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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2023	.	
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The Committee on Fiscal Policy (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1) and (4) of section 27.53,
Florida Statutes, are amended to read:

27.53 Appointment of assistants and other staff; method of
payment.—

(1) The public defender of each judicial circuit is
authorized to employ and establish, in such numbers as



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11 authorized by the General Appropriations Act, assistant public
12 defenders and other staff and personnel pursuant to s. 29.006,
13 who shall be paid from funds appropriated for that purpose.
14 Notwithstanding ss. 790.01 and 790.02, ~~the provisions of s.~~
15 ~~790.01, s. 790.02, or s. 790.25(2)(a)~~, an investigator employed
16 by a public defender, while actually carrying out official
17 duties, is authorized to carry a concealed weapon or concealed
18 firearm weapons if the investigator complies with s.
19 790.25(2)(o) ~~s. 790.25(3)(e)~~. However, such investigators are
20 not eligible for membership in the Special Risk Class of the
21 Florida Retirement System. The public defenders of all judicial
22 circuits shall jointly develop a coordinated classification and
23 pay plan which shall be submitted on or before January 1 of each
24 year to the Justice Administrative Commission, the office of the
25 President of the Senate, and the office of the Speaker of the
26 House of Representatives. Such plan shall be developed in
27 accordance with policies and procedures of the Executive Office
28 of the Governor established in s. 216.181. Each assistant public
29 defender appointed by a public defender under this section shall
30 serve at the pleasure of the public defender. Each investigator
31 employed by a public defender shall have full authority to serve
32 any witness subpoena or court order issued, by any court or
33 judge within the judicial circuit served by such public
34 defender, in a criminal case in which such public defender has
35 been appointed to represent the accused.

36 (4) The five criminal conflict and civil regional counsels
37 may employ and establish, in the numbers authorized by the
38 General Appropriations Act, assistant regional counsels and
39 other staff and personnel in each judicial district pursuant to



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40 s. 29.006, who shall be paid from funds appropriated for that
41 purpose. Notwithstanding ss. 790.01 and 790.02, ~~s. 790.01, s.~~
42 ~~790.02, or s. 790.25(2)(a)~~, an investigator employed by an
43 office of criminal conflict and civil regional counsel, while
44 actually carrying out official duties, is authorized to carry a
45 concealed weapon or concealed firearm ~~weapons~~ if the
46 investigator complies with s. 790.25(2)(o) ~~s. 790.25(3)(e)~~.
47 However, such investigators are not eligible for membership in
48 the Special Risk Class of the Florida Retirement System. The
49 five regional counsels shall jointly develop a coordinated
50 classification and pay plan for submission to the Justice
51 Administrative Commission, the President of the Senate, and the
52 Speaker of the House of Representatives by January 1 of each
53 year. The plan must be developed in accordance with policies and
54 procedures of the Executive Office of the Governor established
55 in s. 216.181. Each assistant regional counsel appointed by the
56 regional counsel under this section shall serve at the pleasure
57 of the regional counsel. Each investigator employed by the
58 regional counsel shall have full authority to serve any witness
59 subpoena or court order issued by any court or judge in a
60 criminal case in which the regional counsel has been appointed
61 to represent the accused.

62 Section 2. Paragraph (k) of subsection (1) of section
63 30.15, Florida Statutes, is amended to read:

64 30.15 Powers, duties, and obligations.—

65 (1) Sheriffs, in their respective counties, in person or by
66 deputy, shall:

67 (k) Assist district school boards and charter school
68 governing boards in complying with, or private schools in



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69 exercising options in, s. 1006.12. A sheriff must, at a minimum,
70 provide access to a Coach Aaron Feis Guardian Program to aid in
71 the prevention or abatement of active assailant incidents on
72 school premises, as required under this paragraph. Persons
73 certified as school guardians pursuant to this paragraph have no
74 authority to act in any law enforcement capacity except to the
75 extent necessary to prevent or abate an active assailant
76 incident.

77 1.a. If a local school board has voted by a majority to
78 implement a guardian program, the sheriff in that county shall
79 establish a guardian program to provide training, pursuant to
80 subparagraph 2., to school district, ~~or~~ charter school, or
81 private school employees, either directly or through a contract
82 with another sheriff's office that has established a guardian
83 program.

84 b. A charter school governing board in a school district
85 that has not voted, or has declined, to implement a guardian
86 program may request the sheriff in the county to establish a
87 guardian program for the purpose of training the charter school
88 employees. If the county sheriff denies the request, the charter
89 school governing board may contract with a sheriff that has
90 established a guardian program to provide such training. The
91 charter school governing board must notify the superintendent
92 and the sheriff in the charter school's county of the contract
93 prior to its execution.

94 c. A private school in a school district that has not
95 voted, or has declined, to implement a guardian program may
96 request that the sheriff in the county of the private school
97 establish a guardian program for the purpose of training private



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98 school employees. If the county sheriff denies the request, the
99 private school may contract with a sheriff from another county
100 who has established a guardian program to provide such training.
101 The private school must notify the sheriff in the private
102 school's county of the contract with a sheriff from another
103 county before its execution. The private school is responsible
104 for all training costs for a school guardian program. The
105 sheriff providing such training must ensure that any moneys paid
106 by a private school are not commingled with any funds provided
107 by the state to the sheriff as reimbursement for screening-
108 related and training-related costs of any school district or
109 charter school employee.

110 d. The training program required in sub-subparagraph 2.b.
111 is a standardized statewide curriculum, and each sheriff
112 providing such training shall adhere to the course of
113 instruction specified in that sub-subparagraph. This
114 subparagraph does not prohibit a sheriff from providing
115 additional training. A school guardian who has completed the
116 training program required in sub-subparagraph 2.b. may not be
117 required to attend another sheriff's training program pursuant
118 to that sub-subparagraph unless there has been at least a 1-year
119 break in his or her employment as a guardian.

120 e. The sheriff conducting the training pursuant to
121 subparagraph 2. will be reimbursed for screening-related and
122 training-related costs and for providing a one-time stipend of
123 \$500 to each school guardian who participates in the school
124 guardian program.

125 2. A sheriff who establishes a program shall consult with
126 the Department of Law Enforcement on programmatic guiding



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127 principles, practices, and resources, and shall certify as
128 school guardians, without the power of arrest, school employees,
129 as specified in s. 1006.12(3), who:

130 a. Hold a valid license issued under s. 790.06.

131 b. Complete a 144-hour training program, consisting of 12
132 hours of certified nationally recognized diversity training and
133 132 total hours of comprehensive firearm safety and proficiency
134 training conducted by Criminal Justice Standards and Training
135 Commission-certified instructors, which must include:

136 (I) Eighty hours of firearms instruction based on the
137 Criminal Justice Standards and Training Commission's Law
138 Enforcement Academy training model, which must include at least
139 10 percent but no more than 20 percent more rounds fired than
140 associated with academy training. Program participants must
141 achieve an 85 percent pass rate on the firearms training.

142 (II) Sixteen hours of instruction in precision pistol.

143 (III) Eight hours of discretionary shooting instruction
144 using state-of-the-art simulator exercises.

145 (IV) Sixteen ~~Eight~~ hours of instruction in active shooter
146 or assailant scenarios.

147 (V) Eight hours of instruction in defensive tactics.

148 (VI) Four ~~Twelve~~ hours of instruction in legal issues.

149 c. Pass a psychological evaluation administered by a
150 psychologist licensed under chapter 490 and designated by the
151 Department of Law Enforcement and submit the results of the
152 evaluation to the sheriff's office. The Department of Law
153 Enforcement is authorized to provide the sheriff's office with
154 mental health and substance abuse data for compliance with this
155 paragraph.



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156 d. Submit to and pass an initial drug test and subsequent
157 random drug tests in accordance with the requirements of s.
158 112.0455 and the sheriff's office.

159 e. Successfully complete ongoing training, weapon
160 inspection, and firearm qualification on at least an annual
161 basis.

162
163 The sheriff who conducts the guardian training shall issue a
164 school guardian certificate to individuals who meet the
165 requirements of this section to the satisfaction of the sheriff,
166 and shall maintain documentation of weapon and equipment
167 inspections, as well as the training, certification, inspection,
168 and qualification records of each school guardian certified by
169 the sheriff. An individual who is certified under this paragraph
170 may serve as a school guardian under s. 1006.12(3) only if he or
171 she is appointed by the applicable school district
172 superintendent, ~~or~~ charter school principal, or private school
173 head of school.

174 Section 3. Paragraph (b) of subsection (9) of section
175 768.28, Florida Statutes, is amended to read:

176 768.28 Waiver of sovereign immunity in tort actions;
177 recovery limits; civil liability for damages caused during a
178 riot; limitation on attorney fees; statute of limitations;
179 exclusions; indemnification; risk management programs.—

180 (9)

181 (b) As used in this subsection, the term:

182 1. "Employee" includes any volunteer firefighter.

183 2. "Officer, employee, or agent" includes, but is not
184 limited to, any health care provider when providing services



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185 pursuant to s. 766.1115; any nonprofit independent college or
186 university located and chartered in this state which owns or
187 operates an accredited medical school, and its employees or
188 agents, when providing patient services pursuant to paragraph
189 (10) (f); any public defender or her or his employee or agent,
190 including an assistant public defender or an investigator; and
191 any member of a Child Protection Team, as defined in s. 39.01,
192 or any member of a threat management team, as described in s.
193 1006.07(7) s. ~~39.01(13)~~, when carrying out her or his duties as
194 a team member under the control, direction, and supervision of
195 the state or any of its agencies or subdivisions.

196 Section 4. Section 790.001, Florida Statutes, is amended to
197 read:

198 790.001 Definitions.—As used in this chapter, except where
199 the context otherwise requires:

200 (2)~~(1)~~ "Antique firearm" means any firearm manufactured in
201 or before 1918 (including any matchlock, flintlock, percussion
202 cap, or similar early type of ignition system) or replica
203 thereof, whether actually manufactured before or after the year
204 1918, and also any firearm using fixed ammunition manufactured
205 in or before 1918, for which ammunition is no longer
206 manufactured in the United States and is not readily available
207 in the ordinary channels of commercial trade.

208 (3)~~(2)~~ "Concealed firearm" means any firearm, as defined in
209 subsection (9) ~~(6)~~, which is carried on or about a person in
210 such a manner as to conceal the firearm from the ordinary sight
211 of another person.

212 (4)~~(3)~~(a) "Concealed weapon" means any dirk, metallic
213 knuckles, billie, tear gas gun, chemical weapon or device, or



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214 other deadly weapon carried on or about a person in such a
215 manner as to conceal the weapon from the ordinary sight of
216 another person.

217 (b) "Tear gas gun" or "chemical weapon or device" means any
218 weapon of such nature, except a device known as a "self-defense
219 chemical spray." "Self-defense chemical spray" means a device
220 carried solely for purposes of lawful self-defense that is
221 compact in size, designed to be carried on or about the person,
222 and contains not more than two ounces of chemical.

223 (6)~~(4)~~ "Destructive device" means any bomb, grenade, mine,
224 rocket, missile, pipebomb, or similar device containing an
225 explosive, incendiary, or poison gas and includes any frangible
226 container filled with an explosive, incendiary, explosive gas,
227 or expanding gas, which is designed or so constructed as to
228 explode by such filler and is capable of causing bodily harm or
229 property damage; any combination of parts either designed or
230 intended for use in converting any device into a destructive
231 device and from which a destructive device may be readily
232 assembled; any device declared a destructive device by the
233 Bureau of Alcohol, Tobacco, and Firearms; any type of weapon
234 which will, is designed to, or may readily be converted to expel
235 a projectile by the action of any explosive and which has a
236 barrel with a bore of one-half inch or more in diameter; and
237 ammunition for such destructive devices, but not including
238 shotgun shells or any other ammunition designed for use in a
239 firearm other than a destructive device. "Destructive device"
240 does not include:

241 (a) A device which is not designed, redesigned, used, or
242 intended for use as a weapon;



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243 (b) Any device, although originally designed as a weapon,
244 which is redesigned so that it may be used solely as a
245 signaling, line-throwing, safety, or similar device;

246 (c) Any shotgun other than a short-barreled shotgun; or

247 (d) Any nonautomatic rifle (other than a short-barreled
248 rifle) generally recognized or particularly suitable for use for
249 the hunting of big game.

250 (8)~~(5)~~ "Explosive" means any chemical compound or mixture
251 that has the property of yielding readily to combustion or
252 oxidation upon application of heat, flame, or shock, including
253 but not limited to dynamite, nitroglycerin, trinitrotoluene, or
254 ammonium nitrate when combined with other ingredients to form an
255 explosive mixture, blasting caps, and detonators; but not
256 including:

257 (a) Shotgun shells, cartridges, or ammunition for firearms;

258 (b) Fireworks as defined in s. 791.01;

259 (c) Smokeless propellant powder or small arms ammunition
260 primers, if possessed, purchased, sold, transported, or used in
261 compliance with s. 552.241;

262 (d) Black powder in quantities not to exceed that
263 authorized by chapter 552, or by any rules adopted thereunder by
264 the Department of Financial Services, when used for, or intended
265 to be used for, the manufacture of target and sporting
266 ammunition or for use in muzzle-loading flint or percussion
267 weapons.

268
269 The exclusions contained in paragraphs (a)-(d) do not apply to
270 the term "explosive" as used in the definition of "firearm" in
271 subsection (9) ~~(6)~~.



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272 (9)~~(6)~~ "Firearm" means any weapon (including a starter gun)
273 which will, is designed to, or may readily be converted to expel
274 a projectile by the action of an explosive; the frame or
275 receiver of any such weapon; any firearm muffler or firearm
276 silencer; any destructive device; or any machine gun. The term
277 "firearm" does not include an antique firearm unless the antique
278 firearm is used in the commission of a crime.

279 (11)~~(7)~~ "Indictment" means an indictment or an information
280 in any court under which a crime punishable by imprisonment for
281 a term exceeding 1 year may be prosecuted.

282 (12)~~(8)~~ "Law enforcement officer" means:

283 (a) All officers or employees of the United States or the
284 State of Florida, or any agency, commission, department, board,
285 division, municipality, or subdivision thereof, who have
286 authority to make arrests;

287 (b) Officers or employees of the United States or the State
288 of Florida, or any agency, commission, department, board,
289 division, municipality, or subdivision thereof, duly authorized
290 to carry a concealed weapon;

291 (c) Members of the Armed Forces of the United States, the
292 organized reserves, state militia, or Florida National Guard,
293 when on duty, when preparing themselves for, or going to or
294 from, military duty, or under orders;

295 (d) An employee of the state prisons or correctional
296 systems who has been so designated by the Department of
297 Corrections or by a warden of an institution;

298 (e) All peace officers;

299 (f) All state attorneys and United States attorneys and
300 their respective assistants and investigators.



