

By Senator Collins

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1                                   A bill to be entitled  
2       An act relating to public safety; amending s. 27.53,  
3       F.S.; conforming provisions to changes made by the  
4       act; amending s. 30.15, F.S.; requiring sheriffs to  
5       assist private schools in complying with a certain  
6       statute; authorizing a private school to request the  
7       sheriff to establish a guardian program under certain  
8       conditions; providing requirements for the guardian  
9       program; authorizing certified individuals to serve as  
10      school guardians if appointed by the applicable  
11      private school head of school; revising the training  
12      program hours required for school employees to be  
13      certified as school guardians; amending s. 768.28,  
14      F.S.; revising a definition; amending s. 790.001,  
15      F.S.; defining the term "handgun"; amending s. 790.01,  
16      F.S.; authorizing a person to carry a concealed weapon  
17      or concealed firearm if he or she is licensed to do so  
18      or meets specified requirements; creating s. 790.013,  
19      F.S.; requiring a person who is carrying a concealed  
20      weapon or concealed firearm without a license to carry  
21      valid identification and display such identification  
22      upon demand by a law enforcement officer; providing a  
23      noncriminal penalty; prohibiting a person who is  
24      carrying a concealed weapon or concealed firearm  
25      without a license from carrying such weapon or firearm  
26      in specified locations; amending s. 790.015, F.S.;  
27      authorizing a nonresident to carry a concealed weapon  
28      or concealed firearm in this state if he or she meets  
29      the same requirements as a resident; removing a

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30 requirement that limits recognition of concealed  
31 firearm licenses to those states that honor Florida  
32 concealed weapon or concealed firearm licenses;  
33 amending s. 790.052, F.S.; conforming provisions to  
34 changes made by the act; amending s. 790.053, F.S.;  
35 specifying that it is not a violation of specified  
36 provisions for persons authorized to carry a concealed  
37 weapon or concealed firearm without a license to  
38 briefly and openly display a firearm under specified  
39 circumstances; amending s. 790.06, F.S.; defining the  
40 term "concealed weapon or concealed firearm"; removing  
41 a requirement that a person who is licensed to carry a  
42 concealed weapon or concealed firearm must carry such  
43 license while he or she is in actual possession of a  
44 concealed weapon or concealed firearm; revising  
45 legislative findings; making technical changes;  
46 amending s. 790.0655, F.S.; making technical changes;  
47 amending s. 790.115, F.S.; providing that a person who  
48 is authorized to carry a concealed weapon or concealed  
49 firearm without a license is subject to specified  
50 penalties for possessing such weapon or firearm at a  
51 school-sponsored event or on school property;  
52 conforming provisions to changes made by the act;  
53 revising applicability; repealing s. 790.145, F.S.,  
54 relating to the possession of firearms or destructive  
55 devices within the premises of pharmacies; amending s.  
56 790.25, F.S.; providing that a person who is  
57 authorized to carry a concealed weapon or concealed  
58 firearm may carry such weapon or firearm on his or her

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59 person in a private conveyance under certain  
60 circumstances; conforming provisions to changes made  
61 by the act; making technical changes; amending s.  
62 790.251, F.S.; revising the definition of the term  
63 "employee" to include any person who is authorized to  
64 carry a concealed weapon or concealed firearm;  
65 prohibiting an employer from conditioning employment  
66 upon the fact that an employee or a prospective  
67 employee is authorized to carry a concealed weapon or  
68 concealed firearm; amending s. 790.31, F.S.; removing  
69 the definition of the term "handgun"; creating s.  
70 943.6873, F.S.; requiring each law enforcement agency  
71 in this state to create and maintain an active  
72 assailant response policy by a specified date;  
73 providing requirements for the policy; amending s.  
74 1001.212, F.S.; requiring the Office of Safe Schools  
75 to develop a behavioral threat management operational  
76 process by a specified date; providing requirements  
77 for the process; revising provisions requiring the  
78 office to develop a Florida-specific behavioral threat  
79 assessment instrument by a specified date; revising  
80 requirements for the instrument; requiring the office  
81 to develop, host, maintain, and administer a threat  
82 management portal by a specified date; providing  
83 requirements for the threat management portal;  
84 providing a noncriminal penalty for an individual  
85 using the threat management portal for an unauthorized  
86 purpose; deleting provisions providing for the  
87 Statewide Threat Assessment Database Workgroup;

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

90 authorizing a private school to partner with a law  
91 enforcement agency or security agency for specified  
92 purposes; requiring a private school that establishes  
93 a safe-school officer to comply with specified  
94 provisions of law; providing that the private school  
95 is responsible for certain implementation costs;

96 amending s. 1003.25, F.S.; revising information  
97 included in verified reports of serious or recurrent  
98 behavior patterns; amending s. 1006.07, F.S.;

99 redesignating threat assessment teams as threat  
100 management teams; requiring a charter school governing  
101 board to establish a threat management team; providing  
102 requirements for a threat management team; requiring  
103 the threat management team to prepare a specified  
104 report; authorizing the state board to adopt emergency  
105 rules; providing legislative findings; creating s.  
106 1006.121, F.S.; requiring the Department of Education  
107 to establish the Florida Safe Schools Canine Program;  
108 requiring the Office of Safe Schools to consult with  
109 specified entities; defining the term "firearm  
110 detection canine"; providing requirements for the  
111 program; requiring the State Board of Education to  
112 adopt rules; amending s. 1006.13, F.S.; conforming  
113 provisions to changes made by the act; providing  
114 reporting requirements for certain school safety  
115 incidents; amending ss. 790.1612, 810.095, 921.0022,  
116 921.0024, 943.051, 943.0585, 943.059, 985.11, and

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117 1002.33 F.S.; conforming provisions to changes made by  
118 the act; providing appropriations; providing effective  
119 dates.

120

121 Be It Enacted by the Legislature of the State of Florida:

122

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

125 27.53 Appointment of assistants and other staff; method of  
126 payment.—

127 (1) The public defender of each judicial circuit is  
128 authorized to employ and establish, in such numbers as  
129 authorized by the General Appropriations Act, assistant public  
130 defenders and other staff and personnel pursuant to s. 29.006,  
131 who shall be paid from funds appropriated for that purpose.  
132 Notwithstanding ss. 790.01 and 790.02, ~~the provisions of s.~~  
133 ~~790.01, s. 790.02, or s. 790.25(2)(a)~~, an investigator employed  
134 by a public defender, while actually carrying out official  
135 duties, is authorized to carry concealed weapons if the  
136 investigator complies with s. 790.25(2)(o) ~~s. 790.25(3)(o)~~.  
137 However, such investigators are not eligible for membership in  
138 the Special Risk Class of the Florida Retirement System. The  
139 public defenders of all judicial circuits shall jointly develop  
140 a coordinated classification and pay plan which shall be  
141 submitted on or before January 1 of each year to the Justice  
142 Administrative Commission, the office of the President of the  
143 Senate, and the office of the Speaker of the House of  
144 Representatives. Such plan shall be developed in accordance with  
145 policies and procedures of the Executive Office of the Governor

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146 established in s. 216.181. Each assistant public defender  
147 appointed by a public defender under this section shall serve at  
148 the pleasure of the public defender. Each investigator employed  
149 by a public defender shall have full authority to serve any  
150 witness subpoena or court order issued, by any court or judge  
151 within the judicial circuit served by such public defender, in a  
152 criminal case in which such public defender has been appointed  
153 to represent the accused.

154 (4) The five criminal conflict and civil regional counsels  
155 may employ and establish, in the numbers authorized by the  
156 General Appropriations Act, assistant regional counsels and  
157 other staff and personnel in each judicial district pursuant to  
158 s. 29.006, who shall be paid from funds appropriated for that  
159 purpose. Notwithstanding ss. 790.01 and 790.02, ~~s. 790.01, s.~~  
160 ~~790.02, or s. 790.25(2)(a)~~, an investigator employed by an  
161 office of criminal conflict and civil regional counsel, while  
162 actually carrying out official duties, is authorized to carry  
163 concealed weapons if the investigator complies with s.  
164 790.25(2)(o) ~~s. 790.25(3)(e)~~. However, such investigators are  
165 not eligible for membership in the Special Risk Class of the  
166 Florida Retirement System. The five regional counsels shall  
167 jointly develop a coordinated classification and pay plan for  
168 submission to the Justice Administrative Commission, the  
169 President of the Senate, and the Speaker of the House of  
170 Representatives by January 1 of each year. The plan must be  
171 developed in accordance with policies and procedures of the  
172 Executive Office of the Governor established in s. 216.181. Each  
173 assistant regional counsel appointed by the regional counsel  
174 under this section shall serve at the pleasure of the regional

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175 counsel. Each investigator employed by the regional counsel  
176 shall have full authority to serve any witness subpoena or court  
177 order issued by any court or judge in a criminal case in which  
178 the regional counsel has been appointed to represent the  
179 accused.

180 Section 2. Paragraph (k) of subsection (1) of section  
181 30.15, Florida Statutes, is amended to read:

182 30.15 Powers, duties, and obligations.—

183 (1) Sheriffs, in their respective counties, in person or by  
184 deputy, shall:

185 (k) Assist district school boards and charter school  
186 governing boards in complying with, or private schools in  
187 exercising options in, s. 1006.12. A sheriff must, at a minimum,  
188 provide access to a Coach Aaron Feis Guardian Program to aid in  
189 the prevention or abatement of active assailant incidents on  
190 school premises, as required under this paragraph. Persons  
191 certified as school guardians pursuant to this paragraph have no  
192 authority to act in any law enforcement capacity except to the  
193 extent necessary to prevent or abate an active assailant  
194 incident.

195 1.a. If a local school board has voted by a majority to  
196 implement a guardian program, the sheriff in that county shall  
197 establish a guardian program to provide training, pursuant to  
198 subparagraph 2., to school district, ~~or~~ charter school, or  
199 private school employees, either directly or through a contract  
200 with another sheriff's office that has established a guardian  
201 program.

202 b. A charter school governing board in a school district  
203 that has not voted, or has declined, to implement a guardian

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204 program may request the sheriff in the county to establish a  
205 guardian program for the purpose of training the charter school  
206 employees. If the county sheriff denies the request, the charter  
207 school governing board may contract with a sheriff that has  
208 established a guardian program to provide such training. The  
209 charter school governing board must notify the superintendent  
210 and the sheriff in the charter school's county of the contract  
211 prior to its execution.

212 c. A private school in a school district that has not  
213 voted, or has declined, to implement a guardian program may  
214 request the sheriff in the county to establish a guardian  
215 program for the purpose of training the private school  
216 employees. If the county sheriff denies the request, the private  
217 school may contract with a sheriff from another county who has  
218 established a guardian program to provide such training. The  
219 private school must notify the sheriff in the private school's  
220 county of the contract with a sheriff from another county before  
221 its execution. The private school is responsible for all  
222 training costs for a school guardian program. The sheriff  
223 providing such training must ensure that any monies paid by a  
224 private school are not commingled with any funds provided by the  
225 state to the sheriff as reimbursement for screening-related and  
226 training-related costs of any school district or charter school  
227 employee.

228 d. The training program required in sub-subparagraph 2.b.  
229 is a standardized statewide curriculum, and each sheriff  
230 providing such training shall adhere to the course of  
231 instruction specified in that sub-subparagraph. This  
232 subparagraph does not prohibit a sheriff from providing



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233 additional training. A school guardian who has completed the  
234 training program required in sub-subparagraph 2.b. may not be  
235 required to attend another sheriff's training program pursuant  
236 to that sub-subparagraph unless there has been at least a 1-year  
237 break in his or her employment as a guardian.

238 e. The sheriff conducting the training pursuant to  
239 subparagraph 2. will be reimbursed for screening-related and  
240 training-related costs and for providing a one-time stipend of  
241 \$500 to each school guardian who participates in the school  
242 guardian program.

