

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 150

INTRODUCER: Senator Collins and others

SUBJECT: Public Safety

DATE: February 17, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	<b>Favorable</b>
2.	_____	_____	<u>FP</u>	_____

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**I. Summary:**

SB 150 addresses public safety in two ways. First, the bill provides that persons who wish to carry a concealed weapon or concealed firearm, without obtaining and maintaining a concealed weapon or concealed firearm license from the Department of Agriculture and Consumer Services (DACS) may lawfully do so, if they meet certain criteria. Second, the bill amends various sections of law relating to school safety and creates the Florida Safe Schools Canine Program.

**Firearms and Concealed Carry**

The bill substantially amends s. 790.01, F.S., to provide that a person is *authorized* to carry a concealed weapon or concealed firearm if he or she is licensed, or is not licensed but otherwise satisfies the criteria for receiving and maintaining such a license under s. 790.06(2)(a)-(f) and (i)-(n), (3), and (10), F.S.

Terminology is modified throughout the bill to use the word *authorized* for both licensed and unlicensed concealed weapon or concealed firearm carriers.

The bill creates s. 790.013, F.S., to provide that a person who is authorized to carry a concealed weapon or concealed firearm without a license is required to carry valid identification when in actual possession of a concealed weapon or concealed firearm. Such person must display his or her identification upon demand by a law enforcement officer. Additionally, the bill amends s. 790.06, F.S., to remove the requirement for a licensed carrier to carry his or her license to carry a concealed weapon or concealed firearm. Under the bill, the requirements for the carrying and display of identification are the same for licensed and authorized carriers. A violation of these provisions is a noncriminal violation, punishable by a \$25 fine.

Additionally, s. 790.013, F.S., provides that a person who is authorized to carry a concealed weapon or concealed firearm without a license is subject to s. 790.06(12), F.S., in the same manner as a person who is licensed to carry a concealed weapon or concealed firearm.

Section 790.06(12), F.S., provides that a concealed weapon or concealed firearm license does not authorize a person to carry a weapon or firearm in a concealed manner into specified locations.

The bill amends s. 790.053, F.S., the prohibition against openly carrying a firearm, to provide that it is not a violation for a person who is authorized to carry and a person who is licensed to carry a concealed weapon or concealed firearm, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

The bill amends s. 790.115(2), F.S., to provide the same penalty for a person who is authorized to carry and a person who is licensed to carry a concealed weapon or concealed firearm, when such person willfully and knowingly possesses a weapon or firearm at a school-sponsored event or on the property of any school, school bus, or school bus stop. The penalty for such violation is a second degree misdemeanor.

Additionally, the bill amends s. 790.015, F.S., to expand existing reciprocity in two ways. It allows a nonresident, who does not have a concealed weapon or firearm license issued by his or her state, to carry concealed in Florida if he or she satisfies specified criteria in s. 790.06, F.S. Secondly, the bill deletes the provision that limits recognition of other states' concealed weapon or concealed firearm licenses to states that honor Florida-issued licenses.

The bill amends s. 790.25, F.S., to clarify that a person may carry a concealed weapon or firearm on his or her person while in a private conveyance if he or she is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1), F.S.

The bill repeals s. 790.145, F.S., which prohibits any person who is in possession of a concealed firearm or a destructive device within the premises of a pharmacy.

The bill makes numerous technical and conforming changes to existing statutes relating to carrying a concealed weapon or concealed firearm.

## **School Safety**

### ***Guardians***

SB 150 amends s. 1002.42, F.S., to provide that a private school may partner with a law enforcement agency or a security agency to establish or assign one or more safe-school officers. The private school that establishes a safe-school officer must comply with the requirements of s. 1006.12, F.S.

The bill amends s. 30.15, F.S., to add private schools to the entities that may request the sheriff in the school's county to establish a guardian program for the purpose of training the private school employees. Currently, only public and charter schools may establish guardian programs.

The training required for the guardian program is a standardized statewide curriculum. A school guardian who has completed the required training program may not be required to attend another sheriff's training program unless there has been at least a one year break in his or her employment as a guardian.

The bill further amends s. 30.15, F.S., to increase the hours of instruction on active shooter or assailant scenarios to sixteen, rather than eight. Additionally, the number of hours of instruction on legal issues is decreased from twelve, to four.

A person who is certified may serve as a school guardian for a private school only if he or she is appointed by the private school head of school.

### ***Active Assailant Response Policy***

The bill creates s. 943.6873, F.S., to direct each law enforcement agency to create and maintain an active assailant response policy.

The Florida Department of Law Enforcement (FDLE) must make the model active assailant response policy developed by the Marjory Stoneman Douglas High School Public Safety Commission available on its website. The FDLE may make available any other policies deemed appropriate.

Each agency must review the model policy and develop a written active assailant response policy that is consistent with the agency's response capabilities and includes response procedures specifying the command protocol and coordination with other law enforcement agencies.

All sworn personnel of each agency must be trained on the agency's existing active assailant response policy, or must be trained within 180 days after enacting a new or revised policy. Sworn personnel must receive at minimum annual training on the policy.

### ***Office of Safe Schools***

The bill amends s. 1001.212, F.S., relating to the Office of Safe Schools (OSS). The bill provides that the OSS must develop a statewide behavioral threat management operational process, a Florida-specific behavioral threat assessment instrument, and a threat management portal.

The bill amends s. 1003.25, F.S., to specify that records including corresponding documentation and any other information required by the Florida-specific behavioral threat assessment instrument which contains the evaluation, intervention, and management of the threat assessment evaluation and intervention services, must be transferred within 3 school days if a student transfers from school to school.

The bill amends s. 1006.07, F.S., that all threat management teams must use the statewide behavioral threat management operational process upon its availability.

Additionally, the bill specifies that at least one instructional or administrative personnel who is personally familiar with the individual who is the subject of the threat assessment must be on the threat management team.

The Florida-specific behavioral threat assessment must be used by the threat management team when evaluating the behavior of students. The threat management team must prepare a threat assessment report.

The bill amends s. 1006.13, F.S., to specify that each district school board must adopt a policy of zero tolerance that, in part, identifies acts that are required to be reported under the school environmental safety incident reporting pursuant to s. 1006.07(9), F.S.

