

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Steube offered the following:

Amendment (with title amendment)

5 Remove lines 30-281 and insert:

6 Section 1. It is the intent of the Legislature to prevent
 7 violent crimes from occurring on school grounds. The Legislature
 8 acknowledges that the safekeeping of our students, teachers, and
 9 campuses is imperative. In addition, the Legislature's intent is
 10 not to mandate that a school have one or more designees as
 11 described in the amendments made by this act to s. 790.115,
 12 Florida Statutes; rather, the intent of the amendments is to
 13 allow a local school board to develop policies consistent with
 14 chapter 790, Florida Statutes.

15 Section 2. Section 790.115, Florida Statutes, is amended
 16 to read:

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17 790.115 Possessing or discharging weapons or firearms at a
18 school-sponsored event or on school property prohibited;
19 penalties; exceptions.—

20 (1) For purposes of this section, "school" means a
21 preschool, elementary school, middle school, junior high school,
22 secondary school, adult education facility, career center, or
23 postsecondary school, whether public or nonpublic, or a facility
24 that combines any of these.

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

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Published On: 4/10/2014 6:25:58 PM

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43 (3) (a) A school superintendent, with approval of the
44 school board, may authorize a school safety designee to carry a
45 concealed weapon or firearm on school property. For purposes of
46 this subsection, a school safety designee is an individual who
47 is a school district employee or volunteer who is licensed to
48 carry a concealed weapon or firearm pursuant to s. 790.06 and
49 who is:

50 1. A military veteran who was honorably discharged and who
51 has not been found to have committed a firearms-related
52 disciplinary infraction during his or her service;

53 2. An active duty member of the military, the National
54 Guard, or military reserves who has not been found to have
55 committed a firearms-related disciplinary infraction during his
56 or her service; or

57 3. An active law enforcement officer in good standing or a
58 law enforcement officer who retired or terminated employment in
59 good standing and did not retire or terminate employment during
60 the course of an internal affairs investigation.

61 (b) A school safety designee authorized to carry a
62 concealed weapon or firearm on school property under this
63 subsection may only carry such weapon or firearm in a concealed
64 manner. The weapon or firearm must be carried on the school
65 safety designee's person at all times while the school safety
66 designee is performing his or her official school duties or, if
67 the school safety designee is a volunteer, while performing his
68 or her official school duties under this program.

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69 (c) A school board that approves the use of a school
70 safety designee shall develop policies consistent with this
71 section to incorporate in its overall school safety plan. A
72 school principal may recommend school safety designees to the
73 school superintendent under this subsection. The school
74 superintendent may designate individuals to serve as school
75 safety designees who agree to accept the designation. If a
76 superintendent designates one or more individuals pursuant to
77 this section, the school district shall coordinate with each
78 local law enforcement agency that may potentially respond to an
79 emergency at a school in which a school safety designee is
80 employed or volunteers to develop best practices and to allow
81 the responding law enforcement agency to easily identify a
82 school safety designee in a case of emergency. In the case of an
83 emergency, a school safety designee shall be under the direction
84 of the assigned school resource officer, if any. Upon the
85 arrival of the local responding law enforcement agency, the
86 school safety designee shall be under the direction of the
87 responding law enforcement agency.

88 (d) Each school safety designee must submit to the school
89 superintendent proof of completion of a school safety program.
90 The school safety program shall be created and defined by the
91 Criminal Justice Standards and Training Commission and may
92 include, but is not limited to active shooter training, firearm
93 proficiency, school resource officer training, crisis
94 intervention training, weapons retention training and continuing

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95 education and training. The school safety program shall be
96 developed and created by January 1, 2015. The school safety
97 program shall be administered by State of Florida Criminal
98 Justice Training Centers. Each state-operated criminal justice
99 training center who administers the school safety program must
100 certify and provide proof of completion of the program in a
101 manner prescribed by the Criminal Justice Standards and Training
102 Commission.

103 (e) School property at which a school safety designee may
104 carry a concealed weapon or firearm under this subsection may be
105 indicated with signage that reads: "Authorized Armed Defense
106 Present and Permitted."

107 (f) Subsection (4) does not apply to school safety
108 designees who are working or volunteering at the school they are
109 assigned to be the school safety designee. A school safety
110 designee who stores or leaves a weapon or firearm within the
111 reach or easy access of a minor who obtains the firearm commits
112 a misdemeanor of the second degree, punishable as provided in s.
113 775.082 or s. 775.083.