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301 (13)~~(9)~~ "Machine gun" means any firearm, ~~as defined herein,~~
302 which shoots, or is designed to shoot, automatically more than
303 one shot, without manually reloading, by a single function of
304 the trigger.

305 (10) "Handgun" means a firearm capable of being carried and
306 used by one hand, such as a pistol or revolver.

307 (17)~~(10)~~ "Short-barreled shotgun" means a shotgun having
308 one or more barrels less than 18 inches in length and any weapon
309 made from a shotgun (whether by alteration, modification, or
310 otherwise) if such weapon as modified has an overall length of
311 less than 26 inches.

312 (16)~~(11)~~ "Short-barreled rifle" means a rifle having one or
313 more barrels less than 16 inches in length and any weapon made
314 from a rifle (whether by alteration, modification, or otherwise)
315 if such weapon as modified has an overall length of less than 26
316 inches.

317 (18)~~(12)~~ "Slungshot" means a small mass of metal, stone,
318 sand, or similar material fixed on a flexible handle, strap, or
319 the like, used as a weapon.

320 (20)~~(13)~~ "Weapon" means any dirk, knife, metallic knuckles,
321 slungshot, billie, tear gas gun, chemical weapon or device, or
322 other deadly weapon except a firearm or a common pocketknife,
323 plastic knife, or blunt-bladed table knife.

324 (7)~~(14)~~ "Electric weapon or device" means any device which,
325 through the application or use of electrical current, is
326 designed, redesigned, used, or intended to be used for offensive
327 or defensive purposes, the destruction of life, or the
328 infliction of injury.

329 (5)~~(15)~~ "Dart-firing stun gun" means any device having one



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330 or more darts that are capable of delivering an electrical
331 current.

332 ~~(14)(16)~~ "Readily accessible for immediate use" means that
333 a firearm or other weapon is carried on the person or within
334 such close proximity and in such a manner that it can be
335 retrieved and used as easily and quickly as if carried on the
336 person.

337 ~~(15)(17)~~ "Securely encased" means in a glove compartment,
338 whether or not locked; snapped in a holster; in a gun case,
339 whether or not locked; in a zippered gun case; or in a closed
340 box or container which requires a lid or cover to be opened for
341 access.

342 ~~(19)(18)~~ "Sterile area" means the area of an airport to
343 which access is controlled by the inspection of persons and
344 property in accordance with federally approved airport security
345 programs.

346 ~~(1)(19)~~ "Ammunition" means an object consisting of all of
347 the following:

348 (a) A fixed metallic or nonmetallic hull or casing
349 containing a primer.

350 (b) One or more projectiles, one or more bullets, or shot.

351 (c) Gunpowder.

352

353 All of the specified components must be present for an object to
354 be ammunition.

355 Section 5. Section 790.01, Florida Statutes, is amended to
356 read:

357 790.01 ~~Unlicensed~~ Carrying of concealed weapons or
358 concealed firearms.—



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359 (1) A person is authorized to carry a concealed weapon or
360 concealed firearm, as that term is defined in s. 790.06(1), if
361 he or she:

362 (a) Is licensed under s. 790.06; or

363 (b) Is not licensed under s. 790.06, but otherwise
364 satisfies the criteria for receiving and maintaining such a
365 license under s. 790.06(2) (a)-(f) and (i)-(n), (3), and (10).

366 (2) ~~(1)~~ Except as provided in subsection (5) ~~(3)~~, a person
367 who does not meet the criteria in subsection (1) is not licensed
368 under s. 790.06 and who carries a concealed weapon or electric
369 weapon or device, as those terms are defined in s. 790.001, on
370 or about his or her person commits a misdemeanor of the first
371 degree, punishable as provided in s. 775.082 or s. 775.083.

372 (3) ~~(2)~~ Except as provided in subsection (5) ~~(3)~~, a person
373 who does not meet the criteria in subsection (1) is not licensed
374 under s. 790.06 and who carries a concealed firearm, as that
375 term is defined in s. 790.001, on or about his or her person
376 commits a felony of the third degree, punishable as provided in
377 s. 775.082, s. 775.083, or s. 775.084.

378 (4) In any prosecution for a violation of subsection (2) or
379 subsection (3), the state bears the burden of proving, as an
380 element of the offense, both that a person is not licensed under
381 s. 790.06 and that he or she is ineligible to receive and
382 maintain such a license under the criteria listed in s.
383 790.06(2) (a)-(f) and (i)-(n), (3), and (10).

384 (5) ~~(3)~~ A person does not violate this section if he or she
385 This section does not apply to:

386 (a) Is lawfully in possession of ~~A person who carries a~~
387 concealed weapon or a concealed firearm, as those terms are



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388 defined in s. 790.001, or a person who may lawfully possess a
389 firearm and who carries such a concealed weapon or concealed
390 firearm, on or about his or her person while in the act of
391 evacuating during a mandatory evacuation order issued during a
392 state of emergency declared by the Governor pursuant to chapter
393 252 or declared by a local authority pursuant to chapter 870. As
394 used in this subsection, the term "in the act of evacuating"
395 means the immediate and urgent movement of a person away from
396 the evacuation zone within 48 hours after a mandatory evacuation
397 is ordered. The 48 hours may be extended by an order issued by
398 the Governor.

399 (b) ~~A person who~~ Carries for purposes of lawful self-
400 defense, in a concealed manner:

401 1. A self-defense chemical spray.

402 2. A nonlethal stun gun or dart-firing stun gun or other
403 nonlethal electric weapon or device that is designed solely for
404 defensive purposes.

405 ~~(6)-(4)~~ This section does not preclude any prosecution for
406 the use of an electric weapon or device, a dart-firing stun gun,
407 or a self-defense chemical spray during the commission of any
408 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.
409 790.235, or for any other criminal offense.

410 Section 6. Section 790.013, Florida Statutes, is created to
411 read:

412 790.013 Carrying of concealed weapons or concealed firearms
413 without a license.—A person who carries a concealed weapon or
414 concealed firearm without a license as authorized under s.
415 790.01(1)(b):

416 (1)(a) Must carry valid identification at all times when he



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417 or she is in actual possession of a concealed weapon or
418 concealed firearm and must display such identification upon
419 demand by a law enforcement officer.

420 (b) A violation of this subsection is a noncriminal
421 violation punishable by a \$25 fine, payable to the clerk of the
422 court.

423 (2) Is subject to s. 790.06(12) in the same manner as a
424 person who is licensed to carry a concealed weapon or concealed
425 firearm.

426 Section 7. Section 790.015, Florida Statutes, is amended to
427 read:

428 790.015 Nonresidents ~~who are United States citizens and~~
429 ~~hold a concealed weapons license in another state; reciprocity.-~~

430 (1) ~~Notwithstanding s. 790.01,~~ A nonresident of Florida may
431 carry a concealed weapon or concealed firearm, as that term is
432 defined in s. 790.06(1), while in this state if the nonresident
433 is a resident of the United States who is 21 years of age or
434 older and he or she:

435 (a) Satisfies the criteria for receiving and maintaining a
436 license to carry a concealed weapon or concealed firearm under
437 s. 790.06(2) (a)-(f) and (i)-(n), (3), and (10); or

438 ~~(a) Is 21 years of age or older.~~

439 (b) Has in his or her immediate possession a valid license
440 to carry a concealed weapon or concealed firearm issued to the
441 nonresident in his or her state of residence.

442 ~~(c) Is a resident of the United States.~~

443 (2) A nonresident is subject to the same laws and
444 restrictions with respect to carrying a concealed weapon or
445 concealed firearm as a resident of Florida ~~who is so licensed.~~



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446 (3) If the resident of another state who is the holder of a
447 valid license to carry a concealed weapon or concealed firearm
448 issued in another state establishes legal residence in this
449 state by:

450 (a) Registering to vote;

451 (b) Making a statement of domicile pursuant to s. 222.17;

452 or

453 (c) Filing for homestead tax exemption on property in this
454 state,

455

456 the license shall be recognized as valid ~~remain in effect~~ for 90
457 days following the date on which the holder of the license
458 establishes legal state residence.

459 ~~(4) This section applies only to nonresident concealed~~
460 ~~weapon or concealed firearm licenseholders from states that~~
461 ~~honor Florida concealed weapon or concealed firearm licenses.~~

462 (4)(5) The requirement in subsection (1) that a nonresident
463 be 21 years of age or older to carry a concealed weapon or
464 concealed firearm of paragraph (1)(a) does not apply to a person
465 who:

466 (a) Is a servicemember, as defined in s. 250.01; or

467 (b) Is a veteran of the United States Armed Forces who was
468 discharged under honorable conditions.

469 Section 8. Paragraph (d) of subsection (1) of section
470 790.052, Florida Statutes, is amended to read:

471 790.052 Carrying concealed firearms; off-duty law
472 enforcement officers.—

473 (1)

474 (d) This section does not limit the right of a law



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475 enforcement officer, correctional officer, or correctional
476 probation officer to carry a concealed firearm off duty as a
477 private citizen under the exemption provided in s. 790.06 that
478 allows a law enforcement officer, correctional officer, or
479 correctional probation officer as defined in s. 943.10(1), (2),
480 (3), (6), (7), (8), or (9) to carry a concealed firearm without
481 a concealed weapon or concealed firearm license or as otherwise
482 provided by law. The appointing or employing agency or
483 department of an officer carrying a concealed firearm as a
484 private citizen is under s. 790.06 shall not be liable for the
485 use of the firearm in such capacity. This section does not limit
486 ~~Nothing herein limits~~ the authority of the appointing or
487 employing agency or department from establishing policies
488 limiting law enforcement officers or correctional officers from
489 carrying concealed firearms during off-duty hours in their
490 capacity as appointees or employees of the agency or department.

491 Section 9. Subsection (1) of section 790.053, Florida
492 Statutes, is amended to read:

493 790.053 Open carrying of weapons.—

494 (1) Except as otherwise provided by law and in subsection
495 (2), it is unlawful for any person to openly carry on or about
496 his or her person any firearm or electric weapon or device. It
497 is not a violation of this section for a person who carries
498 ~~licensed to carry~~ a concealed firearm as authorized provided in
499 s. 790.01(1) s. 790.06(1), and ~~who is lawfully carrying a~~
500 ~~firearm in a concealed manner~~, to briefly and openly display the
501 firearm to the ordinary sight of another person, unless the
502 firearm is intentionally displayed in an angry or threatening
503 manner, not in necessary self-defense.



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504 Section 10. Subsection (1), paragraphs (g) and (h) of
505 subsection (2), paragraph (e) of subsection (4), paragraph (b)
506 of subsection (5), paragraph (f) of subsection (6), and
507 subsections (9), (10), (12), (13), and (16) of section 790.06,
508 Florida Statutes, are amended to read:

509 790.06 License to carry concealed weapon or concealed
510 firearm.-

511 (1) (a) For the purposes of this section, the term
512 "concealed weapon or concealed firearm" means a handgun,
513 electric weapon or device, tear gas gun, knife, or billie, but
514 does not include a machine gun as that term is defined in s.
515 790.001.

516 (b) The Department of Agriculture and Consumer Services is
517 authorized to issue licenses to carry concealed weapons or
518 concealed firearms to persons qualified as provided in this
519 section. Each ~~such~~ license must bear a color photograph of the
520 licensee. ~~For the purposes of this section, concealed weapons or~~
521 ~~concealed firearms are defined as a handgun, electronic weapon~~
522 ~~or device, tear gas gun, knife, or billie, but the term does not~~
523 ~~include a machine gun as defined in s. 790.001(9).~~

524 (c) ~~Such Licenses are~~ shall be valid throughout the state
525 for a ~~period of 7 years~~ after ~~from~~ the date of issuance. A
526 licensee must carry ~~Any person in compliance with the terms of~~
527 ~~such license may carry a concealed weapon or concealed firearm~~
528 ~~notwithstanding the provisions of s. 790.01. The licensee must~~
529 ~~carry the license, together with~~ valid identification, at all
530 times in which the licensee is in actual possession of a
531 concealed weapon or concealed firearm and must display such ~~both~~
532 ~~the license and proper~~ identification upon demand by a law



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533 enforcement officer. Violations of the provisions of this
534 subsection shall constitute a noncriminal violation with a
535 penalty of \$25, payable to the clerk of the court.

536 (2) The Department of Agriculture and Consumer Services
537 shall issue a license if the applicant:

538 (g) Desires a legal means to carry a concealed weapon or
539 concealed firearm for lawful self-defense;

540 (h) Demonstrates competence with a firearm by any one of
541 the following:

542 1. Completion of any hunter education or hunter safety
543 course approved by the Fish and Wildlife Conservation Commission
544 or a similar agency of another state;

545 2. Completion of any National Rifle Association firearms
546 safety or training course;

547 3. Completion of any firearms safety or training course or
548 class available to the general public offered by a law
549 enforcement agency, junior college, college, or private or
550 public institution or organization or firearms training school,
551 using instructors certified by the National Rifle Association,
552 Criminal Justice Standards and Training Commission, or the
553 Department of Agriculture and Consumer Services;

554 4. Completion of any law enforcement firearms safety or
555 training course or class offered for security guards,
556 investigators, special deputies, or any division or subdivision
557 of a law enforcement agency or security enforcement;

558 5. Presents evidence of equivalent experience with a
559 firearm through participation in organized shooting competition
560 or military service;

561 6. Is licensed or has been licensed to carry a concealed



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562 weapon or concealed firearm in this state or a county or
563 municipality of this state, unless such license has been revoked
564 for cause; or

565 7. Completion of any firearms training or safety course or
566 class conducted by a state-certified or National Rifle
567 Association certified firearms instructor;

568

569 A photocopy of a certificate of completion of any of the courses
570 or classes; an affidavit from the instructor, school, club,
571 organization, or group that conducted or taught such course or
572 class attesting to the completion of the course or class by the
573 applicant; or a copy of any document that shows completion of
574 the course or class or evidences participation in firearms
575 competition shall constitute evidence of qualification under
576 this paragraph. A person who conducts a course pursuant to
577 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
578 an instructor, attests to the completion of such courses, must
579 maintain records certifying that he or she observed the student
580 safely handle and discharge the firearm in his or her physical
581 presence and that the discharge of the firearm included live
582 fire using a firearm and ammunition as defined in s. 790.001;

583 (4) The application shall be completed, under oath, on a
584 form adopted by the Department of Agriculture and Consumer
585 Services and shall include:

586 (e) A statement that the applicant desires a concealed
587 weapon or concealed firearms license as a means of lawful self-
588 defense; and

589 (5) The applicant shall submit to the Department of
590 Agriculture and Consumer Services or an approved tax collector



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591 pursuant to s. 790.0625:

592 (b) A nonrefundable license fee of up to \$55 if he or she
593 has not previously been issued a statewide license or of up to
594 \$45 for renewal of a statewide license. The cost of processing
595 fingerprints as required in paragraph (c) shall be borne by the
596 applicant. However, an individual holding an active
597 certification from the Criminal Justice Standards and Training
598 Commission as a law enforcement officer, correctional officer,
599 or correctional probation officer as defined in s. 943.10(1),
600 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
601 requirements of this section. If such individual wishes to
602 receive a concealed weapon or concealed firearm license, he or
603 she is exempt from the background investigation and all
604 background investigation fees but must pay the current license
605 fees regularly required to be paid by nonexempt applicants.
606 Further, a law enforcement officer, a correctional officer, or a
607 correctional probation officer as defined in s. 943.10(1), (2),
608 or (3) is exempt from the required fees and background
609 investigation for 1 year after his or her retirement.