### ***Florida Safe Schools Canine Program***

The bill creates s. 1006.121, F.S., to direct the Department of Education (DOE), through the OSS, to establish the Florida Safe Schools Canine Program. This program may designate a person, school, or business entity as a Florida Safe Schools Canine Partner if the person, school, or business entity provides a monetary or in kind donation to a law enforcement agency to purchase, train, or care for a firearm detection canine.

The bill provides for funds to be appropriated from the General Revenue Fund to multiple agencies. Additionally, the bill has an indeterminate fiscal impact on the DACS and the Florida Department of Law Enforcement (FDLE). See Fiscal Impact Statement, Section V.

The bill becomes effective July 1, 2023, except as otherwise expressly provided in the act.

## **II. Present Situation:**

### **Concealed Weapon and Concealed Firearm Licensure**

Section 790.01, F.S., prohibits a person who is not licensed by the DACS from carrying a concealed weapon<sup>1</sup> or firearm<sup>2</sup> on or about his or her person. There is a limited exception for a person who is in the act of evacuating pursuant to a mandatory evacuation order.

The DACS is statutorily authorized to issue concealed weapon and concealed firearm licenses to applicants who qualify.<sup>3</sup> For purposes of the concealed carry licensure law, concealed weapons or concealed firearms are defined as a handgun, electronic weapon or device, tear gas gun, knife, or billie but not a machine gun.<sup>4</sup>

To obtain a concealed weapon or concealed firearm license, a person must complete, under oath, an application that includes:

- The name, address, place and date of birth, race, and occupation of the applicant;
- A full frontal view color photograph of the applicant which must be taken within the preceding 30 days;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapon and firearms and is knowledgeable of its provisions;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents;

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<sup>1</sup> Unlicensed carrying a concealed weapon or electric weapon or device is a first degree misdemeanor punishable by up to 1 year in jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

<sup>2</sup> Unlicensed carrying a concealed firearm is a third degree felony punishable by up to 5 years' imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>3</sup> Section 790.06(1), F.S.

<sup>4</sup> *Id.*

- A statement that the applicant desires a concealed weapon or firearm license as a means of lawful self-defense;
- A full set of fingerprints;
- Documented proof of completion of a firearm safety and training course; and
- A nonrefundable license fee.<sup>5</sup>

Additionally, the applicant must attest that he or she is in compliance with the criteria contained in subsections (2) and (3) of s. 790.06, F.S.

Subsection (2) of s. 790.06, F.S., requires the DACS to issue the license to carry a concealed weapon or concealed firearm if all other requirements are met and the applicant:

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government;<sup>6</sup>
- Is 21 years of age or older;<sup>7</sup>
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm pursuant to s. 790.23, F.S., by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired;<sup>8</sup>
- Has not been adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution under ch. 394, F.S., or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;

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<sup>5</sup> Section 790.06(1)-(5), F.S.

<sup>6</sup> Such consular security official must maintain diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country.

<sup>7</sup> Pursuant to s. 790.062, F.S., the DACS must issue a license to carry a concealed weapon or concealed firearm to a servicemember or veteran who does not meet the 21 years of age threshold if he or she is otherwise qualified.

<sup>8</sup> It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted. Section 790.06(2), F.S.

- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.<sup>9</sup>

Pursuant to s. 790.06(3), F.S., the DACS must deny the application if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged.<sup>10</sup>

The DACS must:

- Revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years.<sup>11</sup>
- Upon notification by a law enforcement agency, a court, or the FDLE and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.<sup>12</sup>
- Suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.<sup>13</sup>

In addition, the DACS is required to suspend or revoke a concealed weapon license or concealed firearm license if the licensee:

- Is found to be ineligible under the criteria set forth in s. 790.06(2), F.S.;
- Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23, F.S.;
- Is found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state, relating to controlled substances;
- Is committed as a substance abuser under ch. 397, F.S., or is deemed a habitual offender under s. 856.011(3), F.S., or similar laws of any other state;
- Is convicted of a second violation of s. 316.193, F.S., or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;
- Is adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state; or

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<sup>9</sup> Section 790.06(2), F.S.

<sup>10</sup> Section 790.06(3), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

- Is committed to a mental institution under ch. 394, F.S., or similar laws of any other state.<sup>14</sup>

Licensees must carry their license and valid identification any time they are in actual possession of a concealed weapon or concealed firearm and display both documents upon demand by a law enforcement officer.<sup>15</sup> Failure to have proper documentation and display it upon demand is a noncriminal violation with a penalty of \$25.<sup>16</sup>

A concealed weapon or firearm license does not authorize a person to carry a weapon or firearm in a concealed manner into:

- Any place of nuisance as defined in s. 823.05, F.S.;
- Any police, sheriff, or highway patrol station;
- Any detention facility, prison, or jail;
- Any courthouse;
- Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;
- Any polling place;
- Any meeting of the governing body of a county, public school district, municipality, or special district;
- Any meeting of the Legislature or a committee thereof;
- Any school, college, or professional athletic event not related to firearms;
- Any school administration building;
- Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
- Any elementary or secondary school facility;
- Any career center;
- Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
- Inside the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or
- Any place where the carrying of firearms is prohibited by federal law.

A person who willfully violates any of the above-listed provisions commits a misdemeanor of the second degree.<sup>17</sup>

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<sup>14</sup> Section 790.06(10), F.S.

<sup>15</sup> Section 790.06(1), F.S.

<sup>16</sup> Section 790.06(1), F.S.

<sup>17</sup> Section 790.06(12), F.S. A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. Sections 775.082 and 775.083, F.S.