243 2. A sheriff who establishes a program shall consult with  
244 the Department of Law Enforcement on programmatic guiding  
245 principles, practices, and resources, and shall certify as  
246 school guardians, without the power of arrest, school employees,  
247 as specified in s. 1006.12(3), who:

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

249 b. Complete a 144-hour training program, consisting of 12  
250 hours of certified nationally recognized diversity training and  
251 132 total hours of comprehensive firearm safety and proficiency  
252 training conducted by Criminal Justice Standards and Training  
253 Commission-certified instructors, which must include:

254 (I) Eighty hours of firearms instruction based on the  
255 Criminal Justice Standards and Training Commission's Law  
256 Enforcement Academy training model, which must include at least  
257 10 percent but no more than 20 percent more rounds fired than  
258 associated with academy training. Program participants must  
259 achieve an 85 percent pass rate on the firearms training.

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

261 (III) Eight hours of discretionary shooting instruction

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262 using state-of-the-art simulator exercises.

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

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

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

267 c. Pass a psychological evaluation administered by a  
268 psychologist licensed under chapter 490 and designated by the  
269 Department of Law Enforcement and submit the results of the  
270 evaluation to the sheriff's office. The Department of Law  
271 Enforcement is authorized to provide the sheriff's office with  
272 mental health and substance abuse data for compliance with this  
273 paragraph.

274 d. Submit to and pass an initial drug test and subsequent  
275 random drug tests in accordance with the requirements of s.  
276 112.0455 and the sheriff's office.

277 e. Successfully complete ongoing training, weapon  
278 inspection, and firearm qualification on at least an annual  
279 basis.

280

281 The sheriff who conducts the guardian training shall issue a  
282 school guardian certificate to individuals who meet the  
283 requirements of this section to the satisfaction of the sheriff,  
284 and shall maintain documentation of weapon and equipment  
285 inspections, as well as the training, certification, inspection,  
286 and qualification records of each school guardian certified by  
287 the sheriff. An individual who is certified under this paragraph  
288 may serve as a school guardian under s. 1006.12(3) only if he or  
289 she is appointed by the applicable school district  
290 superintendent, ~~or~~ charter school principal, or private school

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291 head of school.

292 Section 3. Paragraph (b) of subsection (9) of section  
293 768.28, Florida Statutes, is amended to read:

294 768.28 Waiver of sovereign immunity in tort actions;  
295 recovery limits; civil liability for damages caused during a  
296 riot; limitation on attorney fees; statute of limitations;  
297 exclusions; indemnification; risk management programs.—

298 (9)

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

300 1. "Employee" includes any volunteer firefighter.

301 2. "Officer, employee, or agent" includes, but is not  
302 limited to, any health care provider when providing services  
303 pursuant to s. 766.1115; any nonprofit independent college or  
304 university located and chartered in this state which owns or  
305 operates an accredited medical school, and its employees or  
306 agents, when providing patient services pursuant to paragraph  
307 (10)(f); any public defender or her or his employee or agent,  
308 including an assistant public defender or an investigator; and  
309 any member of a Child Protection Team, as defined in s. 39.01,  
310 or any member of a threat management team, as described in s.  
311 1006.07(7) ~~s. 39.01(13)~~, when carrying out her or his duties as  
312 a team member under the control, direction, and supervision of  
313 the state or any of its agencies or subdivisions.

314 Section 4. Section 790.001, Florida Statutes, is amended to  
315 read:

316 790.001 Definitions.—As used in this chapter, except where  
317 the context otherwise requires:

318 (2) ~~(1)~~ "Antique firearm" means any firearm manufactured in  
319 or before 1918 (including any matchlock, flintlock, percussion

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320 cap, or similar early type of ignition system) or replica  
321 thereof, whether actually manufactured before or after the year  
322 1918, and also any firearm using fixed ammunition manufactured  
323 in or before 1918, for which ammunition is no longer  
324 manufactured in the United States and is not readily available  
325 in the ordinary channels of commercial trade.

326 (3)~~(2)~~ "Concealed firearm" means any firearm, as defined in  
327 subsection (9) ~~(6)~~, which is carried on or about a person in  
328 such a manner as to conceal the firearm from the ordinary sight  
329 of another person.

330 (4)~~(3)~~ (a) "Concealed weapon" means any dirk, metallic  
331 knuckles, billie, tear gas gun, chemical weapon or device, or  
332 other deadly weapon carried on or about a person in such a  
333 manner as to conceal the weapon from the ordinary sight of  
334 another person.

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

341 (6)~~(4)~~ "Destructive device" means any bomb, grenade, mine,  
342 rocket, missile, pipebomb, or similar device containing an  
343 explosive, incendiary, or poison gas and includes any frangible  
344 container filled with an explosive, incendiary, explosive gas,  
345 or expanding gas, which is designed or so constructed as to  
346 explode by such filler and is capable of causing bodily harm or  
347 property damage; any combination of parts either designed or  
348 intended for use in converting any device into a destructive

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349 device and from which a destructive device may be readily  
350 assembled; any device declared a destructive device by the  
351 Bureau of Alcohol, Tobacco, and Firearms; any type of weapon  
352 which will, is designed to, or may readily be converted to expel  
353 a projectile by the action of any explosive and which has a  
354 barrel with a bore of one-half inch or more in diameter; and  
355 ammunition for such destructive devices, but not including  
356 shotgun shells or any other ammunition designed for use in a  
357 firearm other than a destructive device. "Destructive device"  
358 does not include:

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

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

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

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

368 (8)~~(5)~~ "Explosive" means any chemical compound or mixture  
369 that has the property of yielding readily to combustion or  
370 oxidation upon application of heat, flame, or shock, including  
371 but not limited to dynamite, nitroglycerin, trinitrotoluene, or  
372 ammonium nitrate when combined with other ingredients to form an  
373 explosive mixture, blasting caps, and detonators; but not  
374 including:

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

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

377 (c) Smokeless propellant powder or small arms ammunition

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378 primers, if possessed, purchased, sold, transported, or used in  
379 compliance with s. 552.241;

380 (d) Black powder in quantities not to exceed that  
381 authorized by chapter 552, or by any rules adopted thereunder by  
382 the Department of Financial Services, when used for, or intended  
383 to be used for, the manufacture of target and sporting  
384 ammunition or for use in muzzle-loading flint or percussion  
385 weapons.

386

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

390 (9)~~(6)~~ "Firearm" means any weapon (including a starter gun)  
391 which will, is designed to, or may readily be converted to expel  
392 a projectile by the action of an explosive; the frame or  
393 receiver of any such weapon; any firearm muffler or firearm  
394 silencer; any destructive device; or any machine gun. The term  
395 "firearm" does not include an antique firearm unless the antique  
396 firearm is used in the commission of a crime.

397 (11)~~(7)~~ "Indictment" means an indictment or an information  
398 in any court under which a crime punishable by imprisonment for  
399 a term exceeding 1 year may be prosecuted.

400 (12)~~(8)~~ "Law enforcement officer" means:

401 (a) All officers or employees of the United States or the  
402 State of Florida, or any agency, commission, department, board,  
403 division, municipality, or subdivision thereof, who have  
404 authority to make arrests;

405 (b) Officers or employees of the United States or the State  
406 of Florida, or any agency, commission, department, board,

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407 division, municipality, or subdivision thereof, duly authorized  
408 to carry a concealed weapon;

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

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

416 (e) All peace officers;

417 (f) All state attorneys and United States attorneys and  
418 their respective assistants and investigators.

419 (13)~~(9)~~ "Machine gun" means any firearm, as defined herein,  
420 which shoots, or is designed to shoot, automatically more than  
421 one shot, without manually reloading, by a single function of  
422 the trigger.

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

425 (17)~~(10)~~ "Short-barreled shotgun" means a shotgun having  
426 one or more barrels less than 18 inches in length and any weapon  
427 made from a shotgun (whether by alteration, modification, or  
428 otherwise) if such weapon as modified has an overall length of  
429 less than 26 inches.

430 (16)~~(11)~~ "Short-barreled rifle" means a rifle having one or  
431 more barrels less than 16 inches in length and any weapon made  
432 from a rifle (whether by alteration, modification, or otherwise)  
433 if such weapon as modified has an overall length of less than 26  
434 inches.

435 (18)~~(12)~~ "Slungshot" means a small mass of metal, stone,

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436 sand, or similar material fixed on a flexible handle, strap, or  
437 the like, used as a weapon.

438 (20)~~(13)~~ "Weapon" means any dirk, knife, metallic knuckles,  
439 slungshot, billie, tear gas gun, chemical weapon or device, or  
440 other deadly weapon except a firearm or a common pocketknife,  
441 plastic knife, or blunt-bladed table knife.

442 (7)~~(14)~~ "Electric weapon or device" means any device which,  
443 through the application or use of electrical current, is  
444 designed, redesigned, used, or intended to be used for offensive  
445 or defensive purposes, the destruction of life, or the  
446 infliction of injury.

447 (5)~~(15)~~ "Dart-firing stun gun" means any device having one  
448 or more darts that are capable of delivering an electrical  
449 current.

450 (14)~~(16)~~ "Readily accessible for immediate use" means that  
451 a firearm or other weapon is carried on the person or within  
452 such close proximity and in such a manner that it can be  
453 retrieved and used as easily and quickly as if carried on the  
454 person.

455 (15)~~(17)~~ "Securely encased" means in a glove compartment,  
456 whether or not locked; snapped in a holster; in a gun case,  
457 whether or not locked; in a zippered gun case; or in a closed  
458 box or container which requires a lid or cover to be opened for  
459 access.

460 (19)~~(18)~~ "Sterile area" means the area of an airport to  
461 which access is controlled by the inspection of persons and  
462 property in accordance with federally approved airport security  
463 programs.

464 (1)~~(19)~~ "Ammunition" means an object consisting of all of



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465 the following:

466 (a) A fixed metallic or nonmetallic hull or casing  
467 containing a primer.

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

469 (c) Gunpowder.

470

471 All of the specified components must be present for an object to  
472 be ammunition.

473 Section 5. Section 790.01, Florida Statutes, is amended to  
474 read:

475 790.01 ~~Unlicensed~~ Carrying of concealed weapons or  
476 concealed firearms.—

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

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

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

484 (2)~~(1)~~ Except as provided in subsection (4) ~~(3)~~, a person  
485 who does not meet the criteria in subsection (1) ~~is not licensed~~  
486 ~~under s. 790.06~~ and who carries a concealed weapon or electric  
487 weapon or device, as those terms are defined in s. 790.001, on  
488 or about his or her person commits a misdemeanor of the first  
489 degree, punishable as provided in s. 775.082 or s. 775.083.

490 (3)~~(2)~~ Except as provided in subsection (4) ~~(3)~~, a person  
491 who does not meet the criteria in subsection (1) ~~is not licensed~~  
492 ~~under s. 790.06~~ and who carries a concealed firearm, as that  
493 term is defined in s. 790.001, on or about his or her person

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494 commits a felony of the third degree, punishable as provided in  
495 s. 775.082, s. 775.083, or s. 775.084.

496 (4)(3) A person does not violate this section if he or she  
497 ~~This section does not apply to:~~

498 (a) Is lawfully in possession of ~~A person who carries a~~  
499 concealed weapon or a concealed firearm, as those terms are  
500 defined in s. 790.001, or a person who may lawfully possess a  
501 firearm and who carries such a concealed weapon or concealed  
502 firearm, on or about his or her person while in the act of  
503 evacuating during a mandatory evacuation order issued during a  
504 state of emergency declared by the Governor pursuant to chapter  
505 252 or declared by a local authority pursuant to chapter 870. As  
506 used in this subsection, the term "in the act of evacuating"  
507 means the immediate and urgent movement of a person away from  
508 the evacuation zone within 48 hours after a mandatory evacuation  
509 is ordered. The 48 hours may be extended by an order issued by  
510 the Governor.

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

513 1. A self-defense chemical spray.

514 2. A nonlethal stun gun or dart-firing stun gun or other  
515 nonlethal electric weapon or device that is designed solely for  
516 defensive purposes.