610 (6)

611 (f) The Department of Agriculture and Consumer Services
612 shall, upon receipt of a completed application and the
613 identifying information required under paragraph (5)(f),
614 expedite the processing of a servicemember's or a veteran's
615 concealed weapon or concealed firearm license application.

616 (9) In the event that a concealed weapon or concealed
617 firearm license is lost or destroyed, the license shall be
618 automatically invalid, and the person to whom the same was
619 issued may, upon payment of \$15 to the Department of Agriculture



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620 and Consumer Services, obtain a duplicate, or substitute
621 thereof, upon furnishing a notarized statement to the Department
622 of Agriculture and Consumer Services that such license has been
623 lost or destroyed.

624 (10) A license issued under this section shall be suspended
625 or revoked pursuant to chapter 120 if the licensee:

626 (a) Is found to be ineligible under the criteria set forth
627 in subsection (2);

628 (b) Develops or sustains a physical infirmity which
629 prevents the safe handling of a weapon or firearm;

630 (c) Is convicted of a felony which would make the licensee
631 ineligible to possess a firearm pursuant to s. 790.23;

632 (d) Is found guilty of a crime under ~~the provisions of~~
633 chapter 893, or similar laws of any other state, relating to
634 controlled substances;

635 (e) Is committed as a substance abuser under chapter 397,
636 or is deemed a habitual offender under s. 856.011(3), or similar
637 laws of any other state;

638 (f) Is convicted of a second violation of s. 316.193, or a
639 similar law of another state, within 3 years after a first
640 conviction of such section or similar law of another state, even
641 though the first violation may have occurred before the date on
642 which the application was submitted;

643 (g) Is adjudicated an incapacitated person under s.
644 744.331, or similar laws of any other state; or

645 (h) Is committed to a mental institution under chapter 394,
646 or similar laws of any other state.

647
648 Notwithstanding s. 120.60(5), service of a notice of the



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649 suspension or revocation of a concealed weapon or concealed
650 firearm license must be given by either certified mail, return
651 receipt requested, to the licensee at his or her last known
652 mailing address furnished to the Department of Agriculture and
653 Consumer Services, or by personal service. If a notice given by
654 certified mail is returned as undeliverable, a second attempt
655 must be made to provide notice to the licensee at that address,
656 by either first-class mail in an envelope, postage prepaid,
657 addressed to the licensee at his or her last known mailing
658 address furnished to the department, or, if the licensee has
659 provided an e-mail address to the department, by e-mail. Such
660 mailing by the department constitutes notice, and any failure by
661 the licensee to receive such notice does not stay the effective
662 date or term of the suspension or revocation. A request for
663 hearing must be filed with the department within 21 days after
664 notice is received by personal delivery, or within 26 days after
665 the date the department deposits the notice in the United States
666 mail (21 days plus 5 days for mailing). The department shall
667 document its attempts to provide notice, and such documentation
668 is admissible in the courts of this state and constitutes
669 sufficient proof that notice was given.

670 (12) (a) A license issued under this section does not
671 authorize any person to openly carry a handgun or carry a
672 concealed weapon or concealed firearm into:

- 673 1. Any place of nuisance as defined in s. 823.05;
- 674 2. Any police, sheriff, or highway patrol station;
- 675 3. Any detention facility, prison, or jail;
- 676 4. Any courthouse;
- 677 5. Any courtroom, except that nothing in this section



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678 precludes ~~would preclude~~ a judge from carrying a concealed
679 weapon or concealed firearm or determining who will carry a
680 concealed weapon or concealed firearm in his or her courtroom;

681 6. Any polling place;

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

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

685 9. Any school, college, or professional athletic event not
686 related to firearms;

687 10. Any elementary or secondary school facility or
688 administration building;

689 11. Any career center;

690 12. Any portion of an establishment licensed to dispense
691 alcoholic beverages for consumption on the premises, which
692 portion of the establishment is primarily devoted to such
693 purpose;

694 13. Any college or university facility unless the licensee
695 is a registered student, employee, or faculty member of such
696 college or university and the weapon is a stun gun or nonlethal
697 electric weapon or device designed solely for defensive purposes
698 and the weapon does not fire a dart or projectile;

699 14. The inside of the passenger terminal and sterile area
700 of any airport, provided that no person shall be prohibited from
701 carrying any legal firearm into the terminal, which firearm is
702 encased for shipment for purposes of checking such firearm as
703 baggage to be lawfully transported on any aircraft; or

704 15. Any place where the carrying of firearms is prohibited
705 by federal law.

706 (b) A person licensed under this section is ~~shall~~ not ~~be~~



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707 prohibited from carrying or storing a firearm in a vehicle for
708 lawful purposes.

709 (c) This section does not modify the terms or conditions of
710 s. 790.251(7).

711 (d) Any person who knowingly and willfully violates any
712 provision of this subsection commits a misdemeanor of the second
713 degree, punishable as provided in s. 775.082 or s. 775.083.

714 (13) Notwithstanding any other law, for the purposes of
715 safety, security, personal protection, or any other lawful
716 purpose, a person licensed under this section may carry a
717 concealed weapon or concealed firearm on property owned, rented,
718 leased, borrowed, or lawfully used by a church, synagogue, or
719 other religious institution. This subsection does not limit the
720 private property rights of a church, synagogue, or other
721 religious institution to exercise control over property that the
722 church, synagogue, or other religious institution owns, rents,
723 leases, borrows, or lawfully uses.

724 (16) The Legislature finds as a matter of public policy and
725 fact that it is necessary to provide statewide uniform standards
726 for issuing licenses to carry concealed weapons and concealed
727 firearms ~~for self-defense~~ and finds it necessary to occupy the
728 field of regulation of the bearing of concealed weapons or
729 concealed firearms ~~for self-defense to ensure that no honest,~~
730 ~~law-abiding person who qualifies under the provisions of this~~
731 ~~section is subjectively or arbitrarily denied his or her rights.~~
732 The Department of Agriculture and Consumer Services shall
733 implement and administer ~~the provisions of~~ this section. The
734 Legislature does not delegate to the Department of Agriculture
735 and Consumer Services the authority to regulate or restrict the



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736 issuing of licenses provided for in this section, beyond those
737 provisions contained in this section. Subjective or arbitrary
738 actions or rules which encumber the issuing process by placing
739 burdens on the applicant beyond those sworn statements and
740 specified documents detailed in this section or which create
741 restrictions beyond those specified in this section are in
742 conflict with the intent of this section and are prohibited.
743 This section shall be liberally construed to carry out the
744 constitutional right to bear arms ~~for self-defense~~. This section
745 is supplemental and additional to existing rights to bear arms,
746 and nothing in this section shall impair or diminish such
747 rights.

748 Section 11. Paragraph (a) of subsection (2) of section
749 790.0655, Florida Statutes, is amended to read:

750 790.0655 Purchase and delivery of firearms; mandatory
751 waiting period; exceptions; penalties.—

752 (2) The waiting period does not apply in the following
753 circumstances:

754 (a) When a firearm is being purchased by a holder of a
755 concealed weapons or concealed firearms license issued under
756 ~~permit as defined in s. 790.06~~.

757 Section 12. Subsection (1) and paragraphs (a), (b), (c),
758 and (e) of subsection (2) of section 790.115, Florida Statutes,
759 are amended to read:

760 790.115 Possessing or discharging weapons or firearms at a
761 school-sponsored event or on school property prohibited;
762 penalties; exceptions.—

763 (1) A person who exhibits any sword, sword cane, firearm,
764 electric weapon or device, destructive device, or other weapon



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765 as defined in s. 790.001 ~~s. 790.001(13)~~, including a razor
766 blade, box cutter, or common pocketknife, except as authorized
767 in support of school-sanctioned activities, in the presence of
768 one or more persons in a rude, careless, angry, or threatening
769 manner and not in lawful self-defense, at a school-sponsored
770 event or on the grounds or facilities of any school, school bus,
771 or school bus stop, or within 1,000 feet of the real property
772 that comprises a public or private elementary school, middle
773 school, or secondary school, during school hours or during the
774 time of a sanctioned school activity, commits a felony of the
775 third degree, punishable as provided in s. 775.082, s. 775.083,
776 or s. 775.084. This subsection does not apply to the exhibition
777 of a firearm or weapon on private real property within 1,000
778 feet of a school by the owner of such property or by a person
779 whose presence on such property has been authorized, licensed,
780 or invited by the owner.

781 (2) (a) A person shall not possess any firearm, electric
782 weapon or device, destructive device, or other weapon as defined
783 in s. 790.001 ~~s. 790.001(13)~~, including a razor blade or box
784 cutter, except as authorized in support of school-sanctioned
785 activities, at a school-sponsored event or on the property of
786 any school, school bus, or school bus stop; however, a person
787 may carry a firearm:

788 1. In a case to a firearms program, class or function which
789 has been approved in advance by the principal or chief
790 administrative officer of the school as a program or class to
791 which firearms could be carried;

792 2. In a case to a career center having a firearms training
793 range; or



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794 3. In a vehicle pursuant to s. 790.25(4) ~~s. 790.25(5)~~;
795 except that school districts may adopt written and published
796 policies that waive the exception in this subparagraph for
797 purposes of student and campus parking privileges.
798

799 For the purposes of this section, "school" means any preschool,
800 elementary school, middle school, junior high school, secondary
801 school, career center, or postsecondary school, whether public
802 or nonpublic.

803 (b) Except as provided in paragraph (e), a person who
804 willfully and knowingly possesses any electric weapon or device,
805 destructive device, or other weapon as defined in s. 790.001 ~~s.~~
806 ~~790.001(13)~~, including a razor blade or box cutter, except as
807 authorized in support of school-sanctioned activities, in
808 violation of this subsection commits a felony of the third
809 degree, punishable as provided in s. 775.082, s. 775.083, or s.
810 775.084.

811 (c)1. Except as provided in paragraph (e), a person who
812 willfully and knowingly possesses any firearm in violation of
813 this subsection commits a felony of the third degree, punishable
814 as provided in s. 775.082, s. 775.083, or s. 775.084.

815 2. A person who stores or leaves a loaded firearm within
816 the reach or easy access of a minor who obtains the firearm and
817 commits a violation of subparagraph 1. commits a misdemeanor of
818 the second degree, punishable as provided in s. 775.082 or s.
819 775.083; except that this does not apply if the firearm was
820 stored or left in a securely locked box or container or in a
821 location which a reasonable person would have believed to be
822 secure, or was securely locked with a firearm-mounted push-



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823 button combination lock or a trigger lock; if the minor obtains
824 the firearm as a result of an unlawful entry by any person; or
825 to members of the Armed Forces, National Guard, or State
826 Militia, or to police or other law enforcement officers, with
827 respect to firearm possession by a minor which occurs during or
828 incidental to the performance of their official duties.

829 (e) A person who is authorized to carry a concealed weapon
830 or concealed firearm under s. 790.01(1) and who willfully and
831 knowingly violates paragraph (b) or subparagraph (c)1. commits a
832 misdemeanor of the second degree, punishable as provided in s.
833 775.082 or s. 775.083 ~~The penalties of this subsection shall not~~
834 ~~apply to persons licensed under s. 790.06. Persons licensed~~
835 ~~under s. 790.06 shall be punished as provided in s. 790.06(12),~~
836 ~~except that a licenseholder who unlawfully discharges a weapon~~
837 ~~or firearm on school property as prohibited by this subsection~~
838 ~~commits a felony of the second degree, punishable as provided in~~
839 ~~s. 775.082, s. 775.083, or s. 775.084.~~

840 Section 13. Section 790.145, Florida Statutes, is repealed.

841 Section 14. Subsection (2), subsection (3), and subsection
842 (5) of section 790.25, Florida Statutes, are amended to read:

843 790.25 Lawful ownership, possession, and use of firearms
844 and other weapons.—

845 ~~(2) USES NOT AUTHORIZED.—~~

846 ~~(a) This section does not authorize carrying a concealed~~
847 ~~weapon without a permit, as prohibited by ss. 790.01 and 790.02.~~

848 ~~(b) The protections of this section do not apply to the~~
849 ~~following:~~

850 ~~1. A person who has been adjudged mentally incompetent, who~~
851 ~~is addicted to the use of narcotics or any similar drug, or who~~



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852 ~~is a habitual or chronic alcoholic, or a person using weapons or~~
853 ~~firearms in violation of ss. 790.07-790.115, 790.145-790.19,~~
854 ~~790.22-790.24;~~

855 ~~2. Vagrants and other undesirable persons as defined in s.~~
856 ~~856.02;~~

857 ~~3. A person in or about a place of nuisance as defined in~~
858 ~~s. 823.05, unless such person is there for law enforcement or~~
859 ~~some other lawful purpose.~~

860 ~~(2)(3) LAWFUL USES. Notwithstanding the provisions of ss.~~
861 ~~790.01, 790.053, and 790.06, do not apply in the following~~
862 ~~instances, and, despite such sections, it is lawful for the~~
863 ~~following persons may to own, possess, and lawfully use firearms~~
864 ~~and other weapons, ammunition, and supplies for lawful purposes~~
865 ~~if they are not otherwise prohibited from owning or possessing a~~
866 ~~firearm under state or federal law:~~

867 (a) Members of the Militia, National Guard, Florida State
868 Defense Force, Army, Navy, Air Force, Marine Corps, Space Force,
869 Coast Guard, organized reserves, and other armed forces of the
870 state and of the United States, when on duty, when training or
871 preparing themselves for military duty, or while subject to
872 recall or mobilization;

873 (b) Citizens of this state subject to duty in the Armed
874 Forces under s. 2, Art. X of the State Constitution, under
875 chapters 250 and 251, and under federal laws, when on duty or
876 when training or preparing themselves for military duty;

877 (c) Persons carrying out or training for emergency
878 management duties under chapter 252;

879 (d) Sheriffs, marshals, prison or jail wardens, police
880 officers, Florida highway patrol officers, game wardens, revenue



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881 officers, forest officials, special officers appointed under the
882 provisions of chapter 354, and other peace and law enforcement
883 officers and their deputies and assistants and full-time paid
884 peace officers of other states and of the Federal Government who
885 are carrying out official duties while in this state;