Section 790.06(5)(b), F.S., specifies that an officer holding an active certification from the Criminal Justice Standards and Training Commission is exempt from the licensing requirements set forth in s. 790.06, F.S.<sup>18</sup>

### ***Concealed Carry Licensees Exempt from Firearm Purchase Waiting Period***

A person holding a valid concealed weapon or concealed firearm license is exempt from the mandatory three-day waiting period between the purchase of a firearm<sup>19</sup> from a federally licensed importer, manufacturer, or dealer and the delivery of the firearm to the purchaser.<sup>20</sup>

### ***Reciprocity***

Section 790.015, F.S., provides for reciprocity with other states that honor Florida concealed weapon or concealed firearm licenses.<sup>21</sup> This reciprocity allows a nonresident of Florida to carry a concealed weapon or concealed firearm if the nonresident:

- Is 21 years of age or older.
- Has in his or her immediate possession a valid license to carry a concealed weapon or concealed firearm issued to the nonresident in his or her state of residence.
- Is a resident of the United States.<sup>22</sup>

A nonresident is subject to the same laws and restrictions with respect to carrying a concealed weapon or concealed firearm as a resident of Florida who is so licensed.

If the resident of another state who is the holder of a valid license to carry a concealed weapon or concealed firearm issued in another state establishes legal residence in this state the license shall remain in effect for 90 days following the date on which the holder of the license establishes legal state residence.<sup>23</sup>

The DACS provides an up-to-date list of the states that honor Florida concealed carry licenses.<sup>24</sup> It should be noted that travel with a concealed weapon or firearm into states that do not honor Florida's concealed carry licenses, or when a person does not possess a concealed carry license subjects the person to the laws of that state.<sup>25</sup>

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<sup>18</sup> See, generally, s. 943.1395, F.S., which sets forth the criteria for the certification of officers by the Criminal Justice Standards and Training Commission. These persons include law enforcement officers, and both part-time and auxiliary law enforcement officers; and correctional officers, correctional probation officers, and both part-time and auxiliary correctional officers. Section 790.06(5)(b), F.S. See also s. 790.052, F.S.

<sup>19</sup> Section 790.001(6), F.S., defines "firearm" to mean any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime.

<sup>20</sup> Section 790.065(1)(b) and 790.0655(2)(a), F.S.

<sup>21</sup> Section 790.015, F.S.

<sup>22</sup> These requirements do not apply to a servicemember as defined in s. 250.01, F.S., or to a veteran of the United States Armed Forces who was honorably discharged. Section 790.015(5), F.S.

<sup>23</sup> Legal state residence for purposes of s. 790.015, F.S., is established by registering to vote, making a statement of domicile pursuant to s. 222.17, F.S., or by filing for homestead tax exemption on property in this state. Section 790.015(3), F.S.

<sup>24</sup> <http://www.freshfromflorida.com/content/download/7444/118465/ReciprocityList.pdf>. Currently the list contains 37 state.(last visited February 15, 2023).

<sup>25</sup> *Id.*



### ***Possession of a Firearm in a Motor Vehicle***

Section 790.25(5), F.S., specifies that it is lawful and is not a violation of s. 790.01, F.S.,<sup>26</sup> for a person 18 years of age or older to possess a concealed firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use.<sup>27</sup> A person may carry a legal firearm other than a handgun<sup>28</sup> anywhere in a private conveyance when such firearm is being carried for a lawful use.<sup>29</sup> However, carrying a concealed firearm or other weapon on the person in a private conveyance is not authorized.<sup>30</sup>

Section 790.251(4)(c), F.S., states that no public or private employer<sup>31</sup> shall condition employment upon either:

- The fact that an employee or prospective employee holds or does not hold a license issued pursuant to s. 790.06, F.S.;<sup>32</sup> or
- Any agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot when such firearm is kept for lawful purposes.<sup>33</sup>

“Employee,” means any person who possesses a valid license issued pursuant to s. 790.06, F.S.,<sup>34</sup> and:

- Works for salary, wages, or other remuneration;
- Is an independent contractor; or
- Is a volunteer, intern, or other similar individual for an employer.

<sup>26</sup> Section 790.01, F.S., generally prohibits the unlicensed carrying of a concealed weapon or concealed firearm.

<sup>27</sup> “Securely encased” means in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container which requires a lid or cover to be opened for access. “Readily accessible for immediate use” means that a firearm or other weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as easily and quickly as if carried on the person. Sections 790.001(16) and (17), F.S.

<sup>28</sup> A “handgun” is defined in s. 790.31(1)(c), F.S., as a firearm capable of being carried and used by one hand, such as a pistol or revolver. The term “handgun” is identically defined in Article 1, Section 8(b) of the Florida Constitution.

<sup>29</sup> Section 790.25(5), F.S.

<sup>30</sup> See s. 790.01(1) and (2), F.S.; punishable by up to 1 year in jail and a \$1,000 fine as a first degree misdemeanor (unlicensed concealed weapon), and as a third degree felony by up to 5 years’ imprisonment and a \$5,000 fine (unlicensed concealed firearm). Sections 775.082 and 775.083, F.S.

<sup>31</sup> The term “employer” is defined as any business that is a sole proprietorship, partnership, corporation, limited liability company, professional association, cooperative, joint venture, trust, firm, institution, or association, or public sector entity, that has employees. Section 790.251(2)(d), F.S.

<sup>32</sup> Section 790.06, F.S., is the section of law setting forth the DACS authority to issue licenses to carry concealed weapons or firearms.

<sup>33</sup> Section 790.251, F.S., also contains provisions related to “customers” and “invitees.” These provisions were found unconstitutional in 2008 and therefore are not pertinent to SB 150. *Florida Retail Federation v. Attorney General of Florida*, 576 F.Supp.2d 1281 (N.D. Fla. 2008), see also 576 F.Supp.2d 1301 (N.D. Fla. 2008).

<sup>34</sup> Section 790.06, F.S., is the section of law setting forth the DACS authority to issue licenses to carry concealed weapons or firearms.

***Possessing or Discharging a Weapon or Firearm on School Property***

Section 790.115(2)(a), F.S., provides that a person may not possess any firearm, electric weapon or device, destructive device,<sup>35</sup> or other weapon,<sup>36</sup> including a razor blade or box cutter, on the property of any school, school bus, or school bus stop unless as authorized in support of school-sanctioned activities or at a school-sponsored event.