517 (5)(4) This section does not preclude any prosecution for  
518 the use of an electric weapon or device, a dart-firing stun gun,  
519 or a self-defense chemical spray during the commission of any  
520 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.  
521 790.235, or for any other criminal offense.

522 Section 6. Section 790.013, Florida Statutes, is created to

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523 read:

524 790.013 Carrying of concealed weapons or concealed firearms  
525 without a license.—A person who carries a concealed weapon or  
526 concealed firearm without a license as authorized under s.  
527 790.01(1)(b):

528 (1)(a) Must carry valid identification at all times when he  
529 or she is in actual possession of a concealed weapon or  
530 concealed firearm and must display such identification upon  
531 demand by a law enforcement officer.

532 (b) A violation of this subsection is a noncriminal  
533 violation punishable by a \$25 fine.

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

537 Section 7. Section 790.015, Florida Statutes, is amended to  
538 read:

539 ~~790.015 Nonresidents who are United States citizens and~~  
540 ~~hold a concealed weapons license in another state; reciprocity.—~~

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

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

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

550 (b) Has in his or her immediate possession a valid license  
551 to carry a concealed weapon or concealed firearm issued to the

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552 nonresident in his or her state of residence.

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

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

557 (3) If the resident of another state who is the holder of a  
558 valid license to carry a concealed weapon or concealed firearm  
559 issued in another state establishes legal residence in this  
560 state by:

561 (a) Registering to vote;

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

563 or

564 (c) Filing for homestead tax exemption on property in this  
565 state,

566

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

570 ~~(4) This section applies only to nonresident concealed~~  
571 ~~weapon or concealed firearm licenseholders from states that~~  
572 ~~honor Florida concealed weapon or concealed firearm licenses.~~

573 (4)(5) The requirement in subsection (1) that a nonresident  
574 be 21 years of age or older to carry a concealed weapon or  
575 concealed firearm ~~of paragraph (1)(a)~~ does not apply to a person  
576 who:

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

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

580 Section 8. Paragraph (d) of subsection (1) of section

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581 790.052, Florida Statutes, is amended to read:

582 790.052 Carrying concealed firearms; off-duty law  
583 enforcement officers.—

584 (1)

585 (d) This section does not limit the right of a law  
586 enforcement officer, correctional officer, or correctional  
587 probation officer to carry a concealed firearm off duty as a  
588 private citizen under the exemption provided in s. 790.06 that  
589 allows a law enforcement officer, correctional officer, or  
590 correctional probation officer as defined in s. 943.10(1), (2),  
591 (3), (6), (7), (8), or (9) to carry a concealed firearm without  
592 a concealed weapon or concealed firearm license or as otherwise  
593 provided by law. The appointing or employing agency or  
594 department of an officer carrying a concealed firearm as a  
595 private citizen is under s. 790.06 shall not be liable for the  
596 use of the firearm in such capacity. This section does not limit  
597 ~~Nothing herein limits~~ the authority of the appointing or  
598 employing agency or department from establishing policies  
599 limiting law enforcement officers or correctional officers from  
600 carrying concealed firearms during off-duty hours in their  
601 capacity as appointees or employees of the agency or department.

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

604 790.053 Open carrying of weapons.—

605 (1) Except as otherwise provided by law and in subsection  
606 (2), it is unlawful for any person to openly carry on or about  
607 his or her person any firearm or electric weapon or device. It  
608 is not a violation of this section for a person who carries  
609 ~~licensed to carry~~ a concealed firearm as authorized ~~provided~~ in

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610 s. 790.01(1) ~~s. 790.06(1), and who is lawfully carrying a~~  
611 ~~firearm in a concealed manner,~~ to briefly and openly display the  
612 firearm to the ordinary sight of another person, unless the  
613 firearm is intentionally displayed in an angry or threatening  
614 manner, not in necessary self-defense.

615 Section 10. Subsection (1), paragraphs (g) and (h) of  
616 subsection (2), paragraph (e) of subsection (4), paragraph (b)  
617 of subsection (5), paragraph (f) of subsection (6), and  
618 subsections (9), (10), (12), (13), and (16) of section 790.06,  
619 Florida Statutes, are amended to read:

620 790.06 License to carry concealed weapon or firearm.-

621 (1)(a) For the purposes of this section, the term  
622 "concealed weapon or concealed firearm" means a handgun,  
623 electronic weapon or device, tear gas gun, knife, or billie, but  
624 does not include a machine gun as that term is defined in s.  
625 790.001.

626 (b) The Department of Agriculture and Consumer Services is  
627 authorized to issue licenses to carry concealed weapons or  
628 concealed firearms to persons qualified as provided in this  
629 section. Each ~~such~~ license must bear a color photograph of the  
630 licensee. ~~For the purposes of this section, concealed weapons or~~  
631 ~~concealed firearms are defined as a handgun, electronic weapon~~  
632 ~~or device, tear gas gun, knife, or billie, but the term does not~~  
633 ~~include a machine gun as defined in s. 790.001(9).~~

634 (c) ~~Such Licenses are~~ shall be valid throughout the state  
635 for a ~~period of 7 years~~ after ~~from~~ the date of issuance. A  
636 licensee must carry ~~Any person in compliance with the terms of~~  
637 ~~such license may carry a concealed weapon or concealed firearm~~  
638 ~~notwithstanding the provisions of s. 790.01. The licensee must~~

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639 ~~carry the license, together with~~ valid identification, at all  
640 times in which the licensee is in actual possession of a  
641 concealed weapon or concealed firearm and must display such ~~both~~  
642 ~~the license and proper~~ identification upon demand by a law  
643 enforcement officer. Violations of the provisions of this  
644 subsection shall constitute a noncriminal violation with a  
645 penalty of \$25, payable to the clerk of the court.

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

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

650 (h) Demonstrates competence with a firearm by any one of  
651 the following:

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

655 2. Completion of any National Rifle Association firearms  
656 safety or training course;

657 3. Completion of any firearms safety or training course or  
658 class available to the general public offered by a law  
659 enforcement agency, junior college, college, or private or  
660 public institution or organization or firearms training school,  
661 using instructors certified by the National Rifle Association,  
662 Criminal Justice Standards and Training Commission, or the  
663 Department of Agriculture and Consumer Services;

664 4. Completion of any law enforcement firearms safety or  
665 training course or class offered for security guards,  
666 investigators, special deputies, or any division or subdivision  
667 of a law enforcement agency or security enforcement;

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668           5. Presents evidence of equivalent experience with a  
669 firearm through participation in organized shooting competition  
670 or military service;

671           6. Is licensed or has been licensed to carry a concealed  
672 weapon or concealed firearm in this state or a county or  
673 municipality of this state, unless such license has been revoked  
674 for cause; or

675           7. Completion of any firearms training or safety course or  
676 class conducted by a state-certified or National Rifle  
677 Association certified firearms instructor;

678  
679 A photocopy of a certificate of completion of any of the courses  
680 or classes; an affidavit from the instructor, school, club,  
681 organization, or group that conducted or taught such course or  
682 class attesting to the completion of the course or class by the  
683 applicant; or a copy of any document that shows completion of  
684 the course or class or evidences participation in firearms  
685 competition shall constitute evidence of qualification under  
686 this paragraph. A person who conducts a course pursuant to  
687 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as  
688 an instructor, attests to the completion of such courses, must  
689 maintain records certifying that he or she observed the student  
690 safely handle and discharge the firearm in his or her physical  
691 presence and that the discharge of the firearm included live  
692 fire using a firearm and ammunition as defined in s. 790.001;

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

696           (e) A statement that the applicant desires a concealed



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697 weapon or concealed firearms license as a means of lawful self-  
698 defense; and

699 (5) The applicant shall submit to the Department of  
700 Agriculture and Consumer Services or an approved tax collector  
701 pursuant to s. 790.0625:

702 (b) A nonrefundable license fee of up to \$55 if he or she  
703 has not previously been issued a statewide license or of up to  
704 \$45 for renewal of a statewide license. The cost of processing  
705 fingerprints as required in paragraph (c) shall be borne by the  
706 applicant. However, an individual holding an active  
707 certification from the Criminal Justice Standards and Training  
708 Commission as a law enforcement officer, correctional officer,  
709 or correctional probation officer as defined in s. 943.10(1),  
710 (2), (3), (6), (7), (8), or (9) is exempt from the licensing  
711 requirements of this section. If such individual wishes to  
712 receive a concealed weapon or concealed firearm license, he or  
713 she is exempt from the background investigation and all  
714 background investigation fees but must pay the current license  
715 fees regularly required to be paid by nonexempt applicants.  
716 Further, a law enforcement officer, a correctional officer, or a  
717 correctional probation officer as defined in s. 943.10(1), (2),  
718 or (3) is exempt from the required fees and background  
719 investigation for 1 year after his or her retirement.

720 (6)

721 (f) The Department of Agriculture and Consumer Services  
722 shall, upon receipt of a completed application and the  
723 identifying information required under paragraph (5)(f),  
724 expedite the processing of a servicemember's or a veteran's  
725 concealed weapon or concealed firearm license application.

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726 (9) In the event that a concealed weapon or concealed  
727 firearm license is lost or destroyed, the license shall be  
728 automatically invalid, and the person to whom the same was  
729 issued may, upon payment of \$15 to the Department of Agriculture  
730 and Consumer Services, obtain a duplicate, or substitute  
731 thereof, upon furnishing a notarized statement to the Department  
732 of Agriculture and Consumer Services that such license has been  
733 lost or destroyed.

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

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

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

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

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

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

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

753 (g) Is adjudicated an incapacitated person under s.  
754 744.331, or similar laws of any other state; or

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

757

758 Notwithstanding s. 120.60(5), service of a notice of the  
759 suspension or revocation of a concealed weapon or concealed  
760 firearm license must be given by either certified mail, return  
761 receipt requested, to the licensee at his or her last known  
762 mailing address furnished to the Department of Agriculture and  
763 Consumer Services, or by personal service. If a notice given by  
764 certified mail is returned as undeliverable, a second attempt  
765 must be made to provide notice to the licensee at that address,  
766 by either first-class mail in an envelope, postage prepaid,  
767 addressed to the licensee at his or her last known mailing  
768 address furnished to the department, or, if the licensee has  
769 provided an e-mail address to the department, by e-mail. Such  
770 mailing by the department constitutes notice, and any failure by  
771 the licensee to receive such notice does not stay the effective  
772 date or term of the suspension or revocation. A request for  
773 hearing must be filed with the department within 21 days after  
774 notice is received by personal delivery, or within 26 days after  
775 the date the department deposits the notice in the United States  
776 mail (21 days plus 5 days for mailing). The department shall  
777 document its attempts to provide notice, and such documentation  
778 is admissible in the courts of this state and constitutes  
779 sufficient proof that notice was given.

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

783 1. Any place of nuisance as defined in s. 823.05;

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- 784           2. Any police, sheriff, or highway patrol station;  
785           3. Any detention facility, prison, or jail;  
786           4. Any courthouse;  
787           5. Any courtroom, except that nothing in this section  
788 precludes ~~would preclude~~ a judge from carrying a concealed  
789 weapon or determining who will carry a concealed weapon in his  
790 or her courtroom;  
791           6. Any polling place;  
792           7. Any meeting of the governing body of a county, public  
793 school district, municipality, or special district;  
794           8. Any meeting of the Legislature or a committee thereof;  
795           9. Any school, college, or professional athletic event not  
796 related to firearms;  
797           10. Any elementary or secondary school facility or  
798 administration building;  
799           11. Any career center;  
800           12. Any portion of an establishment licensed to dispense  
801 alcoholic beverages for consumption on the premises, which  
802 portion of the establishment is primarily devoted to such  
803 purpose;  
804           13. Any college or university facility unless the licensee  
805 is a registered student, employee, or faculty member of such  
806 college or university and the weapon is a stun gun or nonlethal  
807 electric weapon or device designed solely for defensive purposes  
808 and the weapon does not fire a dart or projectile;  
809           14. The inside of the passenger terminal and sterile area  
810 of any airport, provided that no person shall be prohibited from  
811 carrying any legal firearm into the terminal, which firearm is  
812 encased for shipment for purposes of checking such firearm as

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813 baggage to be lawfully transported on any aircraft; or

814 15. Any place where the carrying of firearms is prohibited  
815 by federal law.