886 (e) Officers or employees of the state or United States
887 duly authorized to carry a concealed weapon or a concealed
888 firearm;

889 (f) Guards or messengers of common carriers, express
890 companies, armored car carriers, mail carriers, banks, and other
891 financial institutions, while actually employed in and about the
892 shipment, transportation, or delivery of any money, treasure,
893 bullion, bonds, or other thing of value within this state;

894 (g) Regularly enrolled members of any organization duly
895 authorized to purchase or receive weapons or firearms from the
896 United States or from this state, or regularly enrolled members
897 of clubs organized for target, skeet, or trap shooting, while at
898 or going to or from shooting practice; or regularly enrolled
899 members of clubs organized for modern or antique firearms
900 collecting, while such members are at or going to or from their
901 collectors' gun shows, conventions, or exhibits;

902 (h) A person engaged in fishing, camping, or lawful hunting
903 or going to or returning from a fishing, camping, or lawful
904 hunting expedition;

905 (i) A person engaged in the business of manufacturing,
906 repairing, or dealing in firearms, or the agent or
907 representative of any such person while engaged in the lawful
908 course of such business;

909 (j) A person discharging a weapon or firearm ~~firing weapons~~



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910 for testing or target practice under safe conditions and in a
911 safe place not prohibited by law or going to or from such place;

912 (k) A person discharging a weapon or firearm ~~firing weapons~~
913 in a safe and secure indoor range for testing and target
914 practice;

915 (l) A person traveling ~~by private conveyance when the~~
916 ~~weapon is securely encased or~~ in a public conveyance when the
917 weapon or firearm is securely encased and not in the person's
918 manual possession;

919 (m) A person while carrying a handgun ~~pistol~~ unloaded and
920 in a secure wrapper, concealed or otherwise, from the place of
921 purchase to his or her home or place of business or to a place
922 of repair or back to his or her home or place of business;

923 (n) A person possessing weapons or firearms ~~arms~~ at his or
924 her home or place of business;

925 (o) Investigators employed by the several public defenders
926 of the state, while actually carrying out official duties,
927 provided such investigators:

928 1. Are employed full time;

929 2. Meet the official training standards for firearms
930 established by the Criminal Justice Standards and Training
931 Commission as provided in s. 943.12(5) and the requirements of
932 ss. 493.6108(1)(a) and 943.13(1)-(4); and

933 3. Are individually designated by an affidavit of consent
934 signed by the employing public defender and filed with the clerk
935 of the circuit court in the county in which the employing public
936 defender resides.

937 (p) Investigators employed by the capital collateral
938 regional counsel, while actually carrying out official duties,



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939 provided such investigators:

940 1. Are employed full time;

941 2. Meet the official training standards for firearms as
942 established by the Criminal Justice Standards and Training
943 Commission as provided in s. 943.12(1) and the requirements of
944 ss. 493.6108(1)(a) and 943.13(1)-(4); and

945 3. Are individually designated by an affidavit of consent
946 signed by the capital collateral regional counsel and filed with
947 the clerk of the circuit court in the county in which the
948 investigator is headquartered.

949 (q)1. A tactical medical professional who is actively
950 operating in direct support of a tactical operation by a law
951 enforcement agency provided that:

952 a. The tactical medical professional is lawfully able to
953 possess firearms and has an active concealed weapon or concealed
954 firearm license ~~weapons permit~~ issued pursuant to s. 790.06.

955 b. The tactical medical professional is appointed to a law
956 enforcement tactical team of a law enforcement agency by the
957 head of the law enforcement agency.

958 c. The law enforcement agency has an established policy
959 providing for the appointment, training, and deployment of the
960 tactical medical professional.

961 d. The tactical medical professional successfully completes
962 a firearms safety training and tactical training as established
963 or designated by the appointing law enforcement agency.

964 e. The law enforcement agency provides and the tactical
965 medical professional participates in annual firearm training and
966 tactical training.

967 2. While actively operating in direct support of a tactical



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968 operation by a law enforcement agency, a tactical medical
969 professional:

970 a. May carry a firearm in the same manner as a law
971 enforcement officer, as defined in s. 943.10 and,
972 notwithstanding any other law, at any place a tactical law
973 enforcement operation occurs.

974 b. Has no duty to retreat and is justified in the use of
975 any force which he or she reasonably believes is necessary to
976 defend himself or herself or another from bodily harm.

977 c. Has the same immunities and privileges as a law
978 enforcement officer, as defined in s. 943.10, in a civil or
979 criminal action arising out of a tactical law enforcement
980 operation when acting within the scope of his or her official
981 duties.

982 3. This paragraph may not be construed to authorize a
983 tactical medical professional to carry, transport, or store any
984 firearm or ammunition on any fire apparatus or EMS vehicle.

985 4. The appointing law enforcement agency shall issue any
986 firearm or ammunition that the tactical medical professional
987 carries in accordance with this paragraph.

988 5. For the purposes of this paragraph, the term "tactical
989 medical professional" means a paramedic, as defined in s.
990 401.23, a physician, as defined in s. 458.305, or an osteopathic
991 physician, as defined in s. 459.003, who is appointed to provide
992 direct support to a tactical law enforcement unit by providing
993 medical services at high-risk incidents, including, but not
994 limited to, hostage incidents, narcotics raids, hazardous
995 surveillance, sniper incidents, armed suicidal persons,
996 barricaded suspects, high-risk felony warrant service, fugitives



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997 refusing to surrender, and active shooter incidents.

998 (4) ~~(5)~~ POSSESSION IN PRIVATE CONVEYANCE.-

999 (a) Notwithstanding s. 790.01, a person 18 years of age or
1000 older who is in lawful possession of a handgun or other weapon
1001 may possess such a handgun or weapon within the interior of a
1002 private conveyance if the handgun or weapon is securely encased
1003 or otherwise not readily accessible for immediate use. A person
1004 who possesses a handgun or other weapon as authorized under this
1005 paragraph may not carry the handgun or weapon on his or her
1006 person.

1007 (b) This subsection does not prohibit a person from
1008 carrying a:

1009 1. Legal firearm other than a handgun anywhere in a private
1010 conveyance when such firearm is being carried for a lawful use;
1011 or

1012 2. Concealed weapon or concealed firearm on his or her
1013 person while in a private conveyance if he or she is authorized
1014 to carry a concealed weapon or concealed firearm under s.
1015 790.01(1).

1016 (c) This subsection shall be liberally construed in favor
1017 of the lawful use, ownership, and possession of firearms and
1018 other weapons, including lawful self-defense as provided in s.
1019 776.012. Notwithstanding subsection (2), it is lawful and is not
1020 a violation of s. 790.01 for a person 18 years of age or older
1021 to possess a concealed firearm or other weapon for self-defense
1022 or other lawful purpose within the interior of a private
1023 conveyance, without a license, if the firearm or other weapon is
1024 securely encased or is otherwise not readily accessible for
1025 immediate use. Nothing herein contained prohibits the carrying



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1026 ~~of a legal firearm other than a handgun anywhere in a private~~
1027 ~~conveyance when such firearm is being carried for a lawful use.~~
1028 ~~Nothing herein contained shall be construed to authorize the~~
1029 ~~carrying of a concealed firearm or other weapon on the person.~~
1030 ~~This subsection shall be liberally construed in favor of the~~
1031 ~~lawful use, ownership, and possession of firearms and other~~
1032 ~~weapons, including lawful self-defense as provided in s.~~
1033 ~~776.012.~~

1034 Section 15. Paragraph (c) of subsection (2) and paragraph
1035 (c) of subsection (4) of section 790.251, Florida Statutes, are
1036 amended to read:

1037 790.251 Protection of the right to keep and bear arms in
1038 motor vehicles for self-defense and other lawful purposes;
1039 prohibited acts; duty of public and private employers; immunity
1040 from liability; enforcement.—

1041 (2) DEFINITIONS.—As used in this section, the term:

1042 (c) "Employee" means any person who is authorized to carry
1043 a concealed weapon or concealed firearm under s. 790.01(1)
1044 ~~possesses a valid license issued pursuant to s. 790.06~~ and:

- 1045 1. Works for salary, wages, or other remuneration;
1046 2. Is an independent contractor; or
1047 3. Is a volunteer, intern, or other similar individual for
1048 an employer.

1049
1050 As used in this section, the term "firearm" includes ammunition
1051 and accoutrements attendant to the lawful possession and use of
1052 a firearm.

1053 (4) PROHIBITED ACTS.—No public or private employer may
1054 violate the constitutional rights of any customer, employee, or



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1055 invitee as provided in paragraphs (a)-(e):

1056 (c) No public or private employer shall condition
1057 employment upon either:

1058 1. The fact that an employee or prospective employee is
1059 authorized to carry a concealed weapon or concealed firearm
1060 under s. 790.01(1) holds or does not hold a license issued
1061 pursuant to s. 790.06; or

1062 2. Any agreement by an employee or a prospective employee
1063 that prohibits an employee from keeping a legal firearm locked
1064 inside or locked to a private motor vehicle in a parking lot
1065 when such firearm is kept for lawful purposes.

1066
1067 This subsection applies to all public sector employers,
1068 including those already prohibited from regulating firearms
1069 under ~~the provisions of~~ s. 790.33.

1070 Section 16. Paragraph (c) of subsection (1) of section
1071 790.31, Florida Statutes, is amended to read:

1072 790.31 Armor-piercing or exploding ammunition or dragon's
1073 breath shotgun shells, bolo shells, or flechette shells
1074 prohibited.—

1075 (1) As used in this section, the term:

1076 ~~(c) "Handgun" means a firearm capable of being carried and~~
1077 ~~used by one hand, such as a pistol or revolver.~~

1078 Section 17. Effective upon becoming a law, section
1079 943.6873, Florida Statutes, is created to read:

1080 943.6873 Active assailant response policy.—For the
1081 protection of all persons in this state, it is necessary and
1082 required that every law enforcement agency in this state be
1083 prepared to respond to an active assailant event. To be



1084 adequately prepared, each law enforcement agency must create and
1085 maintain an active assailant response policy.

1086 (1) By October 1, 2023, each law enforcement agency in this
1087 state shall have a written active assailant response policy
1088 that:

1089 (a) Is consistent with the agency's response capabilities;
1090 and

1091 (b) Includes response procedures specifying the command
1092 protocol and coordination with other law enforcement agencies.

1093 (2) (a) The department shall make the model active assailant
1094 response policy developed by the Marjory Stoneman Douglas High
1095 School Public Safety Commission available on its website. The
1096 department may also make available any other policies deemed
1097 appropriate by the executive director which may guide a law
1098 enforcement agency in developing its active assailant response
1099 policy.

1100 (b) Each law enforcement agency must review the model
1101 active assailant response policy developed by the Marjory
1102 Stoneman Douglas High School Public Safety Commission when
1103 developing its active assailant response policy.

1104 (3) Each law enforcement agency shall ensure that all of
1105 its sworn personnel have been trained on the agency's existing
1106 active assailant response policy, or that sworn personnel are
1107 trained within 180 days after enacting a new or revised policy.
1108 Each law enforcement agency must ensure that all of its sworn
1109 personnel receive, at minimum, annual training on the active
1110 assailant response policy.

1111 (4) By October 1, 2023, each law enforcement agency shall
1112 provide written certification to the department from the head of



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1113 the law enforcement agency verifying that the agency has
1114 officially adopted a written active assailant response policy.

1115 (5) By January 1, 2024, the department shall submit a
1116 report to the Governor, the President of the Senate, and the
1117 Speaker of the House of Representatives identifying each law
1118 enforcement agency that has not complied with the requirements
1119 of this section.

1120 Section 18. Effective upon becoming a law, subsections (12)
1121 and (13) of section 1001.212, Florida Statutes, are amended to
1122 read:

1123 1001.212 Office of Safe Schools.—There is created in the
1124 Department of Education the Office of Safe Schools. The office
1125 is fully accountable to the Commissioner of Education. The
1126 office shall serve as a central repository for best practices,
1127 training standards, and compliance oversight in all matters
1128 regarding school safety and security, including prevention
1129 efforts, intervention efforts, and emergency preparedness
1130 planning. The office shall:

1131 (12) Develop a statewide behavioral threat management
1132 operational process, a Florida-specific behavioral threat
1133 assessment instrument, and a threat management portal.

1134 (a)1. By December 1, 2023, the office shall develop a
1135 statewide behavioral threat management operational process to
1136 guide school districts, schools, charter school governing
1137 boards, and charter schools through the threat management
1138 process. The process must be designed to identify, assess,
1139 manage, and monitor potential and real threats to schools. This
1140 process must include, but is not limited to:

1141 a. The establishment and duties of threat management teams.



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- 1142 b. Defining behavioral risks and threats.
- 1143 c. The use of the Florida-specific behavioral threat
1144 assessment instrument developed pursuant to paragraph (b) to
1145 evaluate the behavior of students who may pose a threat to the
1146 school, school staff, or other students and to coordinate
1147 intervention and services for such students.
- 1148 d. Upon the availability of the threat management portal
1149 developed pursuant to paragraph (c), the use, authorized user
1150 criteria, and access specifications of the portal.
- 1151 e. Procedures for the implementation of interventions,
1152 school support, and community services.
- 1153 f. Guidelines for appropriate law enforcement intervention.
- 1154 g. Procedures for risk management.
- 1155 h. Procedures for disciplinary actions.
- 1156 i. Mechanisms for continued monitoring of potential and
1157 real threats.
- 1158 j. Procedures for referrals to mental health services
1159 identified by the school district or charter school governing
1160 board pursuant to s. 1012.584(4).
- 1161 k. Procedures and requirements necessary for the creation
1162 of a threat assessment report, all corresponding documentation,
1163 and any other information required by the Florida-specific
1164 behavioral threat assessment instrument under paragraph (b).
- 1165 2. Upon availability, each school district, school, charter
1166 school governing board, and charter school must use the
1167 statewide behavioral threat management operational process.
- 1168 3. The office shall provide training to all school
1169 districts, schools, charter school governing boards, and charter
1170 schools on the statewide behavioral threat management



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1171 operational process.

1172 4. The office shall coordinate the ongoing development,
1173 implementation, and operation of the statewide behavioral threat
1174 management operational process.

1175 (b)1. By August 1, 2023 2019, the office shall develop a
1176 Florida-specific standardized, statewide behavioral threat
1177 assessment instrument for school districts, schools, charter
1178 school governing boards, and charter schools to use to evaluate
1179 the behavior of students who may pose a threat to the school,
1180 school staff, or students and to coordinate intervention and
1181 services for such students. The Florida-specific behavioral
1182 threat assessment instrument must include, but is not limited
1183 to: use by all public schools, including charter schools, which
1184 addresses early identification, evaluation, early intervention,
1185 and student support.

