

By the Committee on Criminal Justice; and Senator Hays

591-02385-14

2014968c1

1 A bill to be entitled
2 An act relating to school safety; providing
3 legislative intent; amending s. 790.115, F.S.;
4 providing an exception to a prohibition on possession
5 of firearms or other specified devices on school
6 property or in other specified areas for authorized
7 concealed weapon or firearm licensees as designated by
8 school principals or district superintendents;
9 providing requirements for designees; amending s.
10 1006.07, F.S.; requiring a school district board to
11 formulate policies and procedures for managing active-
12 shooter and hostage situations; requiring that active-
13 shooter training for each school be conducted by an
14 accredited law enforcement academy; requiring a
15 district school board or private school principal to
16 allow for campus tours by local law enforcement
17 agencies once every 3 years; requiring that
18 recommended changes be documented; amending s.
19 1006.12, F.S.; authorizing district school boards to
20 commission one or more school safety officers on each
21 school campus; conforming a provision to changes made
22 by the act; amending ss. 435.04, 790.251, 921.0022,
23 and 1012.315, F.S.; conforming cross-references;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. It is the intent of the Legislature to prevent
29 violent crimes from occurring on school grounds. The Legislature

591-02385-14

2014968c1

30 acknowledges that the safekeeping of our students, teachers, and
31 campuses is imperative. In addition, it is the intent of the
32 Legislature that school principals or authorizing
33 superintendents be allowed, but not required, to have one or
34 more designees as described in the amendments made by this act
35 to s. 790.115, Florida Statutes.

36 Section 2. Section 790.115, Florida Statutes, is amended to
37 read:

38 790.115 Possessing or discharging weapons or firearms at a
39 school-sponsored event or on school property prohibited;
40 penalties; exceptions.—

41 (1) As used in this section, the term "school" means a
42 preschool, elementary school, middle school, junior high school,
43 or secondary school, whether public or nonpublic.

44 (2)~~(1)~~ A person who exhibits any sword, sword cane,
45 firearm, electric weapon or device, destructive device, or other
46 weapon as defined in s. 790.001(13), including a razor blade,
47 box cutter, or common pocketknife, except as authorized in
48 support of school-sanctioned activities, in the presence of one
49 or more persons in a rude, careless, angry, or threatening
50 manner and not in lawful self-defense~~7~~, at a school-sponsored
51 event or on the grounds or facilities of any school, school bus,
52 or school bus stop, or within 1,000 feet of the real property on
53 which ~~that comprises a public or private elementary school is~~
54 ~~situated, middle school, or secondary school,~~ during school
55 hours or during the time of a sanctioned school activity,
56 commits a felony of the third degree, punishable as provided in
57 s. 775.082, s. 775.083, or s. 775.084. This subsection does not
58 apply to the exhibition of a firearm or weapon on private real

591-02385-14

2014968c1

59 property within 1,000 feet of a school by the owner of such
60 property or by a person whose presence on such property has been
61 authorized, licensed, or invited by the owner.

62 (3)~~(2)~~(a) A person may ~~shall~~ not possess any firearm,
63 electric weapon or device, destructive device, or other weapon
64 as defined in s. 790.001(13), including a razor blade or box
65 cutter, except as authorized in support of school-sanctioned
66 activities, at a school-sponsored event or on the property of
67 any school, school bus, or school bus stop; however, a person
68 may carry a firearm:

69 1. In a case to a firearms program, class, or function
70 which has been approved in advance by the principal or chief
71 administrative officer of the school as a program or class to
72 which firearms may ~~could~~ be carried;

73 2. In a case to a career center having a firearms training
74 range; or

75 3. In a vehicle pursuant to s. 790.25(5), unless the school
76 district adopts; ~~except that school districts may adopt~~ written
77 and published policies that waive the exception in this
78 subparagraph for purposes of student and campus parking
79 privileges.

80
81 ~~For the purposes of this section, "school" means any preschool,~~
82 ~~elementary school, middle school, junior high school, secondary~~
83 ~~school, career center, or postsecondary school, whether public~~
84 ~~or nonpublic.~~

85 (b) A person who willfully and knowingly possesses any
86 electric weapon or device, destructive device, or other weapon
87 as defined in s. 790.001(13), including a razor blade or box

591-02385-14

2014968c1

88 cutter, except as authorized in support of school-sanctioned
89 activities, in violation of this subsection commits a felony of
90 the third degree, punishable as provided in s. 775.082, s.
91 775.083, or s. 775.084.