816 (b) A person licensed under this section is ~~shall~~ not ~~be~~  
817 prohibited from carrying or storing a firearm in a vehicle for  
818 lawful purposes.

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

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

824 (13) Notwithstanding any other law, for the purposes of  
825 safety, security, personal protection, or any other lawful  
826 purpose, a person licensed under this section may carry a  
827 concealed weapon or concealed firearm on property owned, rented,  
828 leased, borrowed, or lawfully used by a church, synagogue, or  
829 other religious institution. This subsection does not limit the  
830 private property rights of a church, synagogue, or other  
831 religious institution to exercise control over property that the  
832 church, synagogue, or other religious institution owns, rents,  
833 leases, borrows, or lawfully uses.

834 (16) The Legislature finds as a matter of public policy and  
835 fact that it is necessary to provide statewide uniform standards  
836 for issuing licenses to carry concealed weapons and concealed  
837 firearms ~~for self-defense~~ and finds it necessary to occupy the  
838 field of regulation of the bearing of concealed weapons or  
839 concealed firearms ~~for self-defense to ensure that no honest,~~  
840 ~~law-abiding person who qualifies under the provisions of this~~  
841 ~~section is subjectively or arbitrarily denied his or her rights.~~

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842 The Department of Agriculture and Consumer Services shall  
843 implement and administer ~~the provisions of~~ this section. The  
844 Legislature does not delegate to the Department of Agriculture  
845 and Consumer Services the authority to regulate or restrict the  
846 issuing of licenses provided for in this section, beyond those  
847 provisions contained in this section. Subjective or arbitrary  
848 actions or rules which encumber the issuing process by placing  
849 burdens on the applicant beyond those sworn statements and  
850 specified documents detailed in this section or which create  
851 restrictions beyond those specified in this section are in  
852 conflict with the intent of this section and are prohibited.  
853 This section shall be liberally construed to carry out the  
854 constitutional right to bear arms ~~for self-defense~~. This section  
855 is supplemental and additional to existing rights to bear arms,  
856 and nothing in this section shall impair or diminish such  
857 rights.

858 Section 11. Paragraph (a) of subsection (2) of section  
859 790.0655, Florida Statutes, is amended to read:

860 790.0655 Purchase and delivery of firearms; mandatory  
861 waiting period; exceptions; penalties.—

862 (2) The waiting period does not apply in the following  
863 circumstances:

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

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

870 790.115 Possessing or discharging weapons or firearms at a

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871 school-sponsored event or on school property prohibited;  
872 penalties; exceptions.—

873 (1) A person who exhibits any sword, sword cane, firearm,  
874 electric weapon or device, destructive device, or other weapon  
875 as defined in s. 790.001 ~~s. 790.001(13)~~, including a razor  
876 blade, box cutter, or common pocketknife, except as authorized  
877 in support of school-sanctioned activities, in the presence of  
878 one or more persons in a rude, careless, angry, or threatening  
879 manner and not in lawful self-defense, at a school-sponsored  
880 event or on the grounds or facilities of any school, school bus,  
881 or school bus stop, or within 1,000 feet of the real property  
882 that comprises a public or private elementary school, middle  
883 school, or secondary school, during school hours or during the  
884 time of a sanctioned school activity, commits a felony of the  
885 third degree, punishable as provided in s. 775.082, s. 775.083,  
886 or s. 775.084. This subsection does not apply to the exhibition  
887 of a firearm or weapon on private real property within 1,000  
888 feet of a school by the owner of such property or by a person  
889 whose presence on such property has been authorized, licensed,  
890 or invited by the owner.

891 (2) (a) A person shall not possess any firearm, electric  
892 weapon or device, destructive device, or other weapon as defined  
893 in s. 790.001 ~~s. 790.001(13)~~, including a razor blade or box  
894 cutter, except as authorized in support of school-sanctioned  
895 activities, at a school-sponsored event or on the property of  
896 any school, school bus, or school bus stop; however, a person  
897 may carry a firearm:

898 1. In a case to a firearms program, class or function which  
899 has been approved in advance by the principal or chief

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900 administrative officer of the school as a program or class to  
901 which firearms could be carried;

902 2. In a case to a career center having a firearms training  
903 range; or

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

908

909 For the purposes of this section, "school" means any preschool,  
910 elementary school, middle school, junior high school, secondary  
911 school, career center, or postsecondary school, whether public  
912 or nonpublic.

913 (b) Except as provided in paragraph (e), a person who  
914 willfully and knowingly possesses any electric weapon or device,  
915 destructive device, or other weapon as defined in s. 790.001 ~~s.~~  
916 ~~790.001(13)~~, including a razor blade or box cutter, except as  
917 authorized in support of school-sanctioned activities, in  
918 violation of this subsection commits a felony of the third  
919 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
920 775.084.

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

925 2. A person who stores or leaves a loaded firearm within  
926 the reach or easy access of a minor who obtains the firearm and  
927 commits a violation of subparagraph 1. commits a misdemeanor of  
928 the second degree, punishable as provided in s. 775.082 or s.



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929 775.083; except that this does not apply if the firearm was  
930 stored or left in a securely locked box or container or in a  
931 location which a reasonable person would have believed to be  
932 secure, or was securely locked with a firearm-mounted push-  
933 button combination lock or a trigger lock; if the minor obtains  
934 the firearm as a result of an unlawful entry by any person; or  
935 to members of the Armed Forces, National Guard, or State  
936 Militia, or to police or other law enforcement officers, with  
937 respect to firearm possession by a minor which occurs during or  
938 incidental to the performance of their official duties.

939 (e) A person who is authorized to carry a concealed weapon  
940 or concealed firearm under s. 790.01(1) and who willfully and  
941 knowingly violates paragraph (b) or subparagraph (c)1. commits a  
942 misdemeanor of the second degree, punishable as provided in s.  
943 775.082 or s. 775.083 ~~The penalties of this subsection shall not~~  
944 ~~apply to persons licensed under s. 790.06. Persons licensed~~  
945 ~~under s. 790.06 shall be punished as provided in s. 790.06(12),~~  
946 ~~except that a licenseholder who unlawfully discharges a weapon~~  
947 ~~or firearm on school property as prohibited by this subsection~~  
948 ~~commits a felony of the second degree, punishable as provided in~~  
949 ~~s. 775.082, s. 775.083, or s. 775.084.~~

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

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

953 790.25 Lawful ownership, possession, and use of firearms  
954 and other weapons.—

955 ~~(2) USES NOT AUTHORIZED.—~~

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

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

960 ~~1. A person who has been adjudged mentally incompetent, who~~  
961 ~~is addicted to the use of narcotics or any similar drug, or who~~  
962 ~~is a habitual or chronic alcoholic, or a person using weapons or~~  
963 ~~firearms in violation of ss. 790.07-790.115, 790.145-790.19,~~  
964 ~~790.22-790.24;~~

965 ~~2. Vagrants and other undesirable persons as defined in s.~~  
966 ~~856.02;~~

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

970 (2) ~~(3)~~ LAWFUL USES. ~~Notwithstanding the provisions of ss.~~  
971 790.01, 790.053, and 790.06, do not apply in the following  
972 instances, and, despite such sections, it is lawful for the  
973 following persons may ~~to~~ own, possess, and lawfully use firearms  
974 and other weapons, ammunition, and supplies for lawful purposes  
975 if they are not otherwise prohibited from owning or possessing a  
976 firearm under state or federal law:

977 (a) Members of the Militia, National Guard, Florida State  
978 Defense Force, Army, Navy, Air Force, Marine Corps, Space Force,  
979 Coast Guard, organized reserves, and other armed forces of the  
980 state and of the United States, when on duty, when training or  
981 preparing themselves for military duty, or while subject to  
982 recall or mobilization;

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

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

989 (d) Sheriffs, marshals, prison or jail wardens, police  
990 officers, Florida highway patrol officers, game wardens, revenue  
991 officers, forest officials, special officers appointed under the  
992 provisions of chapter 354, and other peace and law enforcement  
993 officers and their deputies and assistants and full-time paid  
994 peace officers of other states and of the Federal Government who  
995 are carrying out official duties while in this state;

996 (e) Officers or employees of the state or United States  
997 duly authorized to carry a concealed weapon or a concealed  
998 firearm;

999 (f) Guards or messengers of common carriers, express  
1000 companies, armored car carriers, mail carriers, banks, and other  
1001 financial institutions, while actually employed in and about the  
1002 shipment, transportation, or delivery of any money, treasure,  
1003 bullion, bonds, or other thing of value within this state;

1004 (g) Regularly enrolled members of any organization duly  
1005 authorized to purchase or receive weapons from the United States  
1006 or from this state, or regularly enrolled members of clubs  
1007 organized for target, skeet, or trap shooting, while at or going  
1008 to or from shooting practice; or regularly enrolled members of  
1009 clubs organized for modern or antique firearms collecting, while  
1010 such members are at or going to or from their collectors' gun  
1011 shows, conventions, or exhibits;

1012 (h) A person engaged in fishing, camping, or lawful hunting  
1013 or going to or returning from a fishing, camping, or lawful  
1014 hunting expedition;

1015 (i) A person engaged in the business of manufacturing,

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1016 repairing, or dealing in firearms, or the agent or  
1017 representative of any such person while engaged in the lawful  
1018 course of such business;

1019 (j) A person discharging a weapon or firearm ~~firing weapons~~  
1020 for testing or target practice under safe conditions and in a  
1021 safe place not prohibited by law or going to or from such place;

1022 (k) A person discharging a weapon or firearm ~~firing weapons~~  
1023 in a safe and secure indoor range for testing and target  
1024 practice;

1025 (l) A person traveling ~~by private conveyance when the~~  
1026 ~~weapon is securely encased or~~ in a public conveyance when the  
1027 weapon or firearm is securely encased and not in the person's  
1028 manual possession;

1029 (m) A person while carrying a handgun ~~pistol~~ unloaded and  
1030 in a secure wrapper, concealed or otherwise, from the place of  
1031 purchase to his or her home or place of business or to a place  
1032 of repair or back to his or her home or place of business;

1033 (n) A person possessing weapons or firearms ~~arms~~ at his or  
1034 her home or place of business;

1035 (o) Investigators employed by the several public defenders  
1036 of the state, while actually carrying out official duties,  
1037 provided such investigators:

1038 1. Are employed full time;

1039 2. Meet the official training standards for firearms  
1040 established by the Criminal Justice Standards and Training  
1041 Commission as provided in s. 943.12(5) and the requirements of  
1042 ss. 493.6108(1)(a) and 943.13(1)-(4); and

1043 3. Are individually designated by an affidavit of consent  
1044 signed by the employing public defender and filed with the clerk

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1045 of the circuit court in the county in which the employing public  
1046 defender resides.

1047 (p) Investigators employed by the capital collateral  
1048 regional counsel, while actually carrying out official duties,  
1049 provided such investigators:

1050 1. Are employed full time;

1051 2. Meet the official training standards for firearms as  
1052 established by the Criminal Justice Standards and Training  
1053 Commission as provided in s. 943.12(1) and the requirements of  
1054 ss. 493.6108(1)(a) and 943.13(1)-(4); and

1055 3. Are individually designated by an affidavit of consent  
1056 signed by the capital collateral regional counsel and filed with  
1057 the clerk of the circuit court in the county in which the  
1058 investigator is headquartered.

1059 (q)1. A tactical medical professional who is actively  
1060 operating in direct support of a tactical operation by a law  
1061 enforcement agency provided that:

1062 a. The tactical medical professional is lawfully able to  
1063 possess firearms and has an active concealed weapon or concealed  
1064 firearm license ~~weapons permit~~ issued pursuant to s. 790.06.