A person may carry a firearm:

- In a case to a firearms program, class, or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
- In a case to a career center having a firearms training range; or
- In a vehicle pursuant to s. 790.25(5), F.S., except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.<sup>37</sup>

A person commits a third degree felony when he or she, during school hours or during the time of a sanctioned school activity, exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), F.S., including a razor blade, box cutter, or common pocketknife, except as authorized in support of school-sanctioned activities, in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense:

- At a school-sponsored event or on the grounds or facilities of any school, school bus, or school bus stop; or
- Within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.<sup>38</sup>

Section 790.115(2)(b), F.S., provides that a person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon as defined in s. 790.001(13), F.S.,

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<sup>35</sup> “Firearm” is defined s. 790.001(6), F.S., as any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime. “Destructive device” is defined in s. 790.001(4), F.S., and includes any bomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage. An “electric weapon or device” is any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.

<sup>36</sup> “Weapon” means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife. Section 790.001(13), F.S.

<sup>37</sup> Section 790.115(2)(a)1., 2., and 3., F.S.

<sup>38</sup> Section 790.115(1), F.S. A felony of the third degree is punishable by up to 5 years’ imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S. Subsection 790.115(1), F.S., does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner. “School” is defined in s. 790.115(1), F.S., as a public or private elementary school, middle school, or secondary school. “School” is more broadly defined in s. 790.115(2), F.S., as any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

including a razor blade or box cutter, except as authorized in support of school-sanctioned activities in violation of s. 790.115(2), F.S., commits a felony of the third degree.<sup>39</sup>

Section 790.115(2)(c)1., F.S., provides that a person who willfully and knowingly possesses any firearm in violation of s. 790.115(2), F.S., commits a felony of the third degree.<sup>40</sup>

A person who discharges any weapon or firearm while on the property of any school, school bus, or school bus stop unless discharged for lawful defense of himself or herself or another or for a lawful purpose, commits a felony of the second degree.<sup>41</sup>

The above mentioned penalties do not apply to a person licensed under s. 790.06, F.S. Such persons are punished under s. 790.06(12), F.S., which provides that such violations constitute a second degree misdemeanor.<sup>42</sup> However, a licenseholder who unlawfully discharges a weapon or firearm on school property commits a second degree felony.<sup>43</sup>

Section 790.115, F.S., does not apply to any law enforcement officer.<sup>44</sup>

### ***Crimes in Pharmacies***

Section 790.145, F.S., prohibits a person from being in possession of a concealed firearm<sup>45</sup> or a destructive device<sup>46</sup> within the premises of a pharmacy as defined in ch. 465, F.S.<sup>47</sup> The conduct prohibited under s. 790.145, F.S., is prohibited generally in other sections of the Florida statutes.<sup>48</sup>

### **School Safety**

In 2018, the Legislature enacted the “Marjory Stoneman Douglas High School Public Safety Act” (Act).<sup>49</sup> The legislation included provisions to address school safety and security including,

<sup>39</sup> A third degree felony is punishable by up to 5 years’ imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>40</sup> *Id.*

<sup>41</sup> A second degree felony is punishable by up to 15 years’ imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

<sup>42</sup> A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. Sections 775.082 and 775.083, F.S.

<sup>43</sup> See s. 790.115(2)(e), F.S.; A second degree felony is punishable by up to 15 years’ imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

<sup>44</sup> Law enforcement officer is defined for purposes of s. 790.115, F.S., in s. 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14), F.S. These persons include law enforcement officers, and both part-time and auxiliary law enforcement officers; and correctional officers, correctional probation officers, and both part-time and auxiliary correctional officers.

<sup>45</sup> Unless he or she holds a concealed weapon or concealed firearm license or is otherwise authorized. Section 790.145(2), F.S. “Firearm” is defined in s. 790.001(6), F.S.

<sup>46</sup> “Destructive device” is defined in s. 790.001(4), F.S.

<sup>47</sup> The crime is a third degree felony punishable by up to 5 years’ incarceration and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>48</sup> For example, s. 790.161, F.S., prohibits a person from willfully and unlawfully making, possessing, throwing, projecting, placing, discharging, or attempting to make, possess, throw, project, place, or discharge any destructive device, regardless of location. A violation of this prohibition is punishable as a third degree felony. The owner of a pharmacy may also prohibit a person from carrying a firearm on his or her property regardless of whether the person has a concealed weapon or concealed firearm license, a violation of which is punishable as an armed trespass, a third degree felony.

<sup>49</sup> Chapter 2018-3, L.O.F.

but not limited to, codifying within the Florida Department of Education (DOE) the Office of Safe Schools (OSS).<sup>50</sup>

### *The Office of Safe Schools*

The OSS in the DOE serves as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning.<sup>51</sup> The OSS, in part, must:

- Establish and update as necessary a school security risk assessment tool<sup>52</sup> for use by school districts and charter schools, and provide annual training on the proper assessment of physical site security and completion of the school security risk assessment tool.
- Provide ongoing professional development opportunities to school district and charter school personnel.
- Provide a coordinated and interdisciplinary approach to providing technical assistance and guidance to school districts on safety and security and recommendations to address findings identified in the school security risk assessment.<sup>53</sup>
- Develop and implement a School Safety Specialist Training Program for school safety specialists.<sup>54</sup> The office must develop the training program based on national and state best practices on school safety and security and must include active shooter training. A school safety specialist certificate of completion must be awarded to a school safety specialist who satisfactorily completes the training.
- Review and provide recommendations on the security risk assessments.
- Coordinate with the Florida Department of Law Enforcement to provide a unified search tool, known as the Florida School Safety Portal, to improve access to timely, complete, and accurate information from specified sources.<sup>55, 56</sup>
- Provide data to support the evaluation of mental health services.<sup>57</sup>
- Provide technical assistance to school districts and charter school governing boards for school environmental safety incident reporting.
- Award grants to schools to improve the safety and security of school buildings based on the recommendations of the security risk assessment developed.

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<sup>50</sup> Section 1001.212, F.S.

<sup>51</sup> Section 1001.212, F.S. *See also*: Florida Department of Education, *Office of Safe Schools*, <http://www.fldoe.org/safe-schools/> (last visited February 3, 2023).