114 (g)1. If the school safety designee has not previously
115 been level 2 background screened pursuant to s. 435.04 by the
116 school board, then the school superintendent must require the
117 school safety designee to undergo level 2 background screening
118 pursuant to s. 435.04 every 5 years. The school superintendent
119 may require additional screenings at any time.

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120 2. If the school safety designee is screened pursuant to
121 subparagraph 1., the school safety designee's fingerprints must
122 be submitted by the school or an entity or vendor as authorized
123 by s. 943.053(13). The fingerprints shall be forwarded to the
124 Department of Law Enforcement for state processing, and the
125 Department of Law Enforcement shall forward the fingerprints to
126 the Federal Bureau of Investigation for national processing.

127 3. All fingerprints submitted to the Department of Law
128 Enforcement as required under this subsection shall be retained
129 by the Department of Law Enforcement as provided under s.
130 943.05(2)(g) and (h) and enrolled in the Federal Bureau of
131 Investigation's national retained print arrest notification
132 program. Fingerprints shall be enrolled in the national retained
133 print arrest notification program when the Department of Law
134 Enforcement begins participation with the Federal Bureau of
135 Investigation. Arrest fingerprints shall be searched against the
136 retained prints by the Department of Law Enforcement and the
137 Federal Bureau of Investigation, and any arrest record that is
138 identified shall be reported to the school by the Department of
139 Law Enforcement.

140 4. The fees for state and national fingerprint processing,
141 along with the fingerprint retention fees, shall be borne by the
142 school safety designee or school. The state shall pay the cost
143 for fingerprint processing as authorized in s. 943.053(3)(b) for
144 records provided to persons or entities other than those
145 specified as exceptions therein.

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146 5. A school superintendent shall notify the Department of
147 Law Enforcement regarding any person whose fingerprints have
148 been retained but who is no longer a school safety designee.

149 ~~(4)~~(2)(a) A person shall not possess any firearm, electric
150 weapon or device, destructive device, or other weapon as defined
151 in s. 790.001(13), including a razor blade or box cutter, except
152 as authorized in support of school-sanctioned activities, at a
153 school-sponsored event or on the property of any school, school
154 bus, or school bus stop; however, a person may carry a firearm:

155 1. In a case to a firearms program, class or function
156 which has been approved in advance by the principal or chief
157 administrative officer of the school as a program or class to
158 which firearms could be carried;

159 2. In a case to a career center having a firearms training
160 range; or

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

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166 For the purposes of this section, "school" means any preschool,
167 elementary school, middle school, junior high school, secondary
168 school, career center, or postsecondary school, whether public
169 or nonpublic.

170 (b) A person who willfully and knowingly possesses any
171 electric weapon or device, destructive device, or other weapon

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172 as defined in s. 790.001(13), including a razor blade or box
173 cutter, except as authorized in support of school-sanctioned
174 activities, in violation of this subsection commits a felony of
175 the third degree, punishable as provided in s. 775.082, s.
176 775.083, or s. 775.084.

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

181 2. A person who stores or leaves a loaded firearm within
182 the reach or easy access of a minor who obtains the firearm and
183 commits a violation of subparagraph 1. commits a misdemeanor of
184 the second degree, punishable as provided in s. 775.082 or s.
185 775.083; except that this does not apply if the firearm was
186 stored or left in a securely locked box or container or in a
187 location which a reasonable person would have believed to be
188 secure, or was securely locked with a firearm-mounted push-
189 button combination lock or a trigger lock; if the minor obtains
190 the firearm as a result of an unlawful entry by any person; or
191 to members of the Armed Forces, National Guard, or State
192 Militia, or to police or other law enforcement officers, with
193 respect to firearm possession by a minor which occurs during or
194 incidental to the performance of their official duties.

195 (d) A person who discharges any weapon or firearm while in
196 violation of paragraph (a), unless discharged for lawful defense
197 of himself or herself or another or for a lawful purpose,

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198 commits a felony of the second degree, punishable as provided in
199 s. 775.082, s. 775.083, or s. 775.084.