1186 (a) The standardized, statewide behavioral threat
1187 assessment instrument must include, but need not be limited to,
1188 components and forms that address:

1189 a.1. An assessment of the threat, which includes an
1190 assessment of the student, family, and school and social
1191 dynamics.

1192 b.2. An evaluation to determine whether a threat exists and
1193 if so, if the type of threat is transient or substantive.

1194 c.3. The response to a substantive threat, which includes
1195 the school response, and the role of law enforcement agencies in
1196 the response, and the response by mental health providers.

1197 d.4. The response to a serious substantive threat,
1198 including mental health and law enforcement referrals.

1199 5. Ongoing monitoring to assess implementation of threat



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1200 management and safety strategies.

1201 e. Ongoing monitoring to evaluate interventions and support
1202 provided to the students.

1203 f. A standardized threat assessment report, which must
1204 include, but need not be limited to, all documentation
1205 associated with the evaluation, intervention, management, and
1206 any ongoing monitoring of the threat.

1207 2. A report, all corresponding documentation, and any other
1208 information required by the instrument in the threat management
1209 portal under paragraph (c) is an education record and may not be
1210 retained, maintained, or transferred, except in accordance with
1211 State Board of Education rule.

1212 3. Upon availability, each school district, school, charter
1213 school governing board, and charter school must use the Florida-
1214 specific behavioral threat assessment instrument.

1215 4.6. The office shall provide training for members of
1216 threat management ~~assessment~~ teams established under s.
1217 1006.07(7) and for all school districts and charter school
1218 governing boards ~~school administrators~~ regarding the use of the
1219 Florida-specific behavioral threat assessment instrument.

1220 (c)1. By August 1, 2025, the office shall develop, host,
1221 maintain, and administer a threat management portal that will
1222 digitize the Florida-specific behavioral threat assessment
1223 instrument for use by each school district, school, charter
1224 school governing board, and charter school. The portal will also
1225 facilitate the electronic threat assessment reporting and
1226 documentation as required by the Florida-specific behavioral
1227 threat assessment instrument to evaluate the behavior of
1228 students who may pose a threat to the school, school staff, or



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1229 students and to coordinate intervention and services for such
1230 students. The portal may not provide the office with access to
1231 the portal unless authorized in accordance with State Board of
1232 Education rule. The portal must include, but need not be limited
1233 to, the following functionalities:

1234 a. Workflow processes that align with the statewide
1235 behavioral threat management operational process.

1236 b. Direct data entry and file uploading as required by the
1237 Florida-specific behavioral threat assessment instrument.

1238 c. The ability to create a threat assessment report as
1239 required by the Florida-specific behavioral threat assessment
1240 instrument.

1241 d. The ability of authorized personnel to add to or update
1242 a threat assessment report, all corresponding documentation, or
1243 any other information required by the Florida-specific
1244 behavioral threat assessment instrument.

1245 e. The ability to create and remove connections between
1246 education records in the portal and authorized personnel.

1247 f. The ability to grant access to and securely transfer any
1248 education records in the portal to other schools or charter
1249 schools in the district.

1250 g. The ability to grant access to and securely transfer any
1251 education records in the portal to schools and charter schools
1252 not in the originating district.

1253 h. The ability to retain, maintain, and transfer education
1254 records in the portal in accordance with State Board of
1255 Education rule.

1256 i. The ability to restrict access to, entry of,
1257 modification of, and transfer of education records in the portal



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1258 to a school district, school, charter school governing board, or
1259 charter school and authorized personnel as specified by the
1260 statewide behavioral threat management operational process.

1261 j. The ability to designate school district or charter
1262 school governing board system administrators who may grant
1263 access to authorized school district and charter school
1264 governing board personnel and school and charter school system
1265 administrators.

1266 k. The ability to designate school or charter school system
1267 administrators who may grant access to authorized school or
1268 charter school personnel.

1269 1. The ability to notify the office's system administrators
1270 and school district or charter school governing board system
1271 administrators of attempts to access any education records by
1272 unauthorized personnel.

1273 2. Upon availability, each school district, school, charter
1274 school governing board, and charter school shall use the portal.

1275 3. A threat assessment report, all corresponding
1276 documentation, and any other information required by the
1277 Florida-specific behavioral threat assessment instrument which
1278 is maintained in the portal is an education record and may not
1279 be retained, maintained, or transferred, except in accordance
1280 with State Board of Education rule.

1281 4. The office and the office system administrators may not
1282 have access to a threat assessment report, all corresponding
1283 documentation, and any other information required by the
1284 Florida-specific behavioral threat assessment instrument which
1285 is maintained in the portal.

1286 5. A school district or charter school governing board may



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1287 not have access to the education records in the portal, except
1288 in accordance with State Board of Education rule.

1289 6. The parent of a student may access his or her student's
1290 education records in the portal in accordance with State Board
1291 of Education rule, but may not have access to the portal.

1292 7. The office shall develop and implement a quarterly
1293 portal access review audit process.

1294 8. Upon availability, each school district, school, charter
1295 school governing board, and charter school shall comply with the
1296 quarterly portal access review audit process developed by the
1297 office.

1298 9. By August 1, 2025, and annually thereafter, the office
1299 shall provide role-based training to all authorized school
1300 district, school, charter school governing board, and charter
1301 school personnel.

1302 10. Any individual who accesses, uses, or releases any
1303 education record contained in the portal for a purpose not
1304 specifically authorized by law commits a noncriminal infraction,
1305 punishable by a fine not exceeding \$2,000.

1306 (d) ~~(b)~~ The office shall:

1307 ~~1. by August 1 of each year: 2020,~~

1308 1. Evaluate each school district's and charter school
1309 governing board's use of the statewide behavioral threat
1310 management operational process, the Florida-specific behavioral
1311 threat assessment instrument, and the threat management portal
1312 procedures for compliance with this subsection.

1313 2. Notify the district school superintendent or charter
1314 school governing board, as applicable, if the use of the
1315 statewide behavioral threat management operational process, the



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1316 Florida-specific behavioral threat assessment instrument, and
1317 the threat management portal is not in compliance with this
1318 subsection.

1319 3. Report any issues of ongoing noncompliance with this
1320 subsection to the commissioner and the district school
1321 superintendent or the charter school governing board, as
1322 applicable.

1323 ~~(13) Establish the Statewide Threat Assessment Database~~
1324 ~~Workgroup, composed of members appointed by the department, to~~
1325 ~~complement the work of the department and the Department of Law~~
1326 ~~Enforcement associated with the centralized integrated data~~
1327 ~~repository and data analytics resources initiative and make~~
1328 ~~recommendations regarding the development of a statewide threat~~
1329 ~~assessment database. The database must allow authorized public~~
1330 ~~school personnel to enter information related to any threat~~
1331 ~~assessment conducted at their respective schools using the~~
1332 ~~instrument developed by the office pursuant to subsection (12),~~
1333 ~~and must provide such information to authorized personnel in~~
1334 ~~each school district and public school and to appropriate~~
1335 ~~stakeholders. By December 31, 2019, the workgroup shall provide~~
1336 ~~a report to the office with recommendations that include, but~~
1337 ~~need not be limited to:~~

1338 ~~(a) Threat assessment data that should be required to be~~
1339 ~~entered into the database.~~

1340 ~~(b) School district and public school personnel who should~~
1341 ~~be allowed to input student records to the database and view~~
1342 ~~such records.~~

1343 ~~(c) Database design and functionality, to include data~~
1344 ~~security.~~



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1345 ~~(d) Restrictions and authorities on information sharing,~~
1346 ~~including:~~
1347 ~~1. Section 1002.22 and other applicable state laws.~~
1348 ~~2. The Family Educational Rights and Privacy Act (FERPA),~~
1349 ~~20 U.S.C. s. 1232g, 42 C.F.R. part 2; the Health Insurance~~
1350 ~~Portability and Accountability Act (HIPAA), 42 U.S.C. s. 1320d6,~~
1351 ~~45 C.F.R. part 164, subpart E; and other applicable federal~~
1352 ~~laws.~~
1353 ~~3. The appropriateness of interagency agreements that will~~
1354 ~~allow law enforcement to view database records.~~
1355 ~~(e) The cost to develop and maintain a statewide online~~
1356 ~~database.~~
1357 ~~(f) An implementation plan and timeline for the workgroup~~
1358 ~~recommendations.~~
1359 Section 19. Effective upon becoming a law, the State Board
1360 of Education may, and all conditions are deemed met, to adopt
1361 emergency rules pursuant to s. 120.54(4), Florida Statutes, for
1362 the purpose of implementing the amendments made to s.
1363 1001.212(12), Florida Statutes, by this act. Notwithstanding any
1364 other law, emergency rules adopted pursuant to this section are
1365 effective for 6 months after adoption and may be renewed during
1366 the pendency of procedures to adopt permanent rules addressing
1367 the subject of the emergency rules. This section expires July 1,
1368 2024.
1369 Section 20. Subsection (18) is added to section 1002.42,
1370 Florida Statutes, to read:
1371 1002.42 Private schools.—
1372 (18) SAFE SCHOOL OFFICERS.—
1373 (a) A private school may partner with a law enforcement



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1374 agency or a security agency to establish or assign one or more
1375 safe-school officers established in s. 1006.12(1)-(4). The
1376 private school is responsible for the full cost of implementing
1377 any such option, which includes all training costs under the
1378 Coach Aaron Feis Guardian Program under s. 30.15(1)(k).

1379 (b) A private school that establishes a safe-school officer
1380 must comply with the requirements of s. 1006.12. References to a
1381 school district, district school board, or district school
1382 superintendent in s. 1006.12(1)-(5) shall also mean a private
1383 school governing board or private school head of school, as
1384 applicable. References to a school district employee in s.
1385 1006.12(3) shall also mean a private school employee.

1386 Section 21. Effective upon becoming a law, subsection (2)
1387 of section 1003.25, Florida Statutes, is amended to read:

1388 1003.25 Procedures for maintenance and transfer of student
1389 records.—

1390 (2) The procedure for transferring and maintaining records
1391 of students who transfer from school to school is shall be
1392 prescribed by rules of the State Board of Education. The
1393 transfer of records must shall occur within 3 school days. The
1394 records must shall include, if applicable:

1395 (a) Verified reports of serious or recurrent behavior
1396 patterns, including any threat assessment report, all
1397 corresponding documentation, and any other information required
1398 by the Florida-specific behavioral threat assessment instrument
1399 pursuant to s. 1001.212(12) which contains the evaluation,
1400 evaluations and intervention, and management of the threat
1401 assessment evaluations and intervention services.

1402 (b) Psychological evaluations, including therapeutic



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1403 treatment plans and therapy or progress notes created or
1404 maintained by school district or charter school staff, as
1405 appropriate.

1406 Section 22. Effective upon becoming a law, paragraph (b) of
1407 subsection (4), paragraph (b) of subsection (6), and subsections
1408 (7) and (9) of section 1006.07, Florida Statutes, are amended to
1409 read:

1410 1006.07 District school board duties relating to student
1411 discipline and school safety.—The district school board shall
1412 provide for the proper accounting for all students, for the
1413 attendance and control of students at school, and for proper
1414 attention to health, safety, and other matters relating to the
1415 welfare of students, including:

1416 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

1417 (b) Provide timely notification to parents of threats
1418 pursuant to policies adopted under subsection (7) and the
1419 following unlawful acts or significant emergencies that occur on
1420 school grounds, during school transportation, or during school-
1421 sponsored activities:

1422 1. Weapons possession or use when there is intended harm
1423 toward another person, hostage, and active assailant situations.
1424 The active assailant situation training for each school must
1425 engage the participation of the district school safety
1426 specialist, threat management ~~assessment~~ team members, faculty,
1427 staff, and students and must be conducted by the law enforcement
1428 agency or agencies that are designated as first responders to
1429 the school's campus.

1430 2. Murder, homicide, or manslaughter.

1431 3. Sex offenses, including rape, sexual assault, or sexual



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1432 misconduct with a student by school personnel.

1433 4. Natural emergencies, including hurricanes, tornadoes,
1434 and severe storms.

1435 5. Exposure as a result of a manmade emergency.

1436 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
1437 school superintendent shall establish policies and procedures
1438 for the prevention of violence on school grounds, including the
1439 assessment of and intervention with individuals whose behavior
1440 poses a threat to the safety of the school community.

1441 (b) *Mental health coordinator*.—Each district school board
1442 shall identify a mental health coordinator for the district. The
1443 mental health coordinator shall serve as the district's primary
1444 point of contact regarding the district's coordination,
1445 communication, and implementation of student mental health
1446 policies, procedures, responsibilities, and reporting,
1447 including:

1448 1. Coordinating with the Office of Safe Schools,
1449 established pursuant to s. 1001.212.

1450 2. Maintaining records and reports regarding student mental
1451 health as it relates to school safety and the mental health
1452 assistance allocation under s. 1011.62(14).

1453 3. Facilitating the implementation of school district
1454 policies relating to the respective duties and responsibilities
1455 of the school district, the superintendent, and district school
1456 principals.

1457 4. Coordinating with the school safety specialist on the
1458 staffing and training of threat management ~~assessment~~ teams and
1459 facilitating referrals to mental health services, as
1460 appropriate, for students and their families.



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1461 5. Coordinating with the school safety specialist on the
1462 training and resources for students and school district staff
1463 relating to youth mental health awareness and assistance.

1464 6. Reviewing annually the school district's policies and
1465 procedures related to student mental health for compliance with
1466 state law and alignment with current best practices and making
1467 recommendations, as needed, for amending such policies and
1468 procedures to the superintendent and the district school board.

1469 (7) THREAT MANAGEMENT ASSESSMENT TEAMS.—Each district
1470 school board and charter school governing board shall establish
1471 a ~~adopt policies for the establishment of threat~~ management team
1472 ~~assessment teams~~ at each school whose duties include the
1473 coordination of resources and assessment and intervention with
1474 students ~~individuals~~ whose behavior may pose a threat to the
1475 safety of the school, school staff, or students ~~consistent with~~
1476 ~~the model policies developed by the Office of Safe Schools. Such~~
1477 ~~policies must include procedures for referrals to mental health~~
1478 ~~services identified by the school district pursuant to s.~~
1479 ~~1012.584(4), when appropriate, and procedures for behavioral~~
1480 ~~threat assessments in compliance with the instrument developed~~
1481 ~~pursuant to s. 1001.212(12).~~

1482 (a) Upon the availability of a statewide behavioral threat
1483 management operational process developed pursuant to s.
1484 1001.212(12), all threat management teams shall use the
1485 operational process.