<sup>52</sup> Section 1006.1493, F.S., provides guidelines for the Florida Safe Schools Assessment Tool (FSSAT).

<sup>53</sup> Section 1006.07(6)(a)4., F.S., requires a school security risk assessment at each public school using the school security risk assessment tool (FSSAT) developed by the Office of Safe Schools.

<sup>54</sup> Section 1006.07(6)(a), F.S., requires each district school superintendent to designate a school administrator as a school safety specialist for the district.

<sup>55</sup> Section 1001.212(6), F.S., lists the following data sources: Social media Internet posts; The Department of Children and Families; The Department of Law Enforcement; The Department of Juvenile Justice; The mobile suspicious activity reporting tool known as FortifyFL; School environmental safety incident reports collected under subsection (8); and Local law enforcement.

<sup>56</sup> *Id.* Data that is exempt or confidential and exempt from public records requirements retains its exempt or confidential and exempt status when incorporated into the centralized integrated data repository.

<sup>57</sup> Section 1001.212(7), F.S., provides such data must include, for each school, the number of involuntary examinations as defined in s. 394.455, F.S., which are initiated at the school, on school transportation, or at a school-sponsored activity and the number of children for whom an examination is initiated.

- Disseminate, in consultation with the FDLE, to participating schools awareness and education materials on the proper use of the School Safety Awareness Program, including the consequences of knowingly submitting false information.
- Convene a School Hardening and Harm Mitigation Workgroup.<sup>58</sup>
- Develop a standardized, statewide behavioral threat assessment instrument for use by all public schools, including charter schools, which addresses early identification, evaluation, early intervention, and student support.
- Establish the Statewide Threat Assessment Database Workgroup.<sup>59</sup>

#### Behavioral Threat Assessment Instrument

The Legislature directed the OSS must develop a standardized, statewide behavioral threat assessment instrument for use by all public schools, including charter schools, which addresses early identification, evaluation, early intervention, and student support. Such threat assessment must include, but need not be limited to, components and forms that address:

- An assessment of the threat, which includes an assessment of the student, family, and school and social dynamics.
- An evaluation to determine if the threat is transient or substantive.
- The response to a substantive threat, which includes the school response and the role of law enforcement agencies.
- The response to a serious substantive threat, including mental health and law enforcement referrals.
- Ongoing monitoring to assess implementation of safety strategies.
- Training for members of threat assessment teams and school administrators regarding the use of the instrument.<sup>60</sup>

In response to such direction, the OSS developed a behavioral threat assessment instrument, the Comprehensive School Threat Assessment Guidelines (CSTAG)<sup>61</sup> to assist threat assessment teams in the threat assessment process.

#### Florida Safe Schools Assessment Tool

Florida law requires the DOE, through the OSS, to contract with a security consulting firm that specializes in development of risk assessment software solutions with experience in conducting security assessments of public facilities to develop the Florida Safe Schools Assessment Tool (FSSAT).<sup>62</sup> The FSSAT must be the primary physical site security assessment tool used by

<sup>58</sup> Section 1001.212(11), F.S. This subsection will be repealed on June 30, 2023.

<sup>59</sup> Section 1001.212(13), F.S., provides that members are appointed by the DOE, to complement the work of the DOE and FDLE associated with the centralized integrated data repository and data analytics resources initiative and make recommendations regarding the development of a statewide threat assessment database. The database must allow authorized public school personnel to enter information related to any threat assessment conducted at their schools using a specified instrument, and must provide such information to authorized personnel in each school district and public school and to appropriate stakeholders.

<sup>60</sup> Section 1001.212(12)(a), F.S.

<sup>61</sup> Comprehensive School Threat Assessment Guidelines. Florida Department of Education, *Memo to School District Superintendents and Charter School Administrators Regarding the Standardized Behavioral Threat Assessment Instrument* (Aug. 1, 2019), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8617/DPS-2019-116.pdf>. (last visited February 15, 2023).

<sup>62</sup> Section 1006.1493, F.S.

school officials at each school district and public school site in the state, and is intended help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise. The FSSAT is required to address, at minimum, the following components:

- School emergency and crisis preparedness planning;
- Security, crime and violence prevention policies and procedures;
- Physical security measures;
- Professional development training needs;
- An examination of support service roles in school safety, security, and emergency planning;
- School security and school police staffing, operational practices, and related services;
- School-community collaboration on school safety;
- Policies and procedures for school officials to prepare for and respond to natural and manmade disasters, including family reunification plans to reunite students and employees with their families after a school is closed or unexpectedly evacuated due to such disasters; and
- Return on investment analysis of the recommended physical security controls.

Each school safety specialist is required to conduct a school security risk assessment at each public school using the FSSAT.<sup>63</sup>

#### Threat Assessment Teams

District school boards must adopt policies for the establishment of threat assessment teams at each school. Such threat assessment teams must provide the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students.<sup>64</sup>

If a student poses a threat of violence or physical harm to himself or herself or others, a threat assessment team must immediately report to the superintendent (or his or her designee), who must immediately attempt to notify the student's parent or legal guardian.<sup>65</sup> Authorized members of the threat assessment team may obtain criminal history record information if a student poses a threat of violence or exhibits significantly disruptive behavior or need for assistance. Such criminal history record information may not be disclosed or used beyond the purpose for which such disclosure was made.<sup>66</sup> Additionally, all state and local agencies and programs that provide services to students who experience or are at risk of an emotional disturbance or a mental illness may share with each other records or information that are confidential or exempt from disclosure under ch. 119, F.S., if the records or information are reasonably necessary to ensure access to appropriate services for the student to ensure the safety of the student or others.<sup>67</sup>

If an immediate mental health or substance abuse crisis is suspected, school personnel must follow policies established by the threat assessment team to engage behavioral health crisis

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<sup>63</sup> Section 1006.07(6)(a)4., F.S.

<sup>64</sup> Section 1006.07(7), F.S. These policies must be consistent with the model policies developed by the OSS and include procedures for referrals to mental health services identified by the school district and procedures for behavioral threat assessments in compliance with the instrument.

<sup>65</sup> Section 1006.07(7)(b), F.S.

<sup>66</sup> Section 1006.07(7)(c), F.S.