200 (e) The penalties of this subsection shall not apply to
201 persons licensed under s. 790.06. Persons licensed under s.
202 790.06 shall be punished as provided in s. 790.06(12), except
203 that a licenseholder who unlawfully discharges a weapon or
204 firearm on school property as prohibited by this subsection
205 commits a felony of the second degree, punishable as provided in
206 s. 775.082, s. 775.083, or s. 775.084.

207 ~~(5)-(3)~~ This section does not apply to any law enforcement
208 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
209 (8), (9), or (14).

210 ~~(6)-(4)~~ Notwithstanding s. 985.24, s. 985.245, or s.
211 985.25(1), any minor under 18 years of age who is charged under
212 this section with possessing or discharging a firearm on school
213 property shall be detained in secure detention, unless the state
214 attorney authorizes the release of the minor, and shall be given
215 a probable cause hearing within 24 hours after being taken into
216 custody. At the hearing, the court may order that the minor
217 continue to be held in secure detention for a period of 21 days,
218 during which time the minor shall receive medical, psychiatric,
219 psychological, or substance abuse examinations pursuant to s.
220 985.18, and a written report shall be completed.

221 Section 3. Subsections (4) and (6) of section 1006.07,
222 Florida Statutes, are amended and subsection (7) is added to
223 that section to read:

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224 1006.07 District school board duties relating to student
225 discipline and school safety.—The district school board shall
226 provide for the proper accounting for all students, for the
227 attendance and control of students at school, and for proper
228 attention to health, safety, and other matters relating to the
229 welfare of students, including:

230 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

231 (a) Formulate and prescribe policies and procedures for
232 emergency drills and for actual emergencies, including, but not
233 limited to, fires, natural disasters, active shooters, hostage
234 situations, and bomb threats, for all the public schools of the
235 district which comprise grades K-12. District school board
236 policies shall include commonly used alarm system responses for
237 specific types of emergencies and verification by each school
238 that drills have been provided as required by law and fire
239 protection codes. The emergency response agency that is
240 responsible for notifying the school district for each type of
241 emergency must be listed in the district's emergency response
242 policy.

243 (b) Establish model emergency management and emergency
244 preparedness procedures, including emergency notification
245 procedures pursuant to paragraph (a), for the following life-
246 threatening emergencies:

247 1. Weapon-use, and hostage, and active shooter situations.
248 The active shooter situation procedures for each school shall be
249 developed in consultation with a local law enforcement agency.

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250 2. Hazardous materials or toxic chemical spills.

251 3. Weather emergencies, including hurricanes, tornadoes,
252 and severe storms.

253 4. Exposure as a result of a manmade emergency.

254 (6) SAFETY AND SECURITY BEST PRACTICES.—Use the Safety and
255 Security Best Practices developed by the Office of Program
256 Policy Analysis and Government Accountability to conduct a self-
257 assessment of the school districts' current safety and security
258 practices. Based on these self-assessment findings, the district
259 school superintendent shall provide recommendations to the
260 district school board and local law enforcement agencies that
261 are first responders to the district campuses which identify
262 strategies and activities that the district school board should
263 implement in order to improve school safety and security.
264 Annually each district school board must receive the self-
265 assessment results at a publicly noticed district school board
266 meeting to provide the public an opportunity to hear the
267 district school board members discuss and take action on the
268 report findings. Each district school superintendent shall
269 report the self-assessment results and school board action to
270 the commissioner within 30 days after the district school board
271 meeting.

272 (7) SAFETY IN CONSTRUCTION AND PLANNING.—A district school
273 board or private school principal or governing board must allow
274 local law enforcement agencies that are first responders to the
275 schools to tour the school campuses at least once every 3 years.

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276 Any changes related to school safety and emergency issues
277 recommended by a law enforcement agency based on a campus tour
278 must be documented by the district school board or the private
279 school principal or governing board.

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T I T L E A M E N D M E N T

Remove lines 4-17 and insert:

permitting a school superintendent, with approval of the school board, to authorize a school safety designee to carry a concealed weapon or firearm on school property; providing requirements for school safety designees; providing exceptions to the prohibition on possession of firearms or other specified devices on school property; providing for fingerprint processing and retention; requiring that fees shall be borne by the designee or school; amending s. 1006.07, F.S.; requiring school boards to formulate policies and procedures for managing active shooter and hostage situations; requiring that active shooter procedures for each school be developed in consultation with local law enforcement agencies; requiring that