1065 b. The tactical medical professional is appointed to a law  
1066 enforcement tactical team of a law enforcement agency by the  
1067 head of the law enforcement agency.

1068 c. The law enforcement agency has an established policy  
1069 providing for the appointment, training, and deployment of the  
1070 tactical medical professional.

1071 d. The tactical medical professional successfully completes  
1072 a firearms safety training and tactical training as established  
1073 or designated by the appointing law enforcement agency.

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1074 e. The law enforcement agency provides and the tactical  
1075 medical professional participates in annual firearm training and  
1076 tactical training.

1077 2. While actively operating in direct support of a tactical  
1078 operation by a law enforcement agency, a tactical medical  
1079 professional:

1080 a. May carry a firearm in the same manner as a law  
1081 enforcement officer, as defined in s. 943.10 and,  
1082 notwithstanding any other law, at any place a tactical law  
1083 enforcement operation occurs.

1084 b. Has no duty to retreat and is justified in the use of  
1085 any force which he or she reasonably believes is necessary to  
1086 defend himself or herself or another from bodily harm.

1087 c. Has the same immunities and privileges as a law  
1088 enforcement officer, as defined in s. 943.10, in a civil or  
1089 criminal action arising out of a tactical law enforcement  
1090 operation when acting within the scope of his or her official  
1091 duties.

1092 3. This paragraph may not be construed to authorize a  
1093 tactical medical professional to carry, transport, or store any  
1094 firearm or ammunition on any fire apparatus or EMS vehicle.

1095 4. The appointing law enforcement agency shall issue any  
1096 firearm or ammunition that the tactical medical professional  
1097 carries in accordance with this paragraph.

1098 5. For the purposes of this paragraph, the term "tactical  
1099 medical professional" means a paramedic, as defined in s.  
1100 401.23, a physician, as defined in s. 458.305, or an osteopathic  
1101 physician, as defined in s. 459.003, who is appointed to provide  
1102 direct support to a tactical law enforcement unit by providing

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1103 medical services at high-risk incidents, including, but not  
1104 limited to, hostage incidents, narcotics raids, hazardous  
1105 surveillance, sniper incidents, armed suicidal persons,  
1106 barricaded suspects, high-risk felony warrant service, fugitives  
1107 refusing to surrender, and active shooter incidents.

1108 (4)~~(5)~~ POSSESSION IN PRIVATE CONVEYANCE.—

1109 (a) Notwithstanding s. 790.01(1), a person 18 years of age  
1110 or older who is in lawful possession of a handgun or other  
1111 weapon may possess such a handgun or weapon within the interior  
1112 of a private conveyance if the handgun or weapon is securely  
1113 encased or otherwise not readily accessible for immediate use. A  
1114 person who possesses a handgun or other weapon as authorized  
1115 under this paragraph may not carry the handgun or weapon on his  
1116 or her person.

1117 (b) This subsection does not prohibit a person from  
1118 carrying a:

1119 1. Legal firearm other than a handgun anywhere in a private  
1120 conveyance when such firearm is being carried for a lawful use;  
1121 or

1122 2. Concealed weapon or concealed firearm on his or her  
1123 person while in a private conveyance if he or she is authorized  
1124 to carry a concealed weapon or concealed firearm under s.  
1125 790.01(1).

1126 (c) This subsection shall be liberally construed in favor  
1127 of the lawful use, ownership, and possession of firearms and  
1128 other weapons, including lawful self-defense as provided in s.  
1129 776.012. Notwithstanding subsection (2), it is lawful and is not  
1130 a violation of s. 790.01 for a person 18 years of age or older  
1131 to possess a concealed firearm or other weapon for self-defense

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1132 ~~or other lawful purpose within the interior of a private~~  
1133 ~~conveyance, without a license, if the firearm or other weapon is~~  
1134 ~~securely encased or is otherwise not readily accessible for~~  
1135 ~~immediate use. Nothing herein contained prohibits the carrying~~  
1136 ~~of a legal firearm other than a handgun anywhere in a private~~  
1137 ~~conveyance when such firearm is being carried for a lawful use.~~  
1138 ~~Nothing herein contained shall be construed to authorize the~~  
1139 ~~carrying of a concealed firearm or other weapon on the person.~~  
1140 ~~This subsection shall be liberally construed in favor of the~~  
1141 ~~lawful use, ownership, and possession of firearms and other~~  
1142 ~~weapons, including lawful self-defense as provided in s.~~  
1143 ~~776.012.~~

1144 Section 15. Paragraph (c) of subsection (2) and paragraph  
1145 (c) of subsection (4) of section 790.251, Florida Statutes, are  
1146 amended to read:

1147 790.251 Protection of the right to keep and bear arms in  
1148 motor vehicles for self-defense and other lawful purposes;  
1149 prohibited acts; duty of public and private employers; immunity  
1150 from liability; enforcement.—

1151 (2) DEFINITIONS.—As used in this section, the term:

1152 (c) "Employee" means any person who is authorized to carry  
1153 a concealed weapon or concealed firearm under s. 790.01(1)  
1154 ~~possesses a valid license issued pursuant to s. 790.06 and:~~

- 1155 1. Works for salary, wages, or other remuneration;
- 1156 2. Is an independent contractor; or
- 1157 3. Is a volunteer, intern, or other similar individual for  
1158 an employer.

1159  
1160 As used in this section, the term "firearm" includes ammunition



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1161 and accoutrements attendant to the lawful possession and use of  
1162 a firearm.

1163 (4) PROHIBITED ACTS.—No public or private employer may  
1164 violate the constitutional rights of any customer, employee, or  
1165 invitee as provided in paragraphs (a)-(e):

1166 (c)No public or private employer shall condition employment  
1167 upon either:

1168 1. The fact that an employee or prospective employee is  
1169 authorized to carry a concealed weapon or concealed firearm  
1170 under s. 790.01(1) ~~holds or does not hold a license issued~~  
1171 ~~pursuant to s. 790.06; or~~

1172 2. Any agreement by an employee or a prospective employee  
1173 that prohibits an employee from keeping a legal firearm locked  
1174 inside or locked to a private motor vehicle in a parking lot  
1175 when such firearm is kept for lawful purposes.

1176  
1177 This subsection applies to all public sector employers,  
1178 including those already prohibited from regulating firearms  
1179 under ~~the provisions of~~ s. 790.33.

1180 Section 16. Paragraph (c) of subsection (1) of section  
1181 790.31, Florida Statutes, is amended to read:

1182 790.31 Armor-piercing or exploding ammunition or dragon's  
1183 breath shotgun shells, bolo shells, or flechette shells  
1184 prohibited.—

1185 (1) As used in this section, the term:

1186 ~~(c) "Handgun" means a firearm capable of being carried and~~  
1187 ~~used by one hand, such as a pistol or revolver.~~

1188 Section 17. Effective upon becoming a law, section  
1189 943.6873, Florida Statutes, is created to read:

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1190 943.6873 Active assailant response policy.—For the  
1191 protection of all persons in this state, it is necessary and  
1192 required that every law enforcement agency in this state be  
1193 prepared to respond to an active assailant event. To be  
1194 adequately prepared, each law enforcement agency must create and  
1195 maintain an active assailant response policy.

1196 (1) By October 1, 2023, each law enforcement agency in this  
1197 state shall have a written active assailant response policy  
1198 that:

1199 (a) Is consistent with the agency's response capabilities;  
1200 and

1201 (b) Includes response procedures specifying the command  
1202 protocol and coordination with other law enforcement agencies.

1203 (2) (a) The department shall make the model active assailant  
1204 response policy developed by the Marjory Stoneman Douglas High  
1205 School Public Safety Commission available on its website. The  
1206 department may also make available any other policies deemed  
1207 appropriate by the executive director which may guide a law  
1208 enforcement agency in developing its active assailant response  
1209 policies.

1210 (b) Each law enforcement agency must review the model  
1211 active assailant response policy developed by the Marjory  
1212 Stoneman Douglas High School Public Safety Commission when  
1213 developing its active assailant response policy.

1214 (3) Each law enforcement agency shall ensure that all of  
1215 its sworn personnel have been trained on the agency's existing  
1216 active assailant response policy, or that sworn personnel are  
1217 trained within 180 days after enacting a new or revised policy.  
1218 Each law enforcement agency must ensure that all of its sworn

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1219 personnel receive, at minimum, annual training on the active  
1220 assailant response policy.

1221 (4) By October 1, 2023, each law enforcement agency shall  
1222 provide written certification to the department from the head of  
1223 the law enforcement agency verifying that the agency has  
1224 officially adopted a written active assailant response policy.

1225 (5) By January 1, 2024, the department shall submit a  
1226 report to the Governor, the President of the Senate, and the  
1227 Speaker of the House of Representatives identifying each law  
1228 enforcement agency that has not complied with the requirements  
1229 of this section.

1230 Section 18. Effective upon becoming a law, subsections (12)  
1231 and (13) of section 1001.212, Florida Statutes, are amended to  
1232 read:

1233 1001.212 Office of Safe Schools.—There is created in the  
1234 Department of Education the Office of Safe Schools. The office  
1235 is fully accountable to the Commissioner of Education. The  
1236 office shall serve as a central repository for best practices,  
1237 training standards, and compliance oversight in all matters  
1238 regarding school safety and security, including prevention  
1239 efforts, intervention efforts, and emergency preparedness  
1240 planning. The office shall:

1241 (12) Develop a statewide behavioral threat management  
1242 operational process, a Florida-specific behavioral threat  
1243 assessment instrument, and a threat management portal.

1244 (a)1. By December 1, 2023, the office shall develop a  
1245 statewide behavioral threat management operational process to  
1246 guide school districts, schools, charter school governing  
1247 boards, and charter schools through the threat management

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1248 process. The process must be designed to identify, assess,  
1249 manage, and monitor potential and real threats to schools. This  
1250 process must include, but is not limited to:

- 1251 a. The establishment and duties of threat management teams.
- 1252 b. Defining behavior risks and threats.
- 1253 c. The use of the Florida-specific behavioral threat  
1254 assessment instrument developed pursuant to paragraph (b) to  
1255 evaluate the behavior of students who may pose a threat to the  
1256 school, school staff, or other students and to coordinate  
1257 intervention and services for such students.
- 1258 d. Upon the availability of the threat management portal  
1259 developed pursuant to paragraph (c), the use, authorized user  
1260 criteria, and access specifications of the portal.
- 1261 e. Procedures for the implementation of interventions,  
1262 school support, and community services.
- 1263 f. Guidelines for appropriate law enforcement intervention.
- 1264 g. Procedures for risk management.
- 1265 h. Procedures for disciplinary actions.
- 1266 i. Mechanisms for continued monitoring of potential and  
1267 real threats.
- 1268 j. Procedures for referrals to mental health services  
1269 identified by the school district or charter school governing  
1270 board pursuant to s. 1012.584(4).
- 1271 k. Procedures and requirements necessary for the creation  
1272 of a threat assessment report, all corresponding documentation,  
1273 and any other information required by the Florida-specific  
1274 behavioral threat assessment instrument under paragraph (b).

1275 2. Upon availability, each school district, school, charter  
1276 school governing board, and charter school must use the

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1277 statewide behavioral threat management operational process.

1278 3. The office shall provide training to all school  
1279 districts, schools, charter school governing boards, and charter  
1280 schools on the statewide behavioral threat management  
1281 operational process.

1282 4. The office shall coordinate the ongoing development,  
1283 implementation, and operation of the statewide behavioral threat  
1284 management operational process.

1285 (b)1. By August 1, 2023 ~~2019~~, the office shall develop a  
1286 Florida-specific ~~standardized, statewide~~ behavioral threat  
1287 assessment instrument for school districts, schools, charter  
1288 school governing boards, and charter schools to use to evaluate  
1289 the behavior of students who may pose a threat to the school,  
1290 school staff, or students and to coordinate intervention and  
1291 services for such students. The Florida-specific behavioral  
1292 threat assessment instrument must include, but is not limited  
1293 to: use by all public schools, including charter schools, which  
1294 addresses early identification, evaluation, early intervention,  
1295 and student support.