<sup>67</sup> Section 1006.07(7)(e), F.S.

resources, which must provide emergency intervention and assessment, make recommendations, and refer the student for services. All such situations and actions must be reported to the threat assessment team, which must contact other agencies involved with the student and any known service providers to share information and coordinate necessary follow up actions. If the student is transferred to a different school, the threat assessment team must verify that any intervention services remain in place until the threat assessment team of the receiving school determines the need for intervention services.<sup>68</sup>

#### Active Assailant Plan

District school boards are required to formulate and prescribe policies and procedures for actual emergencies including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats.<sup>69</sup>

Drills for active assailant and hostage situations must be developmentally and age appropriate. Law enforcement officers responsible for responding to the school in the event of an active assailant emergency must be physically present on campus and directly involved in the execution of such drills. District school boards must establish emergency response and emergency preparedness policies and procedures that include, but are not limited to:

- Identifying the individuals responsible for contacting the primary emergency response agency; and
- The emergency response agency responsible for notifying the school district for each type of emergency.

The State Board of Education must refer to reports published under s. 943.687, F.S., for guidance and, by August 1, 2023, consult with state and local constituencies to adopt rules applicable to the requirements which, at a minimum:

- Define the terms “emergency drill,” “active threat,” and “after-action report.”
- Establish minimum emergency drill policies and procedures.<sup>70</sup>

Such rules must require all types of emergency drills to be conducted at a minimum, on an annual school year basis.<sup>71</sup>

#### ***Safe-School Officers***

Florida law requires each district school board and school district superintendent to partner with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing one or more safe-school officer options which best meet the needs of the school district.<sup>72</sup> These options include:

- Establishing a school resource officer program, through a cooperative agreement with law enforcement agencies.

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<sup>68</sup> *Id.*

<sup>69</sup> Section 1006.07(4)(a), F.S.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> Section 1006.12, F.S.

- Commissioning one or more school safety officers. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.
- Participating in the Coach Aaron Feis Guardian Program if such program is established by the sheriff.
- Contracting with a security agency to employ a school security guard.

#### Coach Aaron Feis Guardian Program

The Coach Aaron Feis Guardian Program (guardian program) was established in 2018<sup>73</sup> as an option for school districts to meet the safe-school officer requirements in law.<sup>74</sup> Each sheriff has the discretion to establish a guardian program to aid in the prevention or abatement of active assailant incidents on school premises. A school district employee or personnel, or a charter school employee, may participate in the guardian program. The sheriff who chooses to establish a guardian program shall appoint as school guardians, without the power of arrest, school employees who volunteer and who comply with all of the following:<sup>75</sup>

- Hold a valid license issued under s. 790.06, F.S. (license to carry a concealed firearm).
- Complete a 144 hour training program, consisting of 12 hours of certified nationally recognized diversity training and 132 hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors, which must include:
  - Eighty hours of firearms instruction based on the Criminal Justice Standards and Training Commission's Law Enforcement Academy training model, which must include at least 10 percent but no more than 20 percent more rounds fired than associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.
  - Sixteen hours of instruction in precision pistol.
  - Eight hours of discretionary shooting instruction using state-of-the-art simulator exercises.
  - Eight hours of instruction in active shooter or assailant scenarios.
  - Eight hours of instruction in defensive tactics.
  - Twelve hours of instruction in legal issues.
- Pass a psychological evaluation administered by a psychologist licensed under ch. 490, F.S., and designated by the FDLE and submit the results of the evaluation to the sheriff's office. The FDLE may provide the sheriff's office with mental health and substance abuse data for compliance with this requirement.
- Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455, F.S., and the sheriff's office.
- Successfully complete ongoing training, weapon inspection, and firearm qualifications on at least an annual basis.<sup>76</sup>

A sheriff must issue a school guardian certificate to individuals who meet the requirements specified in law.<sup>77</sup> The sheriff must maintain documentation of weapon and equipment

<sup>73</sup> Section 26, ch. 2018-3, L.O.F.

<sup>74</sup> Section 1006.12, F.S.

<sup>75</sup> Section 30.15(1)(k), F.S.

<sup>76</sup> Section 30.15(1)(k), F.S.

<sup>77</sup> *Id.*



inspections, as well as the training, certification, inspection, and qualification records of each school guardian appointed by the sheriff. An individual who is certified may serve as a school guardian only if he or she is appointed by the applicable school district superintendent or charter school principal.<sup>78</sup>

### III. Effect of Proposed Changes:

#### Unlicensed Concealed Carry of Weapons or Firearms

Section 790.01, F.S., is amended to provide that a person is “authorized” to carry a concealed weapon or concealed firearm if he or she:

- Is licensed under s. 790.06, F.S., or
- Is not licensed under s. 790.06, F.S., but he or she otherwise satisfies the criteria for receiving and maintaining such a license under s. 790.06 (2)(a)-(f) and (i)-(n), (3), and (10), F.S.

*See Section II. Present Situation, for the criteria for receiving and maintaining a license.*

The term “concealed weapon or concealed firearm” has the same meaning as in s. 790.06(1), F.S., as amended by the bill.<sup>79</sup>

The bill creates s. 790.013, F.S., to provide that a person who is authorized to carry a concealed weapon or concealed firearm without a license is required to carry valid identification when in actual possession of a concealed weapon or concealed firearm. Such person must display his or her identification upon demand by a law enforcement officer. Additionally, the bill amends s. 790.06, F.S., to remove the requirement for a licensed carrier to carry his or her license to carry a concealed weapon or concealed firearm. Under the bill, the requirements for the carrying and display of identification are the same for licensed and authorized carriers. A violation of these provisions is a noncriminal violation, punishable by a \$25 fine.

Additionally, s. 790.013, F.S., provides that a person who is authorized to carry a concealed weapon or concealed firearm without a license is subject to s. 790.06(12), F.S., in the same manner as a person who is licensed to carry a concealed weapon or concealed firearm.