1486 (b) ~~(a)~~ A threat management ~~assessment~~ team shall include
1487 persons with expertise in counseling, instruction, school
1488 administration, and law enforcement. All members of the threat
1489 management ~~assessment~~ team must be involved in the threat



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1490 assessment and threat management process and final
1491 decisionmaking. At least one member of the threat management
1492 team must have personal familiarity with the individual who is
1493 the subject of the threat assessment. If no member of the threat
1494 management team has such familiarity, an instructional personnel
1495 or administrative personnel, as those terms are defined in s.
1496 1012.01(2) and (3), who is personally familiar with the
1497 individual who is the subject of the threat assessment must
1498 consult with the threat management team for the purpose of
1499 assessing the threat. The instructional or administrative
1500 personnel who provides such consultation shall not participate
1501 in the decisionmaking process.

1502 (c) The threat management team ~~assessment teams~~ shall
1503 identify members of the school community to whom threatening
1504 behavior should be reported and provide guidance to students,
1505 faculty, and staff regarding recognition of threatening or
1506 aberrant behavior that may represent a threat to the community,
1507 school, or self.

1508 (d) Upon the availability of the Florida-specific
1509 behavioral threat assessment instrument developed pursuant to s.
1510 1001.212(12), all the threat management teams ~~assessment team~~
1511 shall use that instrument when evaluating the behavior of
1512 students who may pose a threat to the school, school staff, or
1513 students and to coordinate intervention and services for such
1514 students.

1515 (e) ~~(b)~~ Upon a preliminary determination that a student
1516 poses a threat of violence or physical harm to himself or
1517 herself or others, a threat management ~~assessment~~ team shall
1518 immediately report its determination to the superintendent or



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1519 his or her designee. The superintendent or his or her designee
1520 or the charter school administrator or his or her designee shall
1521 immediately attempt to notify the student's parent or legal
1522 guardian. Nothing in this subsection precludes ~~shall preclude~~
1523 school district or charter school governing board personnel from
1524 acting immediately to address an imminent threat.

1525 (f) ~~(e)~~ Upon a preliminary determination by the threat
1526 management ~~assessment~~ team that a student poses a threat of
1527 violence to himself or herself or others or exhibits
1528 significantly disruptive behavior or need for assistance,
1529 authorized members of the threat management ~~assessment~~ team may
1530 obtain criminal history record information pursuant to s.
1531 985.04(1). A member of a threat management ~~assessment~~ team may
1532 not disclose any criminal history record information obtained
1533 pursuant to this section or otherwise use any record of an
1534 individual beyond the purpose for which such disclosure was made
1535 to the threat management ~~assessment~~ team.

1536 (g) ~~(d)~~ Notwithstanding any other provision of law, all
1537 state and local agencies and programs that provide services to
1538 students experiencing or at risk of an emotional disturbance or
1539 a mental illness, including the school districts, charter
1540 schools, school personnel, state and local law enforcement
1541 agencies, the Department of Juvenile Justice, the Department of
1542 Children and Families, the Department of Health, the Agency for
1543 Health Care Administration, the Agency for Persons with
1544 Disabilities, the Department of Education, the Statewide
1545 Guardian Ad Litem Office, and any service or support provider
1546 contracting with such agencies, may share with each other
1547 records or information that are confidential or exempt from



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1548 disclosure under chapter 119 if the records or information are
1549 reasonably necessary to ensure access to appropriate services
1550 for the student or to ensure the safety of the student or
1551 others. All such state and local agencies and programs shall
1552 communicate, collaborate, and coordinate efforts to serve such
1553 students.

1554 (h) ~~(e)~~ If an immediate mental health or substance abuse
1555 crisis is suspected, school personnel shall follow steps
1556 ~~policies~~ established by the threat management ~~assessment~~ team to
1557 engage behavioral health crisis resources. Behavioral health
1558 crisis resources, including, but not limited to, mobile crisis
1559 teams and school resource officers trained in crisis
1560 intervention, shall provide emergency intervention and
1561 assessment, make recommendations, and refer the student for
1562 appropriate services. Onsite school personnel shall report all
1563 such situations and actions taken to the threat management
1564 ~~assessment~~ team, which shall contact the other agencies involved
1565 with the student and any known service providers to share
1566 information and coordinate any necessary followup actions. Upon
1567 the student's transfer to a different school, the threat
1568 management ~~assessment~~ team shall verify that any intervention
1569 services provided to the student remain in place until the
1570 threat management ~~assessment~~ team of the receiving school
1571 independently determines the need for intervention services.

1572 (i) The threat management team shall prepare a threat
1573 assessment report required by the Florida-specific behavioral
1574 threat assessment instrument developed pursuant to s.
1575 1001.212(12). A threat assessment report, all corresponding
1576 documentation, and any other information required by the



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1577 Florida-specific behavioral threat assessment instrument in the
1578 threat management portal is an education record.

1579 (j)~~(f)~~ Each threat management assessment team ~~established~~
1580 ~~pursuant to this subsection~~ shall report quantitative data on
1581 its activities to the Office of Safe Schools in accordance with
1582 guidance from the office ~~and shall utilize the threat assessment~~
1583 ~~database developed pursuant to s. 1001.212(13) upon the~~
1584 ~~availability of the database.~~

1585 (9) SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING.—Each
1586 district school board shall adopt policies to ensure the
1587 accurate and timely reporting of incidents related to school
1588 safety and discipline. The district school superintendent is
1589 responsible for school environmental safety incident reporting.
1590 A district school superintendent who fails to comply with this
1591 subsection is subject to the penalties specified in law,
1592 including, but not limited to, s. 1001.42(13) (b) or s.
1593 1001.51(12) (b), as applicable. The State Board of Education
1594 shall adopt rules establishing the requirements for the school
1595 environmental safety incident report, including those incidents
1596 that must be reported to a law enforcement agency. Annually, the
1597 department shall publish on its website the most recently
1598 available school environmental safety incident data along with
1599 other school accountability and performance data in a uniform,
1600 statewide format that is easy to read and understand.

1601 Section 23. Effective upon becoming a law:

1602 (1) The State Board of Education is authorized, and all
1603 conditions are deemed met, to adopt emergency rules pursuant to
1604 s. 120.54(4), Florida Statutes, for the purpose of implementing
1605 the amendments made to s. 1006.07(9), Florida Statutes. The



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1606 Legislature finds that school district discretion over reporting
1607 criminal incidents to law enforcement has resulted in
1608 significant under-reporting of serious crimes. The Legislature
1609 further finds that emergency rulemaking authority is necessary
1610 to ensure that all reportable incidents that are crimes are
1611 reported to law enforcement as soon as practicable starting in
1612 the 2023-2024 school year. Emergency rules adopted under this
1613 section are exempt from s. 120.54(4)(c), Florida Statutes, and
1614 shall remain in effect until replaced by rules adopted under the
1615 nonemergency rulemaking procedures of chapter 120, Florida
1616 Statutes, which must occur no later than July 1, 2024.

1617 (2) Notwithstanding any other provision of law, emergency
1618 rules adopted pursuant to subsection (1) are effective for 6
1619 months after adoption and may be renewed during the pendency of
1620 procedures to adopt permanent rules addressing the subject of
1621 the emergency rules.

1622 Section 24. Effective upon becoming a law, section
1623 1006.121, Florida Statutes, is created to read:

1624 1006.121 Florida Safe Schools Canine Program.—

1625 (1) CREATION AND PURPOSE.—

1626 (a) The Department of Education, through the Office of Safe
1627 Schools pursuant to s. 1001.212, shall establish the Florida
1628 Safe Schools Canine Program for the purpose of designating a
1629 person, school, or business entity as a Florida Safe Schools
1630 Canine Partner if the person, school, or business entity
1631 provides a monetary or in-kind donation to a law enforcement
1632 agency to purchase, train, or care for a firearm detection
1633 canine. The office shall consult with the Florida Police Chiefs
1634 Association and the Florida Sheriffs Association in creating the



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1635 program.

1636 (b) The presence of firearm detection canines at K-12
1637 schools contributes to a safe school community, furthering a
1638 communitywide investment and engagement in school safety and
1639 public safety initiatives. The program seeks to foster
1640 relationships between schools, local businesses, and law
1641 enforcement, promoting trust and confidence in the ability of
1642 law enforcement to keep schools and communities safe. Firearm
1643 detection canines act as liaisons between students and law
1644 enforcement agencies and serve as ambassadors for a law
1645 enforcement agency to improve community engagement. K-12 schools
1646 and students are encouraged to partner with law enforcement to
1647 raise funds in the local community for the monetary or in-kind
1648 donations needed to purchase, train, or care for a firearm
1649 detection canine. This includes building relationships with
1650 local businesses that support school safety by providing
1651 monetary or in-kind donations to help with the ongoing care and
1652 expenses of a firearm detection canine which include, but are
1653 not limited to, veterinary care such as wellness checks and
1654 medicine; food; interactive and training toys; grooming; and
1655 necessary equipment such as collars and leads.

1656 (2) DEFINITION.—As used in this section, the term “firearm
1657 detection canine” means any canine that is owned or the service
1658 of which is employed by a law enforcement agency for use in K-12
1659 schools for the primary purpose of aiding in the detection of
1660 firearms and ammunition.

1661 (3) CANINE REQUIREMENTS.—A firearm detection canine must be
1662 trained to interact with children and must complete behavior and
1663 temperament training. A firearm detection canine may also be



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1664 trained as an animal-assisted therapy canine.

1665 (4) ELIGIBILITY.—

1666 (a) A law enforcement agency may nominate a person, school,
1667 or business entity to be designated as a Florida Safe Schools
1668 Canine Partner, or such person, school, or business entity may
1669 apply to the office to be designated as a Florida Safe Schools
1670 Canine Partner if a monetary or an in-kind donation is made to a
1671 law enforcement agency for the purchase, training, or care of a
1672 firearm detection canine.

1673 (b) The nomination or application to the office for
1674 designation as a Florida Safe Schools Canine Partner must, at
1675 minimum, include all of the following:

1676 1. The name, address, and contact information of the
1677 person, school, or business entity.

1678 2. The name, address, and contact information of the law
1679 enforcement agency.

1680 3. Whether the donation was monetary or in-kind.

1681 4. The amount of the donation or type of in-kind donation.

1682 5. Documentation from the law enforcement agency

1683 certifying:

1684 a. The date of receipt of the monetary or in-kind donation
1685 by the person, school, or business entity; and

1686 b. The monetary or in-kind donation by person, school, or
1687 business entity is for the purchase, training, or care of a
1688 firearm detection canine.

1689 (c) The office shall adopt procedures for the nomination
1690 and application processes for a Florida Safe Schools Canine
1691 Partner.

1692 (5) DESIGNATION AND AWARD.—



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1693 (a) The office shall determine whether a person, school, or
1694 business entity, based on the information provided in the
1695 nomination or application, meets the requirements in subsection
1696 (4). The office may request additional information from the
1697 person, school, or business entity.

1698 (b)1. A nominated person, school, or business entity that
1699 meets the requirements shall be notified by the office regarding
1700 the nominee's eligibility to be awarded a designation as a
1701 Florida Safe Schools Canine Partner.

1702 2. The nominee shall have 30 days after receipt of the
1703 notice to certify that the information in the notice is true and
1704 accurate and accept the nomination, to provide corrected
1705 information for consideration by the office and indicate an
1706 intention to accept the nomination, or to decline the
1707 nomination. If the nominee accepts the nomination, the office
1708 shall award the designation. The office may not award the
1709 designation if the nominee declines the nomination or has not
1710 accepted the nomination within 30 days after receiving notice.

1711 (c) An applicant person, school, or business entity that
1712 meets the requirements shall be notified and awarded a
1713 designation as a Florida Safe Schools Canine Partner.

1714 (d) The office shall adopt procedures for the designation
1715 process of a Florida Safe Schools Canine Partner. Designation as
1716 a Florida Safe Schools Canine Partner does not establish or
1717 involve licensure, does not affect the substantial interests of
1718 a party, and does not constitute a final agency action. The
1719 Florida Safe Schools Canine Program and designation are not
1720 subject to chapter 120.

1721 (6) LOGO DEVELOPMENT.-



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1722 (a) The office shall develop a logo that identifies a
1723 person, school, or business entity that is designated as a
1724 Florida Safe Schools Canine Partner.

1725 (b) The office shall adopt guidelines and requirements for
1726 the use of the logo, including how the logo may be used in
1727 advertising. The office may allow a person, school, or business
1728 entity to display a Florida Safe Schools Canine Partner logo
1729 upon designation. A person, school, or business entity that has
1730 not been designated as a Florida Safe Schools Canine Partner or
1731 has elected to discontinue its designated status may not display
1732 the logo.

1733 (7) WEBSITE.—The office shall establish a page on the
1734 department's website for the Florida Safe Schools Canine
1735 Program. At a minimum, the page must provide a list, updated
1736 quarterly, of persons, schools, or business entities, by county,
1737 which currently have the Florida Safe Schools Canine Partner
1738 designation and information regarding the eligibility
1739 requirements for the designation and the method of application
1740 or nomination.

1741 (8) RULES.—The State Board of Education shall adopt rules
1742 to administer this section.

1743 Section 25. Effective upon becoming a law, subsections (1),
1744 (2), and (8) of section 1006.13, Florida Statutes, are amended
1745 to read:

1746 1006.13 Policy of zero tolerance for crime and
1747 victimization.—

1748 (1) District school boards shall promote a safe and
1749 supportive learning environment in schools by protecting
1750 students and staff from conduct that poses a threat to school



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1751 safety. A threat management ~~assessment~~ team may use alternatives
1752 to expulsion or referral to law enforcement agencies to address
1753 disruptive behavior through restitution, civil citation, teen
1754 court, neighborhood restorative justice, or similar programs.
1755 Zero-tolerance policies may not be rigorously applied to petty
1756 acts of misconduct. Zero-tolerance policies must apply equally
1757 to all students regardless of their economic status, race, or
1758 disability.

1759 (2) Each district school board shall adopt a policy of zero
1760 tolerance that:

1761 (a) Identifies acts that are required to be reported under
1762 the school environmental safety incident reporting pursuant to
1763 s. 1006.07(9) ~~Defines criteria for reporting to a law~~
1764 ~~enforcement agency any act that poses a threat to school safety~~
1765 ~~that occurs whenever or wherever students are within the~~
1766 ~~jurisdiction of the district school board.~~

1767 (b) Defines acts that pose a threat to school safety.

1768 (c) Defines petty acts of misconduct which are not a threat
1769 to school safety and do not require consultation with law
1770 enforcement.

1771 (d) Minimizes the victimization of students, staff, or
1772 volunteers, including taking all steps necessary to protect the
1773 victim of any violent crime from any further victimization.

1774 (e) Establishes a procedure that provides each student with
1775 the opportunity for a review of the disciplinary action imposed
1776 pursuant to s. 1006.07.

1777 (f) Requires the threat management ~~assessment~~ team to
1778 consult with law enforcement when a student exhibits a pattern
1779 of behavior, based upon previous acts or the severity of an act,



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1780 that would pose a threat to school safety.