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

96 2. A person who stores or leaves a loaded firearm within
97 the reach or easy access of a minor who obtains the firearm and
98 commits a violation of subparagraph 1. commits a misdemeanor of
99 the second degree, punishable as provided in s. 775.082 or s.
100 775.083.~~;~~ ~~except that~~ This subparagraph does not apply:

101 a. If the firearm was stored or left in a securely locked
102 box or container or in a location which a reasonable person
103 would have believed to be secure, or was securely locked with a
104 firearm-mounted push-button combination lock or a trigger lock;

105 b. If the minor obtains the firearm as a result of an
106 unlawful entry by any person; or

107 c. To members of the Armed Forces, National Guard, or State
108 Militia, or to police or other law enforcement officers, with
109 respect to firearm possession by a minor which occurs during or
110 incidental to the performance of their official duties.

111 (d) A person who discharges any weapon or firearm while in
112 violation of paragraph (a), unless discharged for lawful defense
113 of himself, ~~or~~ herself, or another or for a lawful purpose,
114 commits a felony of the second degree, punishable as provided in
115 s. 775.082, s. 775.083, or s. 775.084.

116 (e) The penalties of this subsection do ~~shall~~ not apply to

591-02385-14

2014968c1

117 persons licensed under s. 790.06. Persons licensed under s.
118 790.06 shall be punished as provided in s. 790.06(12), except
119 that a licenseholder who unlawfully discharges a weapon or
120 firearm on school property as prohibited by this subsection
121 commits a felony of the second degree, punishable as provided in
122 s. 775.082, s. 775.083, or s. 775.084.

123 ~~(4)~~~~(3)~~ This section does not apply to any law enforcement
124 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
125 (8), (9), or (14).

126 (5) Notwithstanding subsections (2) and (3), a school
127 principal may designate an employee of that school or a
128 volunteer to carry a concealed weapon or firearm on school
129 property, and a district school superintendent may designate an
130 employee of the school district or a volunteer to carry a
131 concealed weapon or firearm in an administrative building of the
132 school district.

133 (a) A designee authorized under this subsection to carry a
134 concealed weapon or firearm on such school property may only
135 carry such weapon or firearm in a concealed manner.

136 1. The weapon or firearm must be carried on the designee's
137 person at all times while the designee is performing his or her
138 official school duties.

139 2. The designee must submit to the authorizing principal or
140 superintendent proof of completion of a minimum of 40 hours of a
141 school safety program and annually complete 8 hours of active-
142 shooting training and 4 hours of firearm proficiency training as
143 such training programs are established by the Criminal Justice
144 Standards and Training Commission. The training programs shall
145 be administered by the Criminal Justice Training Centers. In

591-02385-14

2014968c1

146 addition, the Criminal Justice Training Centers shall certify
147 and remit proof of completion of the training programs as
148 prescribed by the Criminal Justice Standards and Training
149 Commission.

150 (b) In order to be eligible for appointment as a designee
151 under this subsection, a person must be:

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

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

159 3. A law enforcement officer or a former law enforcement
160 officer who has retired or has terminated employment in good
161 standing and did not retire or terminate during the course of an
162 internal affairs investigation of which he or she was the
163 subject.

164 (c) Each public or private school principal or
165 superintendent may designate one or more designees who have
166 provided proof of completion of the school safety program and
167 training as required under subparagraph (a)2. The school
168 principal or superintendent may require a designee to complete
169 additional screening pursuant to this subsection.

170 (6)(4) Notwithstanding s. 985.24, s. 985.245, or s.
171 985.25(1), a ~~any~~ minor younger than ~~under~~ 18 years of age who is
172 charged under this section with possessing or discharging a
173 firearm on school property shall be detained in secure
174 detention, unless the state attorney authorizes the release of

591-02385-14

2014968c1

175 the minor, and shall be given a probable cause hearing within 24
176 hours after being taken into custody. At the hearing, the court
177 may order that the minor continue to be held in secure detention
178 for a period of 21 days, during which time the minor shall
179 receive medical, psychiatric, psychological, or substance abuse
180 examinations pursuant to s. 985.18, and a written report shall
181 be completed.

