

By Senator Stargel

22-00660C-17

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1 A bill to be entitled
2 An act relating to weapons and firearms; amending s.
3 790.115, F.S.; redefining the term "school" to exclude
4 private schools; defining the term "school property";
5 making technical changes; revising provisions
6 prohibiting possession and discharge of weapons or
7 firearms during school-sanctioned activities or on
8 school property; amending ss. 435.04, 921.0022, and
9 1012.315, F.S.; conforming cross-references;
10 reenacting ss. 790.251(7)(a), 943.051(3)(b),
11 985.11(1)(b), 985.25(1)(b), 985.255(1)(e), and
12 985.557(1)(a), F.S., relating to protection of the
13 right to keep and bear arms in motor vehicles for
14 certain purposes, criminal justice information,
15 fingerprinting and photographing, a detention intake,
16 detention criteria, and direct filing of an
17 information, respectively, to incorporate the
18 amendment made to s. 790.115, F.S., in references
19 thereto; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Present subsections (1) through (4) of section
24 790.115, Florida Statutes, are redesignated as subsections (2)
25 through (5), respectively, a new subsection (1) is added to that
26 section, and present subsections (1) and (2) of that section are
27 amended, to read:

28 790.115 Possessing or discharging weapons or firearms at a
29 school-sponsored event or on school property prohibited;

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30 penalties; exceptions.-

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

32 (a) "School" means any public preschool, public elementary
33 school, public middle school, public junior high school, public
34 secondary school, public postsecondary school, or career center.

35 (b) "School property" means property owned or leased by a
36 school which is primarily devoted to instructional use.

37 (2)~~(1)~~ A person who exhibits any sword, sword cane,
38 firearm, electric weapon or device, destructive device, or other
39 weapon as defined in s. 790.001(13), including a razor blade,
40 box cutter, or common pocketknife, except as authorized in
41 support of school-sanctioned activities, in the presence of one
42 or more persons in a rude, careless, angry, or threatening
43 manner and not in lawful self-defense, at a school-sponsored
44 event or on ~~the grounds or facilities of any school property,~~
45 school bus, or school bus stop, or within 1,000 feet of the real
46 property that comprises a preschool, an ~~public or private~~
47 elementary school, a middle school, a junior high school, or a
48 secondary school, during school hours or during the time of a
49 school-sanctioned ~~sanctioned school~~ activity, commits a felony
50 of the third degree, punishable as provided in s. 775.082, s.
51 775.083, or s. 775.084. This subsection does not apply to the
52 exhibition of a firearm or weapon on private real property
53 within 1,000 feet of a school by the owner of such private real
54 property or by a person whose presence on such property has been
55 authorized, licensed, or invited by the owner.

56 (3)~~(2)~~(a) A person shall not possess any firearm, electric
57 weapon or device, destructive device, or other weapon as defined
58 in s. 790.001(13), including a razor blade or box cutter, except

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59 as authorized in support of school-sanctioned activities, at a
60 school-sponsored event or on the school property ~~of any school,~~
61 school bus, or school bus stop; however, a person may carry a
62 firearm:

63 1. In a case to a firearms program, class, or function
64 which has been approved in advance by the principal or chief
65 administrative officer of the school as a program or class to
66 which firearms could be carried;

67 2. In a case to a school ~~career center~~ having a firearms
68 training range; or

69 3. In a vehicle or as otherwise provided pursuant to s.
70 790.25 ~~790.25(5); except that school districts may adopt written~~
71 ~~and published policies that waive the exception in this~~
72 ~~subparagraph for purposes of student and campus parking~~
73 ~~privileges.~~

74
75 ~~For the purposes of this section, "school" means any preschool,~~
76 ~~elementary school, middle school, junior high school, secondary~~
77 ~~school, career center, or postsecondary school, whether public~~
78 ~~or nonpublic.~~

79 (b) A person who willfully and knowingly possesses any
80 electric weapon or device, destructive device, or other weapon
81 as defined in s. 790.001(13), including a razor blade or box
82 cutter, on school property, except as authorized in support of
83 school-sanctioned activities or as provided in paragraph (a), in
84 violation of this subsection commits a felony of the third
85 degree, punishable as provided in s. 775.082, s. 775.083, or s.
86 775.084.

87 (c)1. A person who willfully and knowingly possesses any

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88 firearm on school property, except as authorized in support of
89 school-sanctioned activities or as provided in paragraph (a), in
90 violation of this subsection commits a felony of the third
91 degree, punishable as provided in s. 775.082, s. 775.083, or s.
92 775.084.