#### *Open Carry (Brief Open Display)*

The bill amends s. 790.053, F.S., the prohibition against openly carrying a firearm, to provide that it is not a violation for a person who is authorized to carry and a person who is licensed to carry a concealed weapon or concealed firearm, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

#### *Possessing or Discharging a Firearm on School Property*

The bill amends s. 790.115(2), F.S., to provide the same penalty for a person who is authorized to carry and a person who is licensed to carry a concealed weapon or concealed firearm, when

<sup>78</sup> *Id.*

<sup>79</sup> “Concealed weapon or concealed firearm means a handgun, electronic weapon or device, tear gas gun, knife, or billie, but does not include a machine gun as that term is defined in s. 790.001(9).” Section 790.06(1)(a), F.S.

such person willfully and knowingly possesses a weapon or firearm at a school-sponsored event or on the property of any school, school bus, or school bus stop. The penalty for such violation is a second degree misdemeanor penalty.<sup>80</sup>

### ***Reciprocity***

The bill amends s. 790.015, F.S., to allow a nonresident who does not have a concealed weapon or firearm license issued by his or her state to carry concealed in Florida if he or she satisfies specified criteria in s. 790.06, F.S.<sup>81</sup>

Additionally, the bill deletes the reciprocity provision that limits recognition of other states' concealed weapon or concealed firearm licenses to states that honor Florida-issued licenses.<sup>82</sup>

### ***Defining Handgun***

The bill amends s. 790.001, F.S., to include the term “handgun” within the definitions section of the current law. “Handgun” is defined as a firearm capable of being carried and used by one hand, such as a pistol or revolver. This definition language is stricken from s. 790.31, F.S.

### ***Firearms or Other Weapons in Motor Vehicles***

The bill amends s. 790.25, F.S., to clarify that a person may carry a concealed weapon or concealed firearm on his or her person while in a private conveyance if he or she is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1), F.S.

The bill repeals s. 790.145, F.S., relating to possession of a firearm or destructive device in a pharmacy, and makes technical or conforming changes to the following sections of the Florida Statutes: 27.53, 790.052, 790.06, 790.0655, 790.1612, 790.25, 790.31, 810.095, 921.0022, 921.0024, 943.051, 943.0585, and 943.059.

### **School Safety**

#### ***Guardians***

The bill amends s. 1002.42, F.S., to provide that a private school may partner with a law enforcement agency or a security agency to establish or assign one or more safe-school officers. The private school that establishes a safe-school officer must comply with the requirements of s. 1006.12, F.S.

The bill amends s. 30.15, F.S., to add private schools to the entities that may request the sheriff in the school's county to establish a guardian program for the purpose of training the private school employees. Currently, only public and charter schools may establish guardian programs.

If the county sheriff denies such request, the private school may contract with a sheriff from another county, and notify the sheriff in the private school's county of the contract. The private

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<sup>80</sup> A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. Sections 775.082 and 775.083, F.S.

<sup>81</sup> Section 790.06 (2)(a)-(f) and (i)-(n), F.S.; and see subsections (3), and (10), F.S., relating to reasons a person's license could be suspended or revoked.

<sup>82</sup> Section 790.015(4), F.S.

school is responsible for all training costs for such program. The sheriff providing such training must ensure that any monies paid by the private school are not comingled with any funds provided by the state to the sheriff as reimbursement for training related costs of any school district or charter school employee.

The training required for the guardian program is a standardized statewide curriculum. A school guardian who has completed the required training program may not be required to attend another sheriff's training program unless there has been at least a one year break in his or her employment as a guardian.

The bill further amends s. 30.15, F.S., to increase the hours of instruction on active shooter or assailant scenarios to sixteen, rather than eight. Additionally, the number of hours of instruction on legal issues is decreased from twelve, to four.

A person who is certified may serve as a school guardian for a private school only if he or she is appointed by the private school head of school.

#### ***Active Assailant Response Policy***

The bill creates s. 943.6873, F.S., to direct each law enforcement agency to create and maintain an active assailant response policy.

The FDLE must make the model active assailant response policy developed by the Marjory Stoneman Douglas High School Public Safety Commission available on its website. The FDLE may make available any other policies deemed appropriate.

Each agency must review the model policy and develop a written active assailant response policy that is consistent with the agency's response capabilities and includes response procedures specifying the command protocol and coordination with other law enforcement agencies.

All sworn personnel of each agency must be trained on the agency's existing active assailant response policy, or must be trained within 180 days after enacting a new or revised policy. Sworn personnel must receive at minimum annual training on the policy.

By October 1, 2023, each agency must provide written certification to the FDLE verifying the agency has adopted a written active assailant response policy.

By January 1, 2024, the FDLE must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives identifying agencies that have not complied with these requirements.

#### ***Office of Safe Schools***

The bill amends s. 1001.212, F.S., relating to the Office of Safe Schools (OSS). The bill provides that the OSS must develop a statewide behavioral threat management operational process, a Florida-specific behavioral threat assessment instrument, and a threat management portal.

- By December 1, 2023, the OSS must develop a statewide behavioral threat management operational process, which must be designed to identify, assess, manage, and monitor potential and real threats to schools.
  - Upon availability, each school district, school, charter school governing board, and charter school must use the statewide behavioral threat management operational process.
  - The OSS must provide training to all school districts, schools, charter school governing boards, and charter schools on the statewide behavioral threat management operational process.
  - The OSS must coordinate the ongoing development, implementation, and operation of the statewide behavioral threat management operational process.
- By August 1, 2023, the OSS must develop a Florida-specific behavioral threat assessment instrument to evaluate the behavior of students who may pose a threat to the school, staff, or students and to coordinate intervention and services for such students.
  - A report, all corresponding documentation, and any other information required by the instrument in the threat management portal is an education record and may not be retained, maintained, or transferred, except in accordance with State Board of Education rule.
  - Upon availability, each school district, school, charter school governing board, and charter school must use the Florida-specific behavioral threat assessment instrument.
- By August 1, 2025, the OSS must develop, host, maintain, and administer a threat management portal that will digitize the Florida-specific behavioral threat assessment instrument for use by each school district, school, charter school governing board, and charter school. The portal will also facilitate the electronic threat assessment reporting and documentation. The bill requires the portal to have numerous functionalities.
  - Upon availability, each school district, school, charter school governing board, and charter school must use the portal.
  - A report, all corresponding documentation, and any other information required by the instrument in the threat management portal is an education record and may not be retained, maintained, or transferred, except in accordance with State Board of Education rule.
  - The OSS and OSS system administrators may not have access to certain reports, documentation, and information contained in the portal.
  - A school district or charter school governing board may not have access to certain records in the portal, except in accordance with rule.
  - The parent of a student may access his or her student's education records in the portal, but may not have access to the portal.
  - The OSS must develop and implement a quarterly portal access review audit process.
  - Upon availability, each school district, school charter school governing board, and charter school must comply with the quarterly portal access review audit process.
  - By August 1, 2025, the OSS must provide role-based training to all authorized school district and charter school governing board personnel before granting access to the portal.
  - By August 1 of each year, the office must provide role-based training to all authorized school district, school, charter school governing board, and charter school personal.
  - Any individual who accesses, uses, or releases any education record contained in the portal for a purpose not specifically authorized by law commits a noncriminal infraction, punishable by a fine not exceeding \$2,000.