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

185 1006.07 District school board duties relating to student
186 discipline and school safety.—The district school board shall
187 provide for the proper accounting for all students, for the
188 attendance and control of students at school, and for proper
189 attention to health, safety, and other matters relating to the
190 welfare of students, including:

191 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

192 (a) Formulate and prescribe policies and procedures for
193 emergency drills and for actual emergencies, including, but not
194 limited to, fires, natural disasters, active shooters, hostage
195 situations, and bomb threats, for all the public schools of the
196 district which comprise grades K-12. District school board
197 policies shall include commonly used alarm system responses for
198 specific types of emergencies and verification by each school
199 that drills have been provided as required by law and fire
200 protection codes. The emergency response agency that is
201 responsible for notifying the school district for each type of
202 emergency must be listed in the district's emergency response
203 policy.

591-02385-14

2014968c1

204 (b) Establish model emergency management and emergency
205 preparedness procedures, including emergency notification
206 procedures pursuant to paragraph (a), for the following life-
207 threatening emergencies:

208 1. Weapon-use, ~~and~~ hostage, and active-shooter situations.
209 The active-shooter situation training for each school must be
210 conducted by an accredited law enforcement academy.

211 2. Hazardous materials or toxic chemical spills.

212 3. Weather emergencies, including hurricanes, tornadoes,
213 and severe storms.

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

215 (6) SAFETY AND SECURITY BEST PRACTICES.—Use the Safety and
216 Security Best Practices developed by the Office of Program
217 Policy Analysis and Government Accountability to conduct a self-
218 assessment of the school districts' current safety and security
219 practices. Based on these self-assessment findings, the district
220 school superintendent shall provide recommendations to the
221 district school board and local law enforcement agencies that
222 are first responders for the district campuses which identify
223 strategies and activities that the district school board should
224 implement in order to improve school safety and security.
225 Annually each district school board must receive the self-
226 assessment results at a publicly noticed district school board
227 meeting to provide the public an opportunity to hear the
228 district school board members discuss and take action on the
229 report findings. Each district school superintendent shall
230 report the self-assessment results and school board action to
231 the commissioner within 30 days after the district school board
232 meeting.

591-02385-14

2014968c1

233 (7) CAMPUS TOURS BY LAW ENFORCEMENT AGENCIES.—A district
234 school board or a private school principal must allow for a
235 campus tour by the law enforcement agencies designated as the
236 first responders for the district campuses or private school
237 campus once every 3 years. Any change recommended by the law
238 enforcement agency must be documented by the district school
239 board or the acting principal or governing board of a private
240 school.

241 Section 4. Paragraphs (b) and (c) of subsection (2) of
242 section 1006.12, Florida Statutes, are amended to read:

243 1006.12 School resource officers and school safety
244 officers.—

245 (2)

246 (b) A district school board may commission one or more
247 school safety officers for the protection and safety of school
248 personnel, property, and students on each school campus within
249 the school district. The district school superintendent may
250 recommend and the district school board may appoint the ~~one or~~
251 ~~more~~ school safety officers.

252 (c) A school safety officer has and shall exercise the
253 power to make arrests for violations of law on district school
254 board property and to arrest persons, whether on or off such
255 property, who violate any law on such property under the same
256 conditions that deputy sheriffs are authorized to make arrests.
257 A school safety officer has the authority to carry weapons,
258 including a firearm, when performing his or her official duties.

259 Section 5. Paragraphs (p) and (q) of subsection (2) of
260 section 435.04, Florida Statutes, are amended to read:

261 435.04 Level 2 screening standards.—

591-02385-14

2014968c1

262 (2) The security background investigations under this
263 section must ensure that no persons subject to the provisions of
264 this section have been arrested for and are awaiting final
265 disposition of, have been found guilty of, regardless of
266 adjudication, or entered a plea of nolo contendere or guilty to,
267 or have been adjudicated delinquent and the record has not been
268 sealed or expunged for, any offense prohibited under any of the
269 following provisions of state law or similar law of another
270 jurisdiction:

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

273 (q) Section 790.115(3)(b) ~~790.115(2)(b)~~, relating to
274 possessing an electric weapon or device, destructive device, or
275 other weapon on school property.

276 Section 6. Paragraph (a) of subsection (7) of section
277 790.251, Florida Statutes, is amended to read:

278 790.251 Protection of the right to keep and bear arms in
279 motor vehicles for self-defense and other lawful purposes;
280 prohibited acts; duty of public and private employers; immunity
281 from liability; enforcement.—

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

284 (a) Any school property as defined in s. 790.115 and
285 regulated under that section ~~s. 790.115~~.