1781 (8) A threat management ~~assessment~~ team may use
1782 alternatives to expulsion or referral to law enforcement
1783 agencies unless the use of such alternatives will pose a threat
1784 to school safety.

1785 Section 26. Section 790.1612, Florida Statutes, is amended
1786 to read:

1787 790.1612 Authorization for governmental manufacture,
1788 possession, and use of destructive devices.—The governing body
1789 of any municipality or county and the Division of State Fire
1790 Marshal of the Department of Financial Services have the power
1791 to authorize the manufacture, possession, and use of destructive
1792 devices as defined in s. 790.001 ~~s. 790.001(4)~~.

1793 Section 27. Subsection (1) of section 810.095, Florida
1794 Statutes, is amended to read:

1795 810.095 Trespass on school property with firearm or other
1796 weapon prohibited.—

1797 (1) It is a felony of the third degree, punishable as
1798 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
1799 who is trespassing upon school property to bring onto, or to
1800 possess on, such school property any weapon as defined in s.
1801 790.001 ~~s. 790.001(13)~~ or any firearm.

1802 Section 28. Paragraph (e) of subsection (3) of section
1803 921.0022, Florida Statutes, is amended to read:

1804 921.0022 Criminal Punishment Code; offense severity ranking
1805 chart.—

1806 (3) OFFENSE SEVERITY RANKING CHART

1807 (e) LEVEL 5

1808



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	Florida Statute	Felony Degree	Description
1809	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1810	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
1811	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
1812	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1813	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
1814	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying,



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agreeing to supply, aiding in
supplying, or giving away
stone crab trap tags or
certificates; making,
altering, forging,
counterfeiting, or reproducing
stone crab trap tags;
possession of forged,
counterfeit, or imitation
stone crab trap tags; and
engaging in the commercial
harvest of stone crabs while
license is suspended or
revoked.

1815

379.367(4) 3rd Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

1816

379.407(5)(b)3. 3rd Possession of 100 or more
undersized spiny lobsters.

1817

381.0041(11)(b) 3rd Donate blood, plasma, or
organs knowing HIV positive.

1818

440.10(1)(g) 2nd Failure to obtain workers'
compensation coverage.

1819

440.105(5) 2nd Unlawful solicitation for the



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1820

440.381(2)

3rd

purpose of making workers'
compensation claims.

Submission of false,
misleading, or incomplete
information with the purpose
of avoiding or reducing
workers' compensation
premiums.

1821

624.401(4)(b)2.

2nd

Transacting insurance without
a certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

1822

626.902(1)(c)

2nd

Representing an unauthorized
insurer; repeat offender.

1823

790.01(3)
~~790.01(2)~~

3rd

Unlawful carrying of a
concealed firearm.

1824

790.162

2nd

Threat to throw or discharge
destructive device.

1825

790.163(1)

2nd

False report of bomb,
explosive, weapon of mass
destruction, or use of
firearms in violent manner.

1826



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1827	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
1828	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1829	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
1830	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
1831	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
1832	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1833	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and



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			one or more specified acts.
1834	812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
1835	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
1836	812.081(3)	2nd	Trafficking in trade secrets.
1837	812.131(2)(b)	3rd	Robbery by sudden snatching.
1838	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
1839	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1840	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1841	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.



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- 1842 817.568 (2) (b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
- 1843 817.611 (2) (a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
- 1844 817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
- 1845 825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
- 1846 827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
- 1847



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- 1848 827.071 (5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
- 1849 828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
- 1850 836.14 (4) 2nd Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
- 1851 839.13 (2) (b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
- 1852 843.01 3rd Resist officer with violence to person; resist arrest with violence.
- 847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18



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1853			years or older.
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1854			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1855			
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
1856			
	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
1857			
	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
1858			
	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1.,



1859

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

1860

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

1861

893.13(1)(f)1. 1st Sell, manufacture, or deliver



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cocaine (or other s.
893.03(1) (a), (1) (b), (1) (d),
or (2) (a), (2) (b), or (2) (c) 5.
drugs) within 1,000 feet of
public housing facility.

1862

893.13(4) (b) 2nd Use or hire of minor; deliver
to minor other controlled
substance.

1863

893.1351(1) 3rd Ownership, lease, or rental
for trafficking in or
manufacturing of controlled
substance.

1864

1865

1866 Section 29. Paragraph (b) of subsection (1) of section
1867 921.0024, Florida Statutes, is amended to read:

1868 921.0024 Criminal Punishment Code; worksheet computations;
1869 scoresheets.—

1870 (1)

1871 (b) WORKSHEET KEY:

1872

1873 Legal status points are assessed when any form of legal status
1874 existed at the time the offender committed an offense before the
1875 court for sentencing. Four (4) sentence points are assessed for
1876 an offender's legal status.

1877

1878 Community sanction violation points are assessed when a



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1879 community sanction violation is before the court for sentencing.
1880 Six (6) sentence points are assessed for each community sanction
1881 violation and each successive community sanction violation,
1882 unless any of the following apply:

1883 1. If the community sanction violation includes a new
1884 felony conviction before the sentencing court, twelve (12)
1885 community sanction violation points are assessed for the
1886 violation, and for each successive community sanction violation
1887 involving a new felony conviction.

1888 2. If the community sanction violation is committed by a
1889 violent felony offender of special concern as defined in s.
1890 948.06:

1891 a. Twelve (12) community sanction violation points are
1892 assessed for the violation and for each successive violation of
1893 felony probation or community control where:

1894 I. The violation does not include a new felony conviction;
1895 and

1896 II. The community sanction violation is not based solely on
1897 the probationer or offender's failure to pay costs or fines or
1898 make restitution payments.

1899 b. Twenty-four (24) community sanction violation points are
1900 assessed for the violation and for each successive violation of
1901 felony probation or community control where the violation
1902 includes a new felony conviction.

1903

1904 Multiple counts of community sanction violations before the
1905 sentencing court shall not be a basis for multiplying the
1906 assessment of community sanction violation points.

1907



1908 Prior serious felony points: If the offender has a primary
1909 offense or any additional offense ranked in level 8, level 9, or
1910 level 10, and one or more prior serious felonies, a single
1911 assessment of thirty (30) points shall be added. For purposes of
1912 this section, a prior serious felony is an offense in the
1913 offender's prior record that is ranked in level 8, level 9, or
1914 level 10 under s. 921.0022 or s. 921.0023 and for which the
1915 offender is serving a sentence of confinement, supervision, or
1916 other sanction or for which the offender's date of release from
1917 confinement, supervision, or other sanction, whichever is later,
1918 is within 3 years before the date the primary offense or any
1919 additional offense was committed.

1920
1921 Prior capital felony points: If the offender has one or more
1922 prior capital felonies in the offender's criminal record, points
1923 shall be added to the subtotal sentence points of the offender
1924 equal to twice the number of points the offender receives for
1925 the primary offense and any additional offense. A prior capital
1926 felony in the offender's criminal record is a previous capital
1927 felony offense for which the offender has entered a plea of nolo
1928 contendere or guilty or has been found guilty; or a felony in
1929 another jurisdiction which is a capital felony in that
1930 jurisdiction, or would be a capital felony if the offense were
1931 committed in this state.

1932
1933 Possession of a firearm, semiautomatic firearm, or machine gun:
1934 If the offender is convicted of committing or attempting to
1935 commit any felony other than those enumerated in s. 775.087(2)
1936 while having in his or her possession: a firearm as defined in



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1937 s. 790.001 ~~s. 790.001(6)~~, an additional eighteen (18) sentence
1938 points are assessed; or if the offender is convicted of
1939 committing or attempting to commit any felony other than those
1940 enumerated in s. 775.087(3) while having in his or her
1941 possession a semiautomatic firearm as defined in s. 775.087(3)
1942 or a machine gun as defined in s. 790.001 ~~s. 790.001(9)~~, an
1943 additional twenty-five (25) sentence points are assessed.

1944

1945 Sentencing multipliers:

1946

1947 Drug trafficking: If the primary offense is drug trafficking
1948 under s. 893.135, the subtotal sentence points are multiplied,
1949 at the discretion of the court, for a level 7 or level 8
1950 offense, by 1.5. The state attorney may move the sentencing
1951 court to reduce or suspend the sentence of a person convicted of
1952 a level 7 or level 8 offense, if the offender provides
1953 substantial assistance as described in s. 893.135(4).

1954

1955 Law enforcement protection: If the primary offense is a
1956 violation of the Law Enforcement Protection Act under s.
1957 775.0823(2), (3), or (4), the subtotal sentence points are
1958 multiplied by 2.5. If the primary offense is a violation of s.
1959 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
1960 are multiplied by 2.0. If the primary offense is a violation of
1961 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
1962 Protection Act under s. 775.0823(10) or (11), the subtotal
1963 sentence points are multiplied by 1.5.

1964

1965 Grand theft of a motor vehicle: If the primary offense is grand



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1966 theft of the third degree involving a motor vehicle and in the
1967 offender's prior record, there are three or more grand thefts of
1968 the third degree involving a motor vehicle, the subtotal
1969 sentence points are multiplied by 1.5.

1970

1971 Offense related to a criminal gang: If the offender is convicted
1972 of the primary offense and committed that offense for the
1973 purpose of benefiting, promoting, or furthering the interests of
1974 a criminal gang as defined in s. 874.03, the subtotal sentence
1975 points are multiplied by 1.5. If applying the multiplier results
1976 in the lowest permissible sentence exceeding the statutory
1977 maximum sentence for the primary offense under chapter 775, the
1978 court may not apply the multiplier and must sentence the
1979 defendant to the statutory maximum sentence.

1980

1981 Domestic violence in the presence of a child: If the offender is
1982 convicted of the primary offense and the primary offense is a
1983 crime of domestic violence, as defined in s. 741.28, which was
1984 committed in the presence of a child under 16 years of age who
1985 is a family or household member as defined in s. 741.28(3) with
1986 the victim or perpetrator, the subtotal sentence points are
1987 multiplied by 1.5.

1988

1989 Adult-on-minor sex offense: If the offender was 18 years of age
1990 or older and the victim was younger than 18 years of age at the
1991 time the offender committed the primary offense, and if the
1992 primary offense was an offense committed on or after October 1,
1993 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
1994 violation involved a victim who was a minor and, in the course



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1995 of committing that violation, the defendant committed a sexual
1996 battery under chapter 794 or a lewd act under s. 800.04 or s.
1997 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
1998 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
1999 800.04; or s. 847.0135(5), the subtotal sentence points are
2000 multiplied by 2.0. If applying the multiplier results in the
2001 lowest permissible sentence exceeding the statutory maximum
2002 sentence for the primary offense under chapter 775, the court
2003 may not apply the multiplier and must sentence the defendant to
2004 the statutory maximum sentence.

2005 Section 30. Paragraph (b) of subsection (3) of section
2006 943.051, Florida Statutes, is amended to read:

2007 943.051 Criminal justice information; collection and
2008 storage; fingerprinting.—

2009 (3)

2010 (b) A minor who is charged with or found to have committed
2011 the following offenses shall be fingerprinted and the
2012 fingerprints shall be submitted electronically to the
2013 department, unless the minor is issued a civil citation pursuant
2014 to s. 985.12:

2015 1. Assault, as defined in s. 784.011.

2016 2. Battery, as defined in s. 784.03.

2017 3. Carrying a concealed weapon, as defined in s. 790.01(2)
2018 ~~s. 790.01(1)~~.

2019 4. Unlawful use of destructive devices or bombs, as defined
2020 in s. 790.1615(1).

2021 5. Neglect of a child, as defined in s. 827.03(1)(e).

2022 6. Assault or battery on a law enforcement officer, a
2023 firefighter, or other specified officers, as defined in s.



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2024 784.07(2)(a) and (b).

2025 7. Open carrying of a weapon, as defined in s. 790.053.

2026 8. Exposure of sexual organs, as defined in s. 800.03.

2027 9. Unlawful possession of a firearm, as defined in s.

2028 790.22(5).

2029 10. Petit theft, as defined in s. 812.014(3).

2030 11. Cruelty to animals, as defined in s. 828.12(1).

2031 12. Arson, as defined in s. 806.031(1).

2032 13. Unlawful possession or discharge of a weapon or firearm

2033 at a school-sponsored event or on school property, as provided

2034 in s. 790.115.

2035 Section 31. Paragraph (d) of subsection (1) of section

2036 943.0585, Florida Statutes, is amended to read:

2037 943.0585 Court-ordered expunction of criminal history

2038 records.—

2039 (1) ELIGIBILITY.—A person is eligible to petition a court

2040 to expunge a criminal history record if:

2041 (d) The person has never, as of the date the application

2042 for a certificate of expunction is filed, been adjudicated

2043 guilty in this state of a criminal offense or been adjudicated

2044 delinquent in this state for committing any felony or any of the

2045 following misdemeanors, unless the record of such adjudication

2046 of delinquency has been expunged pursuant to s. 943.0515:

2047 1. Assault, as defined in s. 784.011;

2048 2. Battery, as defined in s. 784.03;

2049 3. Assault on a law enforcement officer, a firefighter, or

2050 other specified officers, as defined in s. 784.07(2)(a);

2051 4. Carrying a concealed weapon, as defined in s. 790.01(2)

2052 ~~s. 790.01(1)~~;



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2053 5. Open carrying of a weapon, as defined in s. 790.053;
2054 6. Unlawful possession or discharge of a weapon or firearm
2055 at a school-sponsored event or on school property, as defined in
2056 s. 790.115;
2057 7. Unlawful use of destructive devices or bombs, as defined
2058 in s. 790.1615(1);
2059 8. Unlawful possession of a firearm, as defined in s.
2060 790.22(5);
2061 9. Exposure of sexual organs, as defined in s. 800.03;
2062 10. Arson, as defined in s. 806.031(1);
2063 11. Petit theft, as defined in s. 812.014(3);
2064 12. Neglect of a child, as defined in s. 827.03(1)(e); or
2065 13. Cruelty to animals, as defined in s. 828.12(1).
2066 Section 32. Paragraph (b) of subsection (1) of section
2067 943.059, Florida Statutes, is amended to read:
2068 943.059 Court-ordered sealing of criminal history records.-
2069 (1) ELIGIBILITY.-A person is eligible to petition a court
2070 to seal a criminal history record when:
2071 (b) The person has never, before the date the application
2072 for a certificate of eligibility is filed, been adjudicated
2073 guilty in this state of a criminal offense, or been adjudicated
2074 delinquent in this state for committing any felony or any of the
2075 following misdemeanor offenses, unless the record of such
2076 adjudication of delinquency has been expunged pursuant to s.
2077 943.0515:
2078 1. Assault, as defined in s. 784.011;
2079 2. Battery, as defined in s. 784.03;
2080 3. Assault on a law enforcement officer, a firefighter, or
2081 other specified officers, as defined in s. 784.07(2)(a);



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2082 4. Carrying a concealed weapon, as defined in s. 790.01(2)
2083 ~~s. 790.01(1)~~;

2084 5. Open carrying of a weapon, as defined in s. 790.053;

2085 6. Unlawful possession or discharge of a weapon or firearm
2086 at a school-sponsored event or on school property, as defined in
2087 s. 790.115;

2088 7. Unlawful use of destructive devices or bombs, as defined
2089 in s. 790.1615(1);

2090 8. Unlawful possession of a firearm by a minor, as defined
2091 in s. 790.22(5);

2092 9. Exposure of sexual organs, as defined in s. 800.03;

2093 10. Arson, as defined in s. 806.031(1);

2094 11. Petit theft, as defined in s. 812.014(3);

2095 12. Neglect of a child, as defined in s. 827.03(1)(e); or
2096 13. Cruelty to animals, as defined in s. 828.12(1).