93 2. A person who stores or leaves a loaded firearm within
94 the reach or easy access of a minor who obtains the firearm and
95 commits a violation of subparagraph 1. commits a misdemeanor of
96 the second degree, punishable as provided in s. 775.082 or s.
97 775.083; except that this does not apply if the firearm was
98 stored or left in a securely locked box or container or in a
99 location which a reasonable person would have believed to be
100 secure, or was securely locked with a firearm-mounted push-
101 button combination lock or a trigger lock; if the minor obtains
102 the firearm as a result of an unlawful entry by any person; or
103 to members of the Armed Forces, National Guard, or State
104 Militia, or to police or other law enforcement officers, with
105 respect to firearm possession by a minor which occurs during or
106 incidental to the performance of their official duties.

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

112 (e) The penalties of this subsection do ~~shall~~ not apply to
113 persons licensed under s. 790.06. Persons licensed under s.
114 790.06 shall be punished as provided in s. 790.06 ~~s. 790.06(12)~~,
115 except that a licenseholder who willfully and unlawfully
116 discharges a weapon or firearm on school property as prohibited

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117 by this subsection commits a felony of the second degree,
 118 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

119 Section 2. Paragraphs (q) and (r) of subsection (2) of
 120 section 435.04, Florida Statutes, are amended to read:

121 435.04 Level 2 screening standards.—

122 (2) The security background investigations under this
 123 section must ensure that no persons subject to the provisions of
 124 this section have been arrested for and are awaiting final
 125 disposition of, have been found guilty of, regardless of
 126 adjudication, or entered a plea of nolo contendere or guilty to,
 127 or have been adjudicated delinquent and the record has not been
 128 sealed or expunged for, any offense prohibited under any of the
 129 following provisions of state law or similar law of another
 130 jurisdiction:

131 (q) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting
 132 firearms or weapons within 1,000 feet of a school.

133 (r) Section 790.115(3) (b) ~~790.115(2) (b)~~, relating to
 134 possessing an electric weapon or device, destructive device, or
 135 other weapon on school property.

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

138 921.0022 Criminal Punishment Code; offense severity ranking
 139 chart.—

140 (3) OFFENSE SEVERITY RANKING CHART

141 (d) LEVEL 4

142

Florida	Felony	
Statute	Degree	Description

143

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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.

144

499.0051 (1)

3rd

Failure to maintain or deliver transaction history, transaction information, or transaction statements.

145

499.0051 (5)

2nd

Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

146

517.07 (1)

3rd

Failure to register securities.

147

517.12 (1)

3rd

Failure of dealer, associated person, or issuer of securities to register.

148

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149	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
150	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
151	784.075	3rd	Battery on detention or commitment facility staff.
152	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
153	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
154	784.081 (3)	3rd	Battery on specified official or employee.
155	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
	784.083 (3)	3rd	Battery on code

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inspector.

156

784.085

3rd

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

157

787.03(1)

3rd

Interference with custody; wrongly takes minor from appointed guardian.

158

787.04(2)

3rd

Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

159

787.04(3)

3rd

Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

160

787.07

3rd

Human smuggling.

161

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790.115 (2)

3rd

Exhibiting firearm or
weapon within 1,000 feet
of a school.

~~790.115 (1)~~

162

790.115 (3) (b)

3rd

Possessing electric
weapon or device,
destructive device, or
other weapon on school
property.

~~790.115 (2) (b)~~

163

790.115 (3) (c)

3rd

Possessing firearm on
school property.

~~790.115 (2) (e)~~

164

800.04 (7) (c)

3rd

Lewd or lascivious
exhibition; offender
less than 18 years.

165

810.02 (4) (a)

3rd

Burglary, or attempted
burglary, of an
unoccupied structure;
unarmed; no assault or
battery.

166

810.02 (4) (b)

3rd

Burglary, or attempted
burglary, of an
unoccupied conveyance;
unarmed; no assault or
battery.

167

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168

810.06 3rd Burglary; possession of tools.

169

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

170

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

171

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

172

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

173

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

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

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174

817.625 (2) (a)

3rd

Fraudulent use of scanning device or reencoder.

175

828.125 (1)

2nd

Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.

176

837.02 (1)

3rd

Perjury in official proceedings.

177

837.021 (1)

3rd

Make contradictory statements in official proceedings.