The bill provides that the State Board of Education may, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), F.S., to administer the amendments made to s. 1001.212(12), F.S.

The bill amends s. 1003.25, F.S., to specify that records including corresponding documentation and any other information required by the Florida-specific behavioral threat assessment instrument which contains the evaluation, intervention, and management of the threat assessment evaluation and intervention services, must be transferred within 3 school days if a student transfers from school to school.

The bill amends s. 1006.07, F.S., that all threat management teams must use the statewide behavioral threat management operational process upon its availability.

Additionally, the bill specifies that at least one instructional or administrative personnel who is personally familiar with the individual who is the subject of the threat assessment must be on the threat management team.

The Florida-specific behavioral threat assessment must be used by the threat management team when evaluating the behavior of students. The threat management team must prepare a threat assessment report.

The bill provides that the State Board of Education may, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), F.S., for the purpose of implementing this subsection.

The bill amends s. 1006.13, F.S., to specify that each district school board must adopt a policy of zero tolerance that, in part, identifies acts that are required to be reported under the school environmental safety incident reporting pursuant to s. 1006.07(9), F.S.

### ***Florida Safe Schools Canine Program***

The bill creates s. 1006.121, F.S., to direct the Department of Education (DOE), through the OSS, to establish the Florida Safe Schools Canine Program. This program may designate a person, school, or business entity as a Florida Safe Schools Canine Partner if the person, school, or business entity provides a monetary or in kind donation to a law enforcement agency to purchase, train, or care for a firearm detection canine.

The OSS must consult with the Florida Police Chiefs Association and the Florida Sheriffs Association in creating the program.

The bill defines “firearm detection canine” to mean any canine that is owned or the service of which is employed by a law enforcement agency for use in k-12 schools for the primary purpose of aiding in the detection of firearms and ammunition.

A firearm detection canine must be trained to interact with children and must complete behavior and temperament training. Such canine may also be trained as an animal-assisted therapy canine.

The bill provides eligibility requirements and a nomination or application process to be designated as a Florida Safe Schools Canine Partner.

The bill further provides that the OSS must develop a logo and establish a page on the DOE's website for the Florida Safe Schools Canine Program.

The bill provides that the State Board of Education must adopt rules to administer this section.

The bill becomes effective July 1, 2023, except as otherwise expressly provided in the act.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on the DACS and the FDLE. It is unclear what financial impact the bill may have on these agencies because it is not possible to quantify the number of people who will elect not to obtain or renew their concealed weapon or concealed firearm licenses. Depending upon the number, the DACS may experience a smaller workload related to the licensure program while the Florida

Department of Law Enforcement will likely experience an equivalent workload decrease due to fewer background checks being provided to the DACS to facilitate the licensure program. This may result in lower revenues due to a decrease in fees collected, however this loss in revenue may be offset by the decrease in workload.

The bill provides for:

- \$1.5 million in recurring funds from the General Revenue Fund to be appropriated to the FDLE to implement a grant program for local law enforcement agencies to provide firearm safety training. The bill requires the FDLE to develop a process and guidelines for the distribution of funds, and requires local law enforcement agencies who receive the grants to report on the use of such funds.
- \$1,207,321 in recurring funds and \$70,525 in nonrecurring funds from the General Revenue Fund to be appropriated to the DOE to fund new and existing positions and additional workload expenses within the OSS.
- \$400,000 in recurring funds from the General Revenue Fund to be appropriated to the DOE to fund the OSS to update the existing school safety training infrastructure.
- \$5 million in recurring funds and \$7 million in nonrecurring funds from the General Revenue Fund to be appropriated to the DOE to competitively procure for the development or acquisition of a cloud-based secure statewide information sharing system that meets the requirements of the threat management portal.
- \$1.5 million in recurring funds and \$1.5 million in nonrecurring funds from the General Revenue Fund to be appropriated to the DOE for the development of acquisition of a cloud based secure School Environmental Safety Incident Reporting (SESIR) system.
- \$42 million in nonrecurring funds from the General Revenue Fund to be appropriated to the DOE for school hardening grant programs to improve the physical security of school buildings.
  - By December 31, 2023, school districts and charter schools receiving school hardening grant program funds must report to the DOE the total estimated costs of their unmet school campus hardening needs as identify by the Florida Safe Schools Assessment Tool (FSSAT).
  - Funds may be used only for capital expenditures and must be allocated initially based on each districts capital outlay full time equivalent (FTE) and charter school FTE. No district will be allocated less than \$42,000.
  - Funds must be provided based on a district's application, which must be submitted by February 1, 2024.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 27.53, 30.15, 768.28, 790.001, 790.01, 790.015, 790.052, 790.053, 790.06, 790.0655, 790.115, 790.25, 790.251, 790.31, 1001.212, 1002.42, 1003.25, 1006.07, 1006.13, 790.1612, 810.095, 921.0022, 921.0024, 943.051, 943.0585, 943.059, 985.11, and 1002.33.

This bill creates the following sections of the Florida Statutes: 790.013, 943.6873, and 1006.121.

This bill repeals section 790.145 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.