1296 ~~(a) The standardized, statewide behavioral threat~~  
1297 ~~assessment instrument must include, but need not be limited to,~~  
1298 ~~components and forms that address:~~

1299 ~~a.1.~~ An assessment of the threat, which includes an  
1300 assessment of the student, family, and school and social  
1301 dynamics.

1302 ~~b.2.~~ An evaluation to determine whether a threat exists and  
1303 if so, if the type of threat is transient or substantive.

1304 ~~c.3.~~ The response to a ~~substantive~~ threat, which includes  
1305 the school response, ~~and~~ the role of law enforcement agencies in

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1306 the response, and the response by mental health providers.

1307 ~~d.4. The response to a serious substantive threat,~~  
1308 ~~including mental health and law enforcement referrals.~~

1309 ~~5.~~ Ongoing monitoring to assess implementation of threat  
1310 management and safety strategies.

1311 e. Ongoing monitoring to evaluate interventions and support  
1312 provided to the students.

1313 f. A standardized threat assessment report, which must  
1314 include, but need not be limited to, all documentation  
1315 associated with the evaluation, intervention, management, and  
1316 any ongoing monitoring of the threat.

1317 2. A report, all corresponding documentation, and any other  
1318 information required by the instrument in the threat management  
1319 portal under paragraph (c) is an education record and may not be  
1320 retained, maintained, or transferred, except in accordance with  
1321 State Board of Education rule.

1322 3. Upon availability, each school district, school, charter  
1323 school governing board, and charter school must use the Florida-  
1324 specific behavioral threat assessment instrument.

1325 ~~4.6.~~ The office shall provide training for members of  
1326 threat management ~~assessment~~ teams established under s.  
1327 1006.07(7) and for all school districts and charter school  
1328 governing boards ~~school administrators~~ regarding the use of the  
1329 Florida-specific behavioral threat assessment instrument.

1330 (c)1. By August 1, 2025, the office shall develop, host,  
1331 maintain, and administer a threat management portal that will  
1332 digitize the Florida-specific behavioral threat assessment  
1333 instrument for use by each school district, school, charter  
1334 school governing board, and charter school. The portal will also

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1335 facilitate the electronic threat assessment reporting and  
1336 documentation as required by the Florida-specific behavioral  
1337 threat assessment instrument to evaluate the behavior of  
1338 students who may pose a threat to the school, school staff, or  
1339 students and to coordinate intervention and services for such  
1340 students. The portal may not provide the office with access to  
1341 the portal unless authorized in accordance with State Board of  
1342 Education rule. The portal must include, but need not be limited  
1343 to, the following functionalities:

1344 a. Workflow processes that align with the statewide  
1345 behavioral threat management operational process.

1346 b. Direct data entry and file uploading as required by the  
1347 Florida-specific behavioral threat assessment instrument.

1348 c. The ability to create a threat assessment report as  
1349 required by the Florida-specific behavioral threat assessment  
1350 instrument.

1351 d. The ability of authorized personnel to add to or update  
1352 a threat assessment report, all corresponding documentation, or  
1353 any other information required by the Florida-specific  
1354 behavioral threat assessment instrument.

1355 e. The ability to create and remove connections between  
1356 education records in the portal and authorized personnel.

1357 f. The ability to grant access to and securely transfer any  
1358 education records in the portal to other schools or charter  
1359 schools in the district.

1360 g. The ability to grant access to and securely transfer any  
1361 education records in the portal to schools and charter schools  
1362 not in the originating district.

1363 h. The ability to retain, maintain, and transfer education

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1364 records in the portal in accordance with State Board of  
1365 Education rule.

1366 i. The ability to restrict access to, entry of,  
1367 modification of, and transfer of education records in the portal  
1368 to a school district, school, charter school governing board, or  
1369 charter school and authorized personnel as specified by the  
1370 statewide behavioral threat management operational process.

1371 j. The ability to designate school district or charter  
1372 school governing board system administrators who may grant  
1373 access to authorized school district and charter school  
1374 governing board personnel and school and charter school system  
1375 administrators.

1376 k. The ability to designate school or charter school system  
1377 administrators who may grant access to authorized school or  
1378 charter school personnel.

1379 1. The ability to notify the office's system administrators  
1380 and school district or charter school governing board system  
1381 administrators of attempts to access any education records by  
1382 unauthorized personnel.

1383 2. Upon availability, each school district, school, charter  
1384 school governing board, and charter school shall use the portal.

1385 3. A threat assessment report, all corresponding  
1386 documentation, and any other information required by the  
1387 Florida-specific behavioral threat assessment instrument which  
1388 is maintained in the portal is an education record and may not  
1389 be retained, maintained, or transferred, except in accordance  
1390 with State Board of Education rule.

1391 4. The office and the office system administrators may not  
1392 have access to a threat assessment report, all corresponding



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1393 documentation, and any other information required by the  
1394 Florida-specific behavioral threat assessment instrument which  
1395 is maintained in the portal.

1396 5. A school district or charter school governing board may  
1397 not have access to the education records in the portal, except  
1398 in accordance with State Board of Education rule.

1399 6. The parent of a student may access his or her student's  
1400 education records in the portal in accordance with State Board  
1401 of Education Rule, but may not have access to the portal.

1402 7. The office shall develop and implement a quarterly  
1403 portal access review audit process.

1404 8. Upon availability, each school district, school, charter  
1405 school governing board, and charter school shall comply with the  
1406 quarterly portal access review audit process developed by the  
1407 office.

1408 9. By August 1, 2025, the office shall provide role-based  
1409 training to all authorized school district and charter school  
1410 governing board personnel before granting access to the portal.

1411 10. By August 1 of each year, the office shall provide  
1412 role-based training to all authorized school district, school,  
1413 charter school governing board, and charter school personnel.

1414 11. Any individual who accesses, uses, or releases any  
1415 education record contained in the portal for a purpose not  
1416 specifically authorized by law commits a noncriminal infraction,  
1417 punishable by a fine not exceeding \$2,000.

1418 (d) ~~(b)~~ The office shall:

1419 ~~1. by August 1 of each year: 2020,~~

1420 1. Evaluate each school district's, school's, and charter  
1421 school governing board's, and charter school's use of the

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1422 statewide behavioral threat management operational process, the  
1423 Florida-specific behavioral threat assessment instrument, and  
1424 the threat management portal ~~procedures~~ for compliance with this  
1425 subsection.

1426 2. Notify the district school superintendent or charter  
1427 school governing board, as applicable, if the use of the  
1428 statewide behavioral threat management operational process, the  
1429 Florida-specific behavioral threat assessment instrument, and  
1430 the threat management portal is not in compliance with this  
1431 subsection.

1432 3. Report any issues of ongoing noncompliance with this  
1433 subsection to the commissioner and the district school  
1434 superintendent or the charter school governing board, as  
1435 applicable.

1436 ~~(13) Establish the Statewide Threat Assessment Database~~  
1437 ~~Workgroup, composed of members appointed by the department, to~~  
1438 ~~complement the work of the department and the Department of Law~~  
1439 ~~Enforcement associated with the centralized integrated data~~  
1440 ~~repository and data analytics resources initiative and make~~  
1441 ~~recommendations regarding the development of a statewide threat~~  
1442 ~~assessment database. The database must allow authorized public~~  
1443 ~~school personnel to enter information related to any threat~~  
1444 ~~assessment conducted at their respective schools using the~~  
1445 ~~instrument developed by the office pursuant to subsection (12),~~  
1446 ~~and must provide such information to authorized personnel in~~  
1447 ~~each school district and public school and to appropriate~~  
1448 ~~stakeholders. By December 31, 2019, the workgroup shall provide~~  
1449 ~~a report to the office with recommendations that include, but~~  
1450 ~~need not be limited to:~~

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1451 ~~(a) Threat assessment data that should be required to be~~  
 1452 ~~entered into the database.~~

1453 ~~(b) School district and public school personnel who should~~  
 1454 ~~be allowed to input student records to the database and view~~  
 1455 ~~such records.~~

1456 ~~(c) Database design and functionality, to include data~~  
 1457 ~~security.~~

1458 ~~(d) Restrictions and authorities on information sharing,~~  
 1459 ~~including:~~

1460 ~~1. Section 1002.22 and other applicable state laws.~~

1461 ~~2. The Family Educational Rights and Privacy Act (FERPA),~~  
 1462 ~~20 U.S.C. s. 1232g, 42 C.F.R. part 2; the Health Insurance~~  
 1463 ~~Portability and Accountability Act (HIPAA), 42 U.S.C. s. 1320d6,~~  
 1464 ~~45 C.F.R. part 164, subpart E; and other applicable federal~~  
 1465 ~~laws.~~

1466 ~~3. The appropriateness of interagency agreements that will~~  
 1467 ~~allow law enforcement to view database records.~~

1468 ~~(e) The cost to develop and maintain a statewide online~~  
 1469 ~~database.~~

1470 ~~(f) An implementation plan and timeline for the workgroup~~  
 1471 ~~recommendations.~~

1472 Section 19. Effective upon becoming a law, the State Board  
 1473 of Education may, and all conditions are deemed met, to adopt  
 1474 emergency rules pursuant to s. 120.54(4), Florida Statutes, to  
 1475 administer the amendments made to s. 1001.212(12), Florida  
 1476 Statutes, by this act. Notwithstanding any other law, emergency  
 1477 rules adopted pursuant to this section are effective for 6  
 1478 months after adoption and may be renewed during the pendency of  
 1479 procedures to adopt permanent rules addressing the subject of

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1480 the emergency rules. This section expires July 1, 2024.

1481 Section 20. Subsection (18) is added to section 1002.42,  
1482 Florida Statutes, to read:

1483 1002.42 Private schools.—

1484 (18) SAFE SCHOOL OFFICERS.—

1485 (a) A private school may partner with a law enforcement  
1486 agency or a security agency to establish or assign one or more  
1487 safe-school officers established in s. 1006.12(1)-(4). The  
1488 private school is responsible for the full cost of implementing  
1489 any such option, which includes all training costs under the  
1490 Coach Aaron Feis Guardian Program under s. 30.15(1)(k).

1491 (b) A private school that establishes a safe-school officer  
1492 must comply with the requirements of s. 1006.12. References to a  
1493 school district, district school board, or district school  
1494 superintendent in s. 1006.12(1)-(5) shall also mean a private  
1495 school governing board or private school head of school, as  
1496 applicable. References to a school district employee in s.  
1497 1006.12(3) shall also mean a private school employee.

1498 Section 21. Effective upon becoming a law, subsection (2)  
1499 of section 1003.25, Florida Statutes, is amended to read:

1500 1003.25 Procedures for maintenance and transfer of student  
1501 records.—

1502 (2) The procedure for transferring and maintaining records  
1503 of students who transfer from school to school ~~is shall be~~  
1504 prescribed by rules of the State Board of Education. The  
1505 transfer of records must ~~shall~~ occur within 3 school days. The  
1506 records must ~~shall~~ include, if applicable:

1507 (a) Verified reports of serious or recurrent behavior  
1508 patterns, including any threat assessment report, all

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1509 corresponding documentation, and any other information required  
 1510 by the Florida-specific behavioral threat assessment instrument  
 1511 pursuant to s. 1001.212(12) which contains the evaluation,  
 1512 evaluations and intervention, and management of the threat  
 1513 assessment evaluations and intervention services.

1514 (b) Psychological evaluations, including therapeutic  
 1515 treatment plans and therapy or progress notes created or  
 1516 maintained by school district or charter school staff, as  
 1517 appropriate.