178

838.022

3rd

Official misconduct.

179

839.13 (2) (a)

3rd

Falsifying records of an individual in the care and custody of a state agency.

180

839.13 (2) (c)

3rd

Falsifying records of the Department of Children and Families.

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181	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
182	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
183	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
184	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
185	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
186	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a),

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(2) (b), or (2) (c) 4.
drugs).

187

914.14 (2) 3rd Witnesses accepting
bribes.

188

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

189

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

190

918.12 3rd Tampering with jurors.

191

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

192

193 (f) LEVEL 6

194

Florida	Felony	
Statute	Degree	Description

195

316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious
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196
197
198
199
200
201
202

			bodily injury.
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
	499.0051 (4)	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;

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deadly weapon without
intent to kill.

203

784.021 (1) (b)

3rd

Aggravated assault;
intent to commit felony.

204

784.041

3rd

Felony battery; domestic
battery by
strangulation.

205

784.048 (3)

3rd

Aggravated stalking;
credible threat.

206

784.048 (5)

3rd

Aggravated stalking of
person under 16.

207

784.07 (2) (c)

2nd

Aggravated assault on
law enforcement officer.

208

784.074 (1) (b)

2nd

Aggravated assault on
sexually violent
predators facility
staff.

209

784.08 (2) (b)

2nd

Aggravated assault on a
person 65 years of age
or older.

210

784.081 (2)

2nd

Aggravated assault on

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specified official or
employee.

211

784.082 (2)

2nd

Aggravated assault by
detained person on
visitor or other
detainee.

212

784.083 (2)

2nd

Aggravated assault on
code inspector.

213

787.02 (2)

3rd

False imprisonment;
restraining with purpose
other than those in s.
787.01.

214

790.115 (3) (d)
~~790.115 (2) (d)~~

2nd

Discharging firearm or
weapon on school
property.

215

790.161 (2)

2nd

Make, possess, or throw
destructive device with
intent to do bodily harm
or damage property.

216

790.164 (1)

2nd

False report concerning
bomb, explosive, weapon
of mass destruction, act
of arson or violence to

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state property, or use
of firearms in violent
manner.

217

790.19

2nd

Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

218

794.011 (8) (a)

3rd

Solicitation of minor to
participate in sexual
activity by custodial
adult.

219

794.05 (1)

2nd

Unlawful sexual activity
with specified minor.

220

800.04 (5) (d)

3rd

Lewd or lascivious
molestation; victim 12
years of age or older
but less than 16 years
of age; offender less
than 18 years.

221

800.04 (6) (b)

2nd

Lewd or lascivious
conduct; offender 18
years of age or older.

222

806.031 (2)

2nd

Arson resulting in great

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			bodily harm to firefighter or any other person.
223	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
224	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
225	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
226	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
227	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
228	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.

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229

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

230

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

231

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

232

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

233

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

234

825.103 (3) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

235

827.03 (2) (c) 3rd Abuse of a child.

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243

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 intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135 (2)	3rd	Facilitates sexual

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conduct of or with a
 minor or the visual
 depiction of such
 conduct.

244

914.23

2nd

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

245

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.

246

944.40

2nd

Escapes.

247

944.46

3rd

Harboring, concealing,
 aiding escaped
 prisoners.

248

944.47 (1) (a) 5.

2nd

Introduction of
 contraband (firearm,
 weapon, or explosive)
 into correctional

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facility.

249

951.22(1)

3rd

Intoxicating drug,
firearm, or weapon
introduced into county
facility.

250

251 Section 4. Paragraphs (n) and (o) of subsection (1) of
252 section 1012.315, Florida Statutes, are amended to read:

253 1012.315 Disqualification from employment.—A person is
254 ineligible for educator certification, and instructional
255 personnel and school administrators, as defined in s. 1012.01,
256 are ineligible for employment in any position that requires
257 direct contact with students in a district school system,
258 charter school, or private school that accepts scholarship
259 students under s. 1002.39 or s. 1002.395, if the person,
260 instructional personnel, or school administrator has been
261 convicted of:

262 (1) Any felony offense prohibited under any of the
263 following statutes:

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

267 (o) Section 790.115(3) ~~(b) 790.115(2)(b)~~, relating to
268 possessing an electric weapon or device, destructive device, or
269 other weapon at a school-sponsored event or on school property.