2097 Section 33. Paragraph (b) of subsection (1) of section
2098 985.11, Florida Statutes, is amended to read:

2099 985.11 Fingerprinting and photographing.—

2100 (1)

2101 (b) Unless the child is issued a civil citation or is
2102 participating in a similar diversion program pursuant to s.
2103 985.12, a child who is charged with or found to have committed
2104 one of the following offenses shall be fingerprinted, and the
2105 fingerprints shall be submitted to the Department of Law
2106 Enforcement as provided in s. 943.051(3)(b):

2107 1. Assault, as defined in s. 784.011.
2108 2. Battery, as defined in s. 784.03.
2109 3. Carrying a concealed weapon, as defined in s. 790.01(2)
2110 ~~s. 790.01(1)~~.



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2111 4. Unlawful use of destructive devices or bombs, as defined
2112 in s. 790.1615(1).

2113 5. Neglect of a child, as defined in s. 827.03(1)(e).

2114 6. Assault on a law enforcement officer, a firefighter, or
2115 other specified officers, as defined in s. 784.07(2)(a).

2116 7. Open carrying of a weapon, as defined in s. 790.053.

2117 8. Exposure of sexual organs, as defined in s. 800.03.

2118 9. Unlawful possession of a firearm, as defined in s.
2119 790.22(5).

2120 10. Petit theft, as defined in s. 812.014.

2121 11. Cruelty to animals, as defined in s. 828.12(1).

2122 12. Arson, resulting in bodily harm to a firefighter, as
2123 defined in s. 806.031(1).

2124 13. Unlawful possession or discharge of a weapon or firearm
2125 at a school-sponsored event or on school property as defined in
2126 s. 790.115.

2127

2128 A law enforcement agency may fingerprint and photograph a child
2129 taken into custody upon probable cause that such child has
2130 committed any other violation of law, as the agency deems
2131 appropriate. Such fingerprint records and photographs shall be
2132 retained by the law enforcement agency in a separate file, and
2133 these records and all copies thereof must be marked "Juvenile
2134 Confidential." These records are not available for public
2135 disclosure and inspection under s. 119.07(1) except as provided
2136 in ss. 943.053 and 985.04(2), but shall be available to other
2137 law enforcement agencies, criminal justice agencies, state
2138 attorneys, the courts, the child, the parents or legal
2139 custodians of the child, their attorneys, and any other person



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2140 authorized by the court to have access to such records. In
2141 addition, such records may be submitted to the Department of Law
2142 Enforcement for inclusion in the state criminal history records
2143 and used by criminal justice agencies for criminal justice
2144 purposes. These records may, in the discretion of the court, be
2145 open to inspection by anyone upon a showing of cause. The
2146 fingerprint and photograph records shall be produced in the
2147 court whenever directed by the court. Any photograph taken
2148 pursuant to this section may be shown by a law enforcement
2149 officer to any victim or witness of a crime for the purpose of
2150 identifying the person who committed such crime.

2151 Section 34. Paragraph (b) of subsection (16) of section
2152 1002.33, Florida Statutes, is amended to read:

2153 1002.33 Charter schools.—

2154 (16) EXEMPTION FROM STATUTES.—

2155 (b) Additionally, a charter school shall be in compliance
2156 with the following statutes:

2157 1. Section 286.011, relating to public meetings and
2158 records, public inspection, and criminal and civil penalties.

2159 2. Chapter 119, relating to public records.

2160 3. Section 1003.03, relating to the maximum class size,
2161 except that the calculation for compliance pursuant to s.
2162 1003.03 shall be the average at the school level.

2163 4. Section 1012.22(1)(c), relating to compensation and
2164 salary schedules.

2165 5. Section 1012.33(5), relating to workforce reductions.

2166 6. Section 1012.335, relating to contracts with
2167 instructional personnel hired on or after July 1, 2011.

2168 7. Section 1012.34, relating to the substantive



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2169 requirements for performance evaluations for instructional
2170 personnel and school administrators.

2171 8. Section 1006.12, relating to safe-school officers.

2172 9. Section 1006.07(7), relating to threat management
2173 assessment teams.

2174 10. Section 1006.07(9), relating to School Environmental
2175 Safety Incident Reporting.

2176 11. Section 1006.07(10), relating to reporting of
2177 involuntary examinations.

2178 12. Section 1006.1493, relating to the Florida Safe Schools
2179 Assessment Tool.

2180 13. Section 1006.07(6)(d), relating to adopting an active
2181 assailant response plan.

2182 14. Section 943.082(4)(b), relating to the mobile
2183 suspicious activity reporting tool.

2184 15. Section 1012.584, relating to youth mental health
2185 awareness and assistance training.

2186 Section 35. For the 2023-2024 fiscal year, the sum of \$1.5
2187 million in recurring funds from the General Revenue Fund is
2188 appropriated to the Department of Law Enforcement to implement a
2189 grant program for local law enforcement agencies to provide
2190 firearm safety training. The department shall develop a process
2191 and guidelines for the disbursement of funds appropriated in
2192 this section. Local law enforcement grant recipients shall
2193 report documentation on the use of training funds, in a form and
2194 manner determined by the department.

2195 Section 36. For the 2023-2024 fiscal year, eight full-time
2196 equivalent positions, with associated salary rate of 582,000,
2197 are authorized and the sums of \$1,207,321 in recurring funds and



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2198 \$70,525 in nonrecurring funds from the General Revenue Fund are
2199 appropriated to the Department of Education to fund new and
2200 existing positions and additional workload expenses within the
2201 Office of Safe Schools.

2202 Section 37. For the 2023-2024 fiscal year, the sum of
2203 \$400,000 in recurring funds from the General Revenue Fund is
2204 appropriated to the Department of Education to fund the Office
2205 of Safe Schools to update the existing school safety training
2206 infrastructure.

2207 Section 38. For the 2023-2024 fiscal year, the sums of \$5
2208 million in recurring funds and \$7 million in nonrecurring funds
2209 from the General Revenue Fund are appropriated to the Department
2210 of Education to competitively procure for the development or
2211 acquisition of a cloud-based secure statewide information
2212 sharing system that meets the requirements of the threat
2213 management portal as prescribed in this act.

2214 Section 39. For the 2023-2024 fiscal year, the sums of \$1.5
2215 million in recurring funds and \$1.5 million in nonrecurring
2216 funds from the General Revenue Fund are appropriated to the
2217 Department of Education to competitively procure for the
2218 development or acquisition of a cloud-based secure School
2219 Environmental Safety Incident Reporting (SESIR) system.

2220 Section 40. For the 2023-2024 fiscal year, the sum of \$42
2221 million in nonrecurring funds from the General Revenue Fund is
2222 appropriated to the Department of Education for school hardening
2223 grant programs to improve the physical security of school
2224 buildings based on the security risk assessment required
2225 pursuant to s. 1006.1493, Florida Statutes. By December 31,
2226 2023, school districts and charter schools receiving school



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2227 hardening grant program funds shall report to the Department of
2228 Education, in a format prescribed by the department, the total
2229 estimated costs of their unmet school campus hardening needs as
2230 identified by the Florida Safe Schools Assessment Tool (FSSAT)
2231 conducted pursuant to s. 1006.1493, Florida Statutes. The report
2232 should include a prioritized list of school hardening project
2233 needs by each school district or charter school and an expected
2234 timeframe for implementing those projects. In accordance with
2235 ss. 119.071(3)(a) and 281.301, Florida Statutes, data and
2236 information related to security risk assessments administered
2237 pursuant to s. 1006.1493, Florida Statutes, are confidential and
2238 exempt from public records requirements. Funds may be used only
2239 for capital expenditures. Funds shall be allocated initially
2240 based on each district's capital outlay full-time equivalent
2241 (FTE) and charter school FTE. A district shall not be allocated
2242 less than \$42,000. Funds shall be provided based on a district's
2243 application, which must be submitted to the Department of
2244 Education by February 1, 2024.

2245 Section 41. Except as otherwise expressly provided in this
2246 act and except for this section, which shall take effect upon
2247 this act becoming a law, this act shall take effect July 1,
2248 2023.

2249
2250 ===== T I T L E A M E N D M E N T =====

2251 And the title is amended as follows:

2252 Delete everything before the enacting clause
2253 and insert:

2254 A bill to be entitled

2255 An act relating to public safety; amending s. 27.53,



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2256 F.S.; conforming provisions to changes made by the
2257 act; amending s. 30.15, F.S.; requiring sheriffs to
2258 assist private schools in complying with a certain
2259 statute; authorizing a private school to request the
2260 sheriff to establish a guardian program under certain
2261 conditions; providing requirements for the guardian
2262 program; authorizing certified individuals to serve as
2263 school guardians if appointed by the applicable
2264 private school head of school; revising the training
2265 program hours required for school employees to be
2266 certified as school guardians; amending s. 768.28,
2267 F.S.; revising a definition; amending s. 790.001,
2268 F.S.; defining the term "handgun"; amending s. 790.01,
2269 F.S.; authorizing a person to carry a concealed weapon
2270 or concealed firearm if he or she is licensed to do so
2271 or meets specified requirements; specifying that the
2272 state bears the burden of proof for certain
2273 violations; creating s. 790.013, F.S.; requiring a
2274 person who is carrying a concealed weapon or concealed
2275 firearm without a license to carry valid
2276 identification and display such identification upon
2277 demand by a law enforcement officer; providing a
2278 noncriminal penalty; prohibiting a person who is
2279 carrying a concealed weapon or concealed firearm
2280 without a license from carrying such weapon or firearm
2281 in specified locations; amending s. 790.015, F.S.;
2282 authorizing a nonresident to carry a concealed weapon
2283 or concealed firearm in this state if he or she meets
2284 the same requirements as a resident; removing a



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2285 requirement that limits recognition of concealed
2286 firearm licenses to those states that honor Florida
2287 concealed weapon or concealed firearm licenses;
2288 amending s. 790.052, F.S.; conforming provisions to
2289 changes made by the act; amending s. 790.053, F.S.;
2290 specifying that it is not a violation of specified
2291 provisions for persons authorized to carry a concealed
2292 weapon or concealed firearm without a license to
2293 briefly and openly display a firearm under specified
2294 circumstances; amending s. 790.06, F.S.; defining the
2295 term "concealed weapon or concealed firearm"; removing
2296 a requirement that a person who is licensed to carry a
2297 concealed weapon or concealed firearm must carry such
2298 license while he or she is in actual possession of a
2299 concealed weapon or concealed firearm; revising
2300 legislative findings; making technical changes;
2301 amending s. 790.0655, F.S.; making technical changes;
2302 amending s. 790.115, F.S.; providing that a person who
2303 is authorized to carry a concealed weapon or concealed
2304 firearm without a license is subject to specified
2305 penalties for possessing such weapon or firearm at a
2306 school-sponsored event or on school property;
2307 conforming provisions to changes made by the act;
2308 revising applicability; repealing s. 790.145, F.S.,
2309 relating to the possession of firearms or destructive
2310 devices within the premises of pharmacies; amending s.
2311 790.25, F.S.; providing that a person who is
2312 authorized to carry a concealed weapon or concealed
2313 firearm may carry such weapon or firearm on his or her



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2314 person in a private conveyance under certain
2315 circumstances; conforming provisions to changes made
2316 by the act; making technical changes; amending s.
2317 790.251, F.S.; revising the definition of the term
2318 "employee" to include any person who is authorized to
2319 carry a concealed weapon or concealed firearm;
2320 prohibiting an employer from conditioning employment
2321 upon the fact that an employee or a prospective
2322 employee is authorized to carry a concealed weapon or
2323 concealed firearm; amending s. 790.31, F.S.; removing
2324 the definition of the term "handgun"; creating s.
2325 943.6873, F.S.; requiring each law enforcement agency
2326 in this state to create and maintain an active
2327 assailant response policy by a specified date;
2328 providing requirements for the policy; amending s.
2329 1001.212, F.S.; requiring the Office of Safe Schools
2330 to develop a behavioral threat management operational
2331 process by a specified date; providing requirements
2332 for the process; revising provisions requiring the
2333 office to develop a Florida-specific behavioral threat
2334 assessment instrument by a specified date; revising
2335 requirements for the instrument; requiring the office
2336 to develop, host, maintain, and administer a threat
2337 management portal by a specified date; providing
2338 requirements for the threat management portal;
2339 providing a noncriminal penalty for an individual
2340 using the threat management portal for an unauthorized
2341 purpose; deleting provisions providing for the
2342 Statewide Threat Assessment Database Workgroup;



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2343 authorizing the State Board of Education to adopt
2344 emergency rules; amending s. 1002.42, F.S.;

2345 authorizing a private school to partner with a law
2346 enforcement agency or security agency for specified
2347 purposes; requiring a private school that establishes
2348 a safe-school officer to comply with specified
2349 provisions of law; providing that the private school
2350 is responsible for certain implementation costs;

2351 amending s. 1003.25, F.S.; revising information
2352 included in verified reports of serious or recurrent
2353 behavior patterns; amending s. 1006.07, F.S.;

2354 redesignating threat assessment teams as threat
2355 management teams; requiring a charter school governing
2356 board to establish a threat management team; providing
2357 requirements for a threat management team; requiring
2358 the threat management team to prepare a specified
2359 report; authorizing the state board to adopt emergency
2360 rules; providing legislative findings; creating s.
2361 1006.121, F.S.; requiring the Department of Education
2362 to establish the Florida Safe Schools Canine Program;
2363 requiring the Office of Safe Schools to consult with
2364 specified entities; defining the term "firearm
2365 detection canine"; providing requirements for the
2366 program; requiring the State Board of Education to
2367 adopt rules; amending s. 1006.13, F.S.; conforming
2368 provisions to changes made by the act; providing
2369 reporting requirements for certain school safety
2370 incidents; amending ss. 790.1612, 810.095, 921.0022,
2371 921.0024, 943.051, 943.0585, 943.059, 985.11, and



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2372 1002.33, F.S.; conforming provisions to changes made
2373 by the act; providing appropriations; providing
2374 effective dates.