

HB 7029

2014

1 A bill to be entitled

2 An act relating to the code of student conduct;
3 amending s. 1006.07, F.S.; providing that simulating a
4 firearm or weapon while playing or wearing certain
5 clothing or accessories is not grounds for
6 disciplinary action or referral to the criminal
7 justice or juvenile justice system; providing actions
8 that constitute simulating a firearm or weapon while
9 playing; providing criteria for determining whether
10 certain student conduct warrants disciplinary action;
11 providing criteria for determining appropriate
12 consequences for such conduct; providing an effective
13 date.

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

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17 Section 1. Paragraph (g) of subsection (2) of section
18 1006.07, Florida Statutes, is amended to read:

19 1006.07 District school board duties relating to student
20 discipline and school safety.—The district school board shall
21 provide for the proper accounting for all students, for the
22 attendance and control of students at school, and for proper
23 attention to health, safety, and other matters relating to the
24 welfare of students, including:

25 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
26 conduct for elementary schools and a code of student conduct for

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27 middle and high schools and distribute the appropriate code to
28 all teachers, school personnel, students, and parents, at the
29 beginning of every school year. Each code shall be organized and
30 written in language that is understandable to students and
31 parents and shall be discussed at the beginning of every school
32 year in student classes, school advisory council meetings, and
33 parent and teacher association or organization meetings. Each
34 code shall be based on the rules governing student conduct and
35 discipline adopted by the district school board and shall be
36 made available in the student handbook or similar publication.
37 Each code shall include, but is not limited to:

38 (g) Notice that the possession of a firearm or weapon as
39 defined in chapter 790 by any student while the student is on
40 school property or in attendance at a school function is grounds
41 for disciplinary action and may also result in criminal
42 prosecution. Simulating a firearm or weapon while playing or
43 wearing clothing or accessories that depict a firearm or weapon
44 or express an opinion regarding a right guaranteed by the Second
45 Amendment to the United States Constitution is not grounds for
46 disciplinary action or referral to the criminal justice or
47 juvenile justice system under this section or s. 1006.13.
48 Simulating a firearm or weapon while playing includes, but is
49 not limited to:

50 1. Brandishing a partially consumed pastry or other food
51 item to simulate a firearm or weapon.

52 2. Possessing a toy firearm or weapon that is 2 inches or

53 less in overall length.

54 3. Possessing a toy firearm or weapon made of plastic
55 snap-together building blocks.

56 4. Using a finger or hand to simulate a firearm or weapon.

57 5. Vocalizing an imaginary firearm or weapon.

58 6. Drawing a picture, or possessing an image, of a firearm
59 or weapon.

60 7. Using a pencil, pen, or other writing or drawing
61 utensil to simulate a firearm or weapon.

62
63 However, a student may be subject to disciplinary action if
64 simulating a firearm or weapon while playing substantially
65 disrupts student learning, causes bodily harm to another person,
66 or places another person in reasonable fear of bodily harm. The
67 severity of consequences imposed upon a student, including
68 referral to the criminal justice or juvenile justice system,
69 must be proportionate to the severity of the infraction and
70 consistent with district school board policies for similar
71 infractions. If a student is disciplined for such conduct, the
72 school principal or his or her designee must call the student's
73 parent. Disciplinary action resulting from a student's clothing
74 or accessories shall be determined pursuant to paragraph (d)
75 unless the wearing of the clothing or accessory causes a
76 substantial disruption to student learning, in which case the
77 infraction may be addressed in a manner that is consistent with
78 district school board policies for similar infractions. This

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79 | paragraph does not prohibit a public school from adopting a
80 | school uniform policy.

81 | Section 2. This act shall take effect upon becoming a law.