270 Section 5. For the purpose of incorporating the amendment
271 made by this act to section 790.115, Florida Statutes, in a
272 reference thereto, paragraph (a) of subsection (7) of section

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273 790.251, Florida Statutes, is reenacted to read:

274 790.251 Protection of the right to keep and bear arms in
275 motor vehicles for self-defense and other lawful purposes;
276 prohibited acts; duty of public and private employers; immunity
277 from liability; enforcement.—

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

280 (a) Any school property as defined and regulated under s.
281 790.115.

282 Section 6. For the purpose of incorporating the amendment
283 made by this act to section 790.115, Florida Statutes, in a
284 reference thereto, paragraph (b) of subsection (3) of section
285 943.051, Florida Statutes, is reenacted to read:

286 943.051 Criminal justice information; collection and
287 storage; fingerprinting.—

288 (3)

289 (b) A minor who is charged with or found to have committed
290 the following offenses shall be fingerprinted and the
291 fingerprints shall be submitted electronically to the
292 department, unless the minor is issued a civil citation pursuant
293 to s. 985.12:

294 1. Assault, as defined in s. 784.011.

295 2. Battery, as defined in s. 784.03.

296 3. Carrying a concealed weapon, as defined in s. 790.01(1).

297 4. Unlawful use of destructive devices or bombs, as defined
298 in s. 790.1615(1).

299 5. Neglect of a child, as defined in s. 827.03(1)(e).

300 6. Assault or battery on a law enforcement officer, a
301 firefighter, or other specified officers, as defined in s.

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302 784.07(2)(a) and (b).

303 7. Open carrying of a weapon, as defined in s. 790.053.

304 8. Exposure of sexual organs, as defined in s. 800.03.

305 9. Unlawful possession of a firearm, as defined in s.

306 790.22(5).

307 10. Petit theft, as defined in s. 812.014(3).

308 11. Cruelty to animals, as defined in s. 828.12(1).

309 12. Arson, as defined in s. 806.031(1).

310 13. Unlawful possession or discharge of a weapon or firearm
311 at a school-sponsored event or on school property, as provided
312 in s. 790.115.

313 Section 7. For the purpose of incorporating the amendment
314 made by this act to section 790.115, Florida Statutes, in a
315 reference thereto, paragraph (b) of subsection (1) of section
316 985.11, Florida Statutes, is reenacted to read:

317 985.11 Fingerprinting and photographing.—

318 (1)

319 (b) Unless the child is issued a civil citation or is
320 participating in a similar diversion program pursuant to s.
321 985.12, a child who is charged with or found to have committed
322 one of the following offenses shall be fingerprinted, and the
323 fingerprints shall be submitted to the Department of Law
324 Enforcement as provided in s. 943.051(3)(b):

325 1. Assault, as defined in s. 784.011.

326 2. Battery, as defined in s. 784.03.

327 3. Carrying a concealed weapon, as defined in s. 790.01(1).

328 4. Unlawful use of destructive devices or bombs, as defined
329 in s. 790.1615(1).

330 5. Neglect of a child, as defined in s. 827.03(1)(e).

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331 6. Assault on a law enforcement officer, a firefighter, or
332 other specified officers, as defined in s. 784.07(2)(a).

333 7. Open carrying of a weapon, as defined in s. 790.053.

334 8. Exposure of sexual organs, as defined in s. 800.03.

335 9. Unlawful possession of a firearm, as defined in s.
336 790.22(5).

337 10. Petit theft, as defined in s. 812.014.

338 11. Cruelty to animals, as defined in s. 828.12(1).

339 12. Arson, resulting in bodily harm to a firefighter, as
340 defined in s. 806.031(1).

341 13. Unlawful possession or discharge of a weapon or firearm
342 at a school-sponsored event or on school property as defined in
343 s. 790.115.

344

345 A law enforcement agency may fingerprint and photograph a child
346 taken into custody upon probable cause that such child has
347 committed any other violation of law, as the agency deems
348 appropriate. Such fingerprint records and photographs shall be
349 retained by the law enforcement agency in a separate file, and
350 these records and all copies thereof must be marked "Juvenile
351 Confidential." These records are not available for public
352 disclosure and inspection under s. 119.07(1) except as provided
353 in ss. 943.053 and 985.04(2), but shall be available to other
354 law enforcement agencies, criminal justice agencies, state
355 attorneys, the courts, the child, the parents or legal
356 custodians of the child, their attorneys, and any other person
357 authorized by the court to have access to such records. In
358 addition, such records may be submitted to the Department of Law
359 Enforcement for inclusion in the state criminal history records

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360 and used by criminal justice agencies for criminal justice
361 purposes. These records may, in the discretion of the court, be
362 open to inspection by anyone upon a showing of cause. The
363 fingerprint and photograph records shall be produced in the
364 court whenever directed by the court. Any photograph taken
365 pursuant to this section may be shown by a law enforcement
366 officer to any victim or witness of a crime for the purpose of
367 identifying the person who committed such crime.