1518 Section 22. Effective upon becoming a law, subsections (7)  
 1519 and (9) of section 1006.07, Florida Statutes, are amended to  
 1520 read:

1521 1006.07 District school board duties relating to student  
 1522 discipline and school safety.—The district school board shall  
 1523 provide for the proper accounting for all students, for the  
 1524 attendance and control of students at school, and for proper  
 1525 attention to health, safety, and other matters relating to the  
 1526 welfare of students, including:

1527 (7) THREAT MANAGEMENT ASSESSMENT TEAMS.—Each district  
 1528 school board and charter school governing board shall establish  
 1529 a ~~adopt policies for the establishment of threat management team~~  
 1530 ~~assessment teams~~ at each school whose duties include the  
 1531 coordination of resources and assessment and intervention with  
 1532 students ~~individuals~~ whose behavior may pose a threat to the  
 1533 safety of the school, school staff, or students ~~consistent with~~  
 1534 ~~the model policies developed by the Office of Safe Schools. Such~~  
 1535 ~~policies must include procedures for referrals to mental health~~  
 1536 ~~services identified by the school district pursuant to s.~~  
 1537 ~~1012.584(4), when appropriate, and procedures for behavioral~~

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1538 ~~threat assessments in compliance with the instrument developed~~  
1539 ~~pursuant to s. 1001.212(12).~~

1540 (a) Upon the availability of a statewide behavioral threat  
1541 management operational process developed pursuant to s.  
1542 1001.212(12), all threat management teams shall use the  
1543 operational process.

1544 (b) A threat management assessment team shall include  
1545 persons with expertise in counseling, instruction, school  
1546 administration, and law enforcement, and at least one  
1547 instructional or administrative personnel, pursuant to s.  
1548 1012.01(2) and (3), who is personally familiar with the  
1549 individual who is the subject of the threat assessment. All  
1550 members of the threat management assessment team must be  
1551 involved in the threat assessment and threat management process  
1552 and final decisionmaking.

1553 (c) The threat management team assessment teams shall  
1554 identify members of the school community to whom threatening  
1555 behavior should be reported and provide guidance to students,  
1556 faculty, and staff regarding recognition of threatening or  
1557 aberrant behavior that may represent a threat to the community,  
1558 school, or self.

1559 (d) Upon the availability of the Florida-specific  
1560 behavioral threat assessment instrument developed pursuant to s.  
1561 1001.212(12), all the threat management teams assessment team  
1562 shall use that instrument when evaluating the behavior of  
1563 students who may pose a threat to the school, school staff, or  
1564 students and to coordinate intervention and services for such  
1565 students.

1566 (e) ~~(b)~~ Upon a preliminary determination that a student

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1567 poses a threat of violence or physical harm to himself or  
1568 herself or others, a threat management ~~assessment~~ team shall  
1569 immediately report its determination to the superintendent or  
1570 his or her designee. The superintendent or his or her designee  
1571 or the charter school administrator or his or her designee shall  
1572 immediately attempt to notify the student's parent or legal  
1573 guardian. Nothing in this subsection precludes ~~shall preclude~~  
1574 school district or charter school governing board personnel from  
1575 acting immediately to address an imminent threat.

1576 (f) ~~(e)~~ Upon a preliminary determination by the threat  
1577 management ~~assessment~~ team that a student poses a threat of  
1578 violence to himself or herself or others or exhibits  
1579 significantly disruptive behavior or need for assistance,  
1580 authorized members of the threat management ~~assessment~~ team may  
1581 obtain criminal history record information pursuant to s.  
1582 985.04(1). A member of a threat management ~~assessment~~ team may  
1583 not disclose any criminal history record information obtained  
1584 pursuant to this section or otherwise use any record of an  
1585 individual beyond the purpose for which such disclosure was made  
1586 to the threat management ~~assessment~~ team.

1587 (g) ~~(d)~~ Notwithstanding any other provision of law, all  
1588 state and local agencies and programs that provide services to  
1589 students experiencing or at risk of an emotional disturbance or  
1590 a mental illness, including the school districts, charter  
1591 schools, school personnel, state and local law enforcement  
1592 agencies, the Department of Juvenile Justice, the Department of  
1593 Children and Families, the Department of Health, the Agency for  
1594 Health Care Administration, the Agency for Persons with  
1595 Disabilities, the Department of Education, the Statewide

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1596 Guardian Ad Litem Office, and any service or support provider  
1597 contracting with such agencies, may share with each other  
1598 records or information that are confidential or exempt from  
1599 disclosure under chapter 119 if the records or information are  
1600 reasonably necessary to ensure access to appropriate services  
1601 for the student or to ensure the safety of the student or  
1602 others. All such state and local agencies and programs shall  
1603 communicate, collaborate, and coordinate efforts to serve such  
1604 students.

1605 (h)~~(e)~~ If an immediate mental health or substance abuse  
1606 crisis is suspected, school personnel shall follow steps  
1607 ~~policies~~ established by the threat management ~~assessment~~ team to  
1608 engage behavioral health crisis resources. Behavioral health  
1609 crisis resources, including, but not limited to, mobile crisis  
1610 teams and school resource officers trained in crisis  
1611 intervention, shall provide emergency intervention and  
1612 assessment, make recommendations, and refer the student for  
1613 appropriate services. Onsite school personnel shall report all  
1614 such situations and actions taken to the threat management  
1615 ~~assessment~~ team, which shall contact the other agencies involved  
1616 with the student and any known service providers to share  
1617 information and coordinate any necessary follow-up ~~followup~~  
1618 actions. Upon the student's transfer to a different school, the  
1619 threat management ~~assessment~~ team shall verify that any  
1620 intervention services provided to the student remain in place  
1621 until the threat management ~~assessment~~ team of the receiving  
1622 school independently determines the need for intervention  
1623 services.

1624 (i) The threat management team shall prepare a threat



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1625 assessment report required by the Florida-specific behavioral  
1626 threat assessment instrument developed pursuant to s.  
1627 1001.212(12). A threat assessment report, all corresponding  
1628 documentation, and any other information required by the  
1629 Florida-specific behavioral threat assessment instrument in the  
1630 threat management portal is an education record.

1631 (j)~~(f)~~ Each threat management ~~assessment~~ team established  
1632 ~~pursuant to this subsection~~ shall report quantitative data on  
1633 its activities to the Office of Safe Schools in accordance with  
1634 guidance from the office ~~and shall utilize the threat assessment~~  
1635 ~~database developed pursuant to s. 1001.212(13) upon the~~  
1636 ~~availability of the database.~~

1637 (9) SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING.—Each  
1638 district school board shall adopt policies to ensure the  
1639 accurate and timely reporting of incidents related to school  
1640 safety and discipline. The district school superintendent is  
1641 responsible for school environmental safety incident reporting.  
1642 A district school superintendent who fails to comply with this  
1643 subsection is subject to the penalties specified in law,  
1644 including, but not limited to, s. 1001.42(13)(b) or s.  
1645 1001.51(12)(b), as applicable. The State Board of Education  
1646 shall adopt rules establishing the requirements for the school  
1647 environmental safety incident report, including those incidents  
1648 that must be reported to a law enforcement agency. Annually, the  
1649 department shall publish on its website the most recently  
1650 available school environmental safety incident data along with  
1651 other school accountability and performance data in a uniform,  
1652 statewide format that is easy to read and understand.

1653 Section 23. Effective upon becoming a law:

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1654       (1) The State Board of Education is authorized, and all  
1655 conditions are deemed met, to adopt emergency rules pursuant to  
1656 s. 120.54(4) for the purpose of implementing this subsection.  
1657 The Legislature finds that school district discretion over  
1658 reporting criminal incidents to law enforcement has resulted in  
1659 significant under-reporting of serious crimes. The Legislature  
1660 further finds that emergency rulemaking authority is necessary  
1661 to ensure that all reportable incidents that are crimes are  
1662 reported to law enforcement as soon as practicable starting in  
1663 the 2023-2024 school year. Emergency rules adopted under this  
1664 section are exempt from s. 120.54(4)(c) and shall remain in  
1665 effect until replaced by rules adopted under the nonemergency  
1666 rulemaking procedures of chapter 120, which must occur no later  
1667 than July 1, 2024.

1668       (2) Notwithstanding any other provision of law, emergency  
1669 rules adopted pursuant to subsection (1) are effective for 6  
1670 months after adoption and may be renewed during the pendency of  
1671 procedures to adopt permanent rules addressing the subject of  
1672 the emergency rules.

1673       Section 24. Effective upon becoming a law, section  
1674 1006.121, Florida Statutes, is created to read:

1675       1006.121 Florida Safe Schools Canine Program.—

1676       (1) CREATION AND PURPOSE.—

1677       (a) The Department of Education, through the Office of Safe  
1678 Schools pursuant to s. 1001.212, shall establish the Florida  
1679 Safe Schools Canine Program for the purpose of designating a  
1680 person, school, or business entity as a Florida Safe Schools  
1681 Canine Partner if the person, school, or business entity  
1682 provides a monetary or in-kind donation to a law enforcement

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1683 agency to purchase, train, or care for a firearm detection  
1684 canine. The office shall consult with the Florida Police Chiefs  
1685 Association and the Florida Sheriffs Association in creating the  
1686 program.

1687 (b) The presence of firearm detection canines at K-12  
1688 schools contributes to a safe school community, furthering a  
1689 communitywide investment and engagement in school safety and  
1690 public safety initiatives. The program seeks to foster  
1691 relationships between schools, local businesses, and law  
1692 enforcement, promoting trust and confidence in the ability of  
1693 law enforcement to keep schools and communities safe. Firearm  
1694 detection canines act as liaisons between students and law  
1695 enforcement agencies and serve as ambassadors for a law  
1696 enforcement agency to improve community engagement. K-12 schools  
1697 and students are encouraged to partner with law enforcement to  
1698 raise funds in the local community for the monetary or in-kind  
1699 donations needed to purchase, train, or care for a firearm  
1700 detection canine. This includes building relationships with  
1701 local businesses that support school safety by providing  
1702 monetary or in-kind donations to help with the ongoing care and  
1703 expenses of a firearm detection canine which include, but are  
1704 not limited to, veterinary care such as wellness checks and  
1705 medicine; food; interactive and training toys; grooming; and  
1706 necessary equipment such as collars and leads.

1707 (2) DEFINITION.—As used in this section, the term “firearm  
1708 detection canine” means any canine that is owned or the service  
1709 of which is employed by a law enforcement agency for use in K-12  
1710 schools for the primary purpose of aiding in the detection of  
1711 firearms and ammunition.

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1712 (3) CANINE REQUIREMENTS.—A firearm detection canine must be  
1713 trained to interact with children and must complete behavior and  
1714 temperament training. A firearm detection canine may also be  
1715 trained as an animal-assisted therapy canine.

1716 (4) ELIGIBILITY.—

1717 (a) A law enforcement agency may nominate a person, school,  
1718 or business entity to be designated as a Florida Safe Schools  
1719 Canine Partner, or such person, school, or business entity may  
1720 apply to the office to be designated as a Florida Safe Schools  
1721 Canine Partner if the monetary or in-kind donation is for the  
1722 purchase, training, or care of a firearm detection canine.

1723 (b) The nomination or application to the office for  
1724 designation as a Florida Safe Schools Canine Partner must, at  
1725 minimum, include all of the following:

1726 1. The name, address, and contact information of the  
1727 person, school, or business entity.

1728 2. The name, address, and contact information of the law  
1729 enforcement agency.

1730 3. Whether the donation was monetary or in-kind.

1731 4. The amount of the donation or type of in-kind donation.

1732 5. Documentation from the law enforcement agency  
1733 certifying:

1734 a. The date of receipt of the person's, school's, or  
1735 business entity's monetary or in-kind donation; and

1736 b. The person's, school's, or business entity's monetary or  
1737 in-kind donation is for the purchasing, training, or care of a  
1738 firearm detection canine.

1739 (c) The office shall adopt procedures for the nomination  
1740 and application processes for a Florida Safe Schools Canine

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1741 Partner.

1742 (5) DESIGNATION AND AWARD.—

1743 (a) The office shall determine whether a person, school, or  
1744 business entity, based on the information provided in the  
1745 nomination or application, meets the requirements in subsection  
1746 (4). The office may request additional information from the  
1747 person, school, or business entity.

