marshal shall bear the cost of firearms, ammunition, and
115 training required by this section.

116 (8) A school safety marshal shall annually complete an

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117 additional 16 hours of training coordinated by the department,
118 the school district, the Department of Law Enforcement, and a
119 local law enforcement agency.

120 (9) A school safety marshal is entitled to receive a \$2,500
121 stipend per year, which shall be paid in accordance with
122 department rule. Each school district shall pay the stipend to
123 individuals within the district who are designated as school
124 safety marshals by the department. Each school district may
125 allocate school safety funds to pay the stipend to school safety
126 marshals.

127 (10) The department shall remove an individual from the
128 marshal program under the following circumstances:

129 (a) At the request of the school safety marshal.

130 (b) At the request of the superintendent or governing body
131 of the school district in which the marshal serves.

132 (c) If he or she no longer meets the requirements of
133 subsection (5).

134 (d) Failure to meet annual training requirements pursuant
135 to subsection (8).

136 (e) Upon withdrawal from the School Safety Marshal Program
137 of the school district in which the marshal serves, pursuant to
138 subsection (11).

139 (f) A finding of negligence, misconduct, or malfeasance in
140 the performance of his or her duties under this section.

141
142 An individual who is removed from the School Safety Marshal
143 Program is not eligible to carry a firearm on school grounds
144 under this section and shall immediately return the marshal
145 identification card to the Department of Law Enforcement.

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146 (11) A school district may withdraw from the School Safety
147 Marshal Program within 30 days after providing notice of intent
148 to withdraw to school district employees, parents of students
149 within the school district, and the department.

150 (12) The department, in cooperation with the Department of
151 Law Enforcement, shall adopt rules to administer this section.

152 Section 2. Paragraph (a) of subsection (12) of section
153 790.06, Florida Statutes, is amended to read:

154 790.06 License to carry concealed weapon or firearm.—

155 (12) (a) A license issued under this section does not
156 authorize a ~~any~~ person to openly carry a handgun or carry a
157 concealed weapon or firearm into:

158 1. Any place of nuisance as defined in s. 823.05;

159 2. Any police, sheriff, or highway patrol station;

160 3. Any detention facility, prison, or jail;

161 4. Any courthouse;

162 5. Any courtroom, except that ~~nothing in this section does~~
163 not ~~would~~ preclude a judge from carrying a concealed weapon or
164 determining who will carry a concealed weapon in his or her
165 courtroom;

166 6. Any polling place;

167 7. Any meeting of the governing body of a county, public
168 school district, municipality, or special district;

169 8. Any meeting of the Legislature or a committee thereof;

170 9. Any school, college, or professional athletic event not
171 related to firearms, except a school safety marshal designated
172 under s. 1012.47;

173 10. Any elementary or secondary school facility or
174 administration building, except a school safety marshal

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175 designated under s. 1012.47;

176 11. Any career center;

177 12. Any portion of an establishment licensed to dispense
178 alcoholic beverages for consumption on the premises, which
179 portion of the establishment is primarily devoted to such
180 purpose;

181 13. Any college or university facility unless the licensee
182 is a registered student, employee, or faculty member of such
183 college or university and the weapon is a stun gun or nonlethal
184 electric weapon or device designed solely for defensive purposes
185 and the weapon does not fire a dart or projectile;

186 14. The inside of the passenger terminal and sterile area
187 of an ~~any~~ airport, provided that a ~~no~~ person may not ~~shall~~ be
188 prohibited from carrying a ~~any~~ legal firearm into the terminal
189 if the, ~~which~~ firearm is encased for shipment for purposes of
190 checking it ~~such firearm~~ as baggage to be lawfully transported
191 on an ~~any~~ aircraft; or

192 15. Any place where the carrying of firearms is prohibited
193 by federal law.

194 Section 3. Paragraph (f) is added to subsection (2) of
195 section 790.115, Florida Statutes, to read:

196 790.115 Possessing or discharging weapons or firearms at a
197 school-sponsored event or on school property prohibited;
198 penalties; exceptions.-

199 (2)

200 (f) This subsection does not apply to an individual
201 appointed as a school safety marshal by the Department of
202 Education pursuant to s. 1012.47.

203 Section 4. This act shall take effect July 1, 2013.