368 Section 8. For the purpose of incorporating the amendment
369 made by this act to section 790.115, Florida Statutes, in a
370 reference thereto, paragraph (b) of subsection (1) of section
371 985.25, Florida Statutes, is reenacted to read:

372 985.25 Detention intake.—

373 (1) The department shall receive custody of a child who has
374 been taken into custody from the law enforcement agency or court
375 and shall review the facts in the law enforcement report or
376 probable cause affidavit and make such further inquiry as may be
377 necessary to determine whether detention care is appropriate.

378 (b) The department shall base the decision whether to place
379 the child into secure or nonsecure detention care on an
380 assessment of risk in accordance with the risk assessment
381 instrument and procedures developed by the department under s.
382 985.245. However, a child charged with possessing or discharging
383 a firearm on school property in violation of s. 790.115 shall be
384 placed in secure detention care. A child who has been taken into
385 custody on three or more separate occasions within a 60-day
386 period shall be placed in secure detention care until the
387 child's detention hearing.

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389 Under no circumstances shall the department or the state
390 attorney or law enforcement officer authorize the detention of
391 any child in a jail or other facility intended or used for the
392 detention of adults, without an order of the court.

393 Section 9. For the purpose of incorporating the amendment
394 made by this act to section 790.115, Florida Statutes, in a
395 reference thereto, paragraph (e) of subsection (1) of section
396 985.255, Florida Statutes, is reenacted to read:

397 985.255 Detention criteria; detention hearing.—

398 (1) Subject to s. 985.25(1), a child taken into custody and
399 placed into secure or nonsecure detention care shall be given a
400 hearing within 24 hours after being taken into custody. At the
401 hearing, the court may order continued detention if:

402 (e) The child is charged with possession of or discharging
403 a firearm on school property in violation of s. 790.115 or the
404 illegal possession of a firearm.

405 Section 10. For the purpose of incorporating the amendment
406 made by this act to section 790.115, Florida Statutes, in a
407 reference thereto, paragraph (a) of subsection (1) of section
408 985.557, Florida Statutes, is reenacted to read:

409 985.557 Direct filing of an information; discretionary and
410 mandatory criteria.—

411 (1) DISCRETIONARY DIRECT FILE.—

412 (a) With respect to any child who was 14 or 15 years of age
413 at the time the alleged offense was committed, the state
414 attorney may file an information when in the state attorney's
415 judgment and discretion the public interest requires that adult
416 sanctions be considered or imposed and when the offense charged
417 is for the commission of, attempt to commit, or conspiracy to

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418 commit:

419 1. Arson;

420 2. Sexual battery;

421 3. Robbery;

422 4. Kidnapping;

423 5. Aggravated child abuse;

424 6. Aggravated assault;

425 7. Aggravated stalking;

426 8. Murder;

427 9. Manslaughter;

428 10. Unlawful throwing, placing, or discharging of a

429 destructive device or bomb;

430 11. Armed burglary in violation of s. 810.02(2)(b) or

431 specified burglary of a dwelling or structure in violation of s.

432 810.02(2)(c), or burglary with an assault or battery in

433 violation of s. 810.02(2)(a);

434 12. Aggravated battery;

435 13. Any lewd or lascivious offense committed upon or in the

436 presence of a person less than 16 years of age;

437 14. Carrying, displaying, using, threatening, or attempting

438 to use a weapon or firearm during the commission of a felony;

439 15. Grand theft in violation of s. 812.014(2)(a);

440 16. Possessing or discharging any weapon or firearm on

441 school property in violation of s. 790.115;

442 17. Home invasion robbery;

443 18. Carjacking; or

444 19. Grand theft of a motor vehicle in violation of s.

445 812.014(2)(c)6. or grand theft of a motor vehicle valued at

446 \$20,000 or more in violation of s. 812.014(2)(b) if the child

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447 has a previous adjudication for grand theft of a motor vehicle
448 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

449 Section 11. This act shall take effect October 1, 2017.