286 Section 7. Paragraphs (d) and (f) of subsection (3) of
287 section 921.0022, Florida Statutes, are amended to read:

288 921.0022 Criminal Punishment Code; offense severity ranking
289 chart.—

290 (3) OFFENSE SEVERITY RANKING CHART

591-02385-14

2014968c1

291 (d) LEVEL 4

292

| | | |
|---------|--------|-------------|
| Florida | Felony | Description |
| Statute | Degree | |

293

| | | |
|------------------|-----|--|
| 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. |
|------------------|-----|--|

294

| | | |
|--------------|-----|---|
| 499.0051 (1) | 3rd | Failure to maintain or deliver pedigree papers. |
|--------------|-----|---|

295

| | | |
|--------------|-----|--|
| 499.0051 (2) | 3rd | Failure to authenticate pedigree papers. |
|--------------|-----|--|

296

| | | |
|--------------|-----|---|
| 499.0051 (6) | 2nd | Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs. |
|--------------|-----|---|

297

| | | |
|------------|-----|---------------------------------|
| 517.07 (1) | 3rd | Failure to register securities. |
|------------|-----|---------------------------------|

298

| | | |
|------------|-----|--|
| 517.12 (1) | 3rd | Failure of dealer, associated person, or issuer of securities to register. |
|------------|-----|--|

299

| | | |
|----------------|-----|----------------------------|
| 784.07 (2) (b) | 3rd | Battery of law enforcement |
|----------------|-----|----------------------------|

591-02385-14

2014968c1

officer, firefighter, etc.

300

784.074 (1) (c) 3rd Battery of sexually violent predators facility staff.

301

784.075 3rd Battery on detention or commitment facility staff.

302

784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

303

784.08 (2) (c) 3rd Battery on a person 65 years of age or older.

304

784.081 (3) 3rd Battery on specified official or employee.

305

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

306

784.083 (3) 3rd Battery on code inspector.

307

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

308

787.03 (1) 3rd Interference with custody;

591-02385-14

2014968c1

wrongly takes minor from
appointed guardian.

309

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

310

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

311

787.07 3rd Human smuggling.

312

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

313

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

314

790.115 (3) (c) 3rd Possessing firearm on school
~~790.115 (2) (c)~~ property.

315

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

591-02385-14

2014968c1

316

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

317

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

318

810.06 3rd Burglary; possession of tools.

319

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

320

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

321

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

322

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

323

817.563 (1) 3rd Sell or deliver substance other

591-02385-14

2014968c1

than controlled substance
agreed upon, excluding s.
893.03(5) drugs.

324

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

325

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

326

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

327

837.02 (1) 3rd Perjury in official
proceedings.

328

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

329

838.022 3rd Official misconduct.

330

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

331

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

591-02385-14

2014968c1

Family Services.

332

843.021 3rd Possession of a concealed
handcuff key by a person in
custody.

333

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

334

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

335

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

336

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

337

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).

338

914.14(2) 3rd Witnesses accepting bribes.

591-02385-14

2014968c1

339
340
341
342
343
344
345
346
347
348
349

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

(f) LEVEL 6

| Florida Statute | Felony 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. |

591-02385-14

2014968c1

350

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

351

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

352

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

353

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

354

784.041 3rd Felony battery; domestic battery by strangulation.

355

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

356

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

357

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

358

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

591-02385-14 2014968c1

| | | | |
|-----|--|-----|---|
| 359 | 784.08 (2) (b) | 2nd | Aggravated assault on a person 65 years of age or older. |
| 360 | 784.081 (2) | 2nd | Aggravated assault on specified official or employee. |
| 361 | 784.082 (2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 362 | 784.083 (2) | 2nd | Aggravated assault on code inspector. |
| 363 | 787.02 (2) | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01. |
| 364 | <u>790.115 (3) (d)</u> 790.115 (2) (d) | 2nd | Discharging firearm or weapon on school property. |
| 365 | 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. |

591-02385-14

2014968c1

victims; 2nd or subsequent offense.

374
375
376
377
378
379
380
381

- 812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
- 812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.
- 812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.
- 812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.
- 812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).
- 817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.
- 825.102 (1) 3rd Abuse of an elderly person or disabled adult.

591-02385-14

2014968c1

382
383
384
385
386
387
388
389
390

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

591-02385-14

2014968c1

intent to distribute obscene materials depicting minors.

391

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

392

847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

393

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

394

944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

395

944.40 2nd Escapes.

396

944.46 3rd Harboring, concealing, aiding escaped prisoners.

397

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive)