1748 (b)1. A nominated person, school, or business entity that  
1749 meets the requirements shall be notified by the office regarding  
1750 the nominee's eligibility to be awarded a designation as a  
1751 Florida Safe Schools Canine Partner.

1752 2. The nominee shall have 30 days after receipt of the  
1753 notice to certify that the information in the notice is true and  
1754 accurate and accept the nomination, to provide corrected  
1755 information for consideration by the office and indicate an  
1756 intention to accept the nomination, or to decline the  
1757 nomination. If the nominee accepts the nomination, the office  
1758 shall award the designation. The office may not award the  
1759 designation if the nominee declines the nomination or has not  
1760 accepted the nomination within 30 days after receiving notice.

1761 (c) An applicant person, school, or business entity that  
1762 meets the requirements shall be notified and awarded a  
1763 designation as a Florida Safe Schools Canine Partner.

1764 (d) The office shall adopt procedures for the designation  
1765 process of a Florida Safe Schools Canine Partner. Designation as  
1766 a Florida Safe Schools Canine Partner does not establish or  
1767 involve licensure, does not affect the substantial interests of  
1768 a party, and does not constitute a final agency action. The  
1769 Florida Safe Schools Canine Program and designation are not

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1770 subject to chapter 120.

1771 (6) LOGO DEVELOPMENT.—

1772 (a) The office shall develop a logo that identifies a  
1773 person, school, or business entity that is designated as a  
1774 Florida Safe Schools Canine Partner.

1775 (b) The office shall adopt guidelines and requirements for  
1776 the use of the logo, including how the logo may be used in  
1777 advertising. The office may allow a person, school, or business  
1778 entity to display a Florida Safe Schools Canine Partner logo  
1779 upon designation. A person, school, or business entity that has  
1780 not been designated as a Florida Safe Schools Canine Partner or  
1781 has elected to discontinue its designated status may not display  
1782 the logo.

1783 (7) WEBSITE.—The office shall establish a page on the  
1784 department's website for the Florida Safe Schools Canine  
1785 Program. At a minimum, the page must provide a list, updated  
1786 quarterly, of persons, schools, or business entities, by county,  
1787 which currently have the Florida Safe Schools Canine Partner  
1788 designation and information regarding the eligibility  
1789 requirements for the designation and the method of application  
1790 or nomination.

1791 (8) RULES.—The State Board of Education shall adopt rules  
1792 to administer this section.

1793 Section 25. Effective upon becoming a law, subsections (1),  
1794 (2), and (8) of section 1006.13, Florida Statutes, are amended  
1795 to read:

1796 1006.13 Policy of zero tolerance for crime and  
1797 victimization.—

1798 (1) District school boards shall promote a safe and

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1799 supportive learning environment in schools by protecting  
1800 students and staff from conduct that poses a threat to school  
1801 safety. A threat management ~~assessment~~ team may use alternatives  
1802 to expulsion or referral to law enforcement agencies to address  
1803 disruptive behavior through restitution, civil citation, teen  
1804 court, neighborhood restorative justice, or similar programs.  
1805 Zero-tolerance policies may not be rigorously applied to petty  
1806 acts of misconduct. Zero-tolerance policies must apply equally  
1807 to all students regardless of their economic status, race, or  
1808 disability.

1809 (2) Each district school board shall adopt a policy of zero  
1810 tolerance that:

1811 (a) Identifies acts that are required to be reported under  
1812 the school environmental safety incident reporting pursuant to  
1813 s. 1006.07(9) ~~Defines criteria for reporting to a law~~  
1814 ~~enforcement agency any act that poses a threat to school safety~~  
1815 ~~that occurs whenever or wherever students are within the~~  
1816 ~~jurisdiction of the district school board.~~

1817 (b) Defines acts that pose a threat to school safety.

1818 (c) Defines petty acts of misconduct which are not a threat  
1819 to school safety and do not require consultation with law  
1820 enforcement.

1821 (d) Minimizes the victimization of students, staff, or  
1822 volunteers, including taking all steps necessary to protect the  
1823 victim of any violent crime from any further victimization.

1824 (e) Establishes a procedure that provides each student with  
1825 the opportunity for a review of the disciplinary action imposed  
1826 pursuant to s. 1006.07.

1827 (f) Requires the threat management ~~assessment~~ team to

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1828 consult with law enforcement when a student exhibits a pattern  
1829 of behavior, based upon previous acts or the severity of an act,  
1830 that would pose a threat to school safety.

1831 (8) A threat management ~~assessment~~ team may use  
1832 alternatives to expulsion or referral to law enforcement  
1833 agencies unless the use of such alternatives will pose a threat  
1834 to school safety.

1835 Section 26. Section 790.1612, Florida Statutes, is amended  
1836 to read:

1837 790.1612 Authorization for governmental manufacture,  
1838 possession, and use of destructive devices.—The governing body  
1839 of any municipality or county and the Division of State Fire  
1840 Marshal of the Department of Financial Services have the power  
1841 to authorize the manufacture, possession, and use of destructive  
1842 devices as defined in s. 790.001 ~~s. 790.001(4)~~.

1843 Section 27. Subsection (1) of section 810.095, Florida  
1844 Statutes, is amended to read:

1845 810.095 Trespass on school property with firearm or other  
1846 weapon prohibited.—

1847 (1) It is a felony of the third degree, punishable as  
1848 provided in s. 775.082, s. 775.083, or s. 775.084, for a person  
1849 who is trespassing upon school property to bring onto, or to  
1850 possess on, such school property any weapon as defined in s.  
1851 790.001 ~~s. 790.001(13)~~ or any firearm.

1852 Section 28. Paragraph (e) of subsection (3) of section  
1853 921.0022, Florida Statutes, is amended to read:

1854 921.0022 Criminal Punishment Code; offense severity ranking  
1855 chart.—

1856 (3) OFFENSE SEVERITY RANKING CHART



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1857 (e) LEVEL 5

1858

Florida Statute	Felony Degree	Description
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1859

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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1860

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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1861

316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
------------	-----	---

1862

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
------------	-----	--

1863

327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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1864

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
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supplying, 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.

1865

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

1866

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

1867

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

1868

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

1869

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

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440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
<u>790.01 (3)</u> <del>790.01 (2)</del>	3rd	<u>Unlawful</u> carrying <u>of</u> a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.

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1878	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1879	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
1880	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
1881	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
1882	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1883	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1884	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
	812.015 (8) (f)	3rd	Retail theft; multiple thefts

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			within specified period.
1885	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
1886	812.081(3)	2nd	Trafficking in trade secrets.
1887	812.131(2)(b)	3rd	Robbery by sudden snatching.
1888	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
1889	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1890	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1891	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.
1892	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services

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1893	817.611 (2) (a)	2nd	received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
1894	817.625 (2) (b)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
1895	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
1896	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
1897	827.071 (5)	3rd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
			Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.

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828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
836.14 (4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
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.
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 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.

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1905

847.0138 (2) & (3) 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.

1906

874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

1907

874.05(2)(a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

1908

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).

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other 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) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned



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recreational facility or  
community center.

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.

1910

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.

1911

893.13(1)(f)1.

1st

Sell, manufacture, or deliver  
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.

1912

893.13(4)(b)

2nd

Use or hire of minor; deliver

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to minor other controlled  
substance.

1913

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

1914

1915                    Section 29. Paragraph (b) of subsection (1) of section  
1916 921.0024, Florida Statutes, is amended to read:

1917                    921.0024 Criminal Punishment Code; worksheet computations;  
1918 scoresheets.-

1919                    (1)

1920                    (b) WORKSHEET KEY:

1921

1922                    Legal status points are assessed when any form of legal status  
1923 existed at the time the offender committed an offense before the  
1924 court for sentencing. Four (4) sentence points are assessed for  
1925 an offender's legal status.

1926

1927                    Community sanction violation points are assessed when a  
1928 community sanction violation is before the court for sentencing.  
1929 Six (6) sentence points are assessed for each community sanction  
1930 violation and each successive community sanction violation,  
1931 unless any of the following apply:

1932                    1. If the community sanction violation includes a new  
1933 felony conviction before the sentencing court, twelve (12)  
1934 community sanction violation points are assessed for the  
1935 violation, and for each successive community sanction violation  
1936 involving a new felony conviction.

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1937           2. If the community sanction violation is committed by a  
1938 violent felony offender of special concern as defined in s.  
1939 948.06:

1940           a. Twelve (12) community sanction violation points are  
1941 assessed for the violation and for each successive violation of  
1942 felony probation or community control where:

1943           I. The violation does not include a new felony conviction;  
1944 and

1945           II. The community sanction violation is not based solely on  
1946 the probationer or offender's failure to pay costs or fines or  
1947 make restitution payments.

1948           b. Twenty-four (24) community sanction violation points are  
1949 assessed for the violation and for each successive violation of  
1950 felony probation or community control where the violation  
1951 includes a new felony conviction.

1952  
1953 Multiple counts of community sanction violations before the  
1954 sentencing court shall not be a basis for multiplying the  
1955 assessment of community sanction violation points.

1956  
1957 Prior serious felony points: If the offender has a primary  
1958 offense or any additional offense ranked in level 8, level 9, or  
1959 level 10, and one or more prior serious felonies, a single  
1960 assessment of thirty (30) points shall be added. For purposes of  
1961 this section, a prior serious felony is an offense in the  
1962 offender's prior record that is ranked in level 8, level 9, or  
1963 level 10 under s. 921.0022 or s. 921.0023 and for which the  
1964 offender is serving a sentence of confinement, supervision, or  
1965 other sanction or for which the offender's date of release from

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1966 confinement, supervision, or other sanction, whichever is later,  
 1967 is within 3 years before the date the primary offense or any  
 1968 additional offense was committed.

1969  
 1970 Prior capital felony points: If the offender has one or more  
 1971 prior capital felonies in the offender's criminal record, points  
 1972 shall be added to the subtotal sentence points of the offender  
 1973 equal to twice the number of points the offender receives for  
 1974 the primary offense and any additional offense. A prior capital  
 1975 felony in the offender's criminal record is a previous capital  
 1976 felony offense for which the offender has entered a plea of nolo  
 1977 contendere or guilty or has been found guilty; or a felony in  
 1978 another jurisdiction which is a capital felony in that  
 1979 jurisdiction, or would be a capital felony if the offense were  
 1980 committed in this state.

1981  
 1982 Possession of a firearm, semiautomatic firearm, or machine gun:  
 1983 If the offender is convicted of committing or attempting to  
 1984 commit any felony other than those enumerated in s. 775.087(2)  
 1985 while having in his or her possession: a firearm as defined in  
 1986 s. 790.001 ~~s. 790.001(6)~~, an additional eighteen (18) sentence  
 1987 points are assessed; or if the offender is convicted of  
 1988 committing or attempting to commit any felony other than those  
 1989 enumerated in s. 775.087(3) while having in his or her  
 1990 possession a semiautomatic firearm as defined in s. 775.087(3)  
 1991 or a machine gun as defined in s. 790.001 ~~s. 790.001(9)~~, an  
 1992 additional twenty-five (25) sentence points are assessed.

1993  
 1994 Sentencing multipliers:

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

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

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence

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2024 points are multiplied by 1.5. If applying the multiplier results  
2025 in the lowest permissible sentence exceeding the statutory  
2026 maximum sentence for the primary offense under chapter 775, the  
2027 court may not apply the multiplier and must sentence the  
2028 defendant to the statutory maximum sentence.

2029

2030 Domestic violence in the presence of a child: If the offender is  
2031 convicted of the primary offense and the primary offense is a  
2032 crime of domestic violence, as defined in s. 741.28, which was  
2033 committed in the presence of a child under 16 years of age who  
2034 is a family or household member as defined in s. 741.28(3) with  
2035 the victim or perpetrator, the subtotal sentence points are  
2036 multiplied by 1.5.

2037

2038 Adult-on-minor sex offense: If the offender was 18 years of age  
2039 or older and the victim was younger than 18 years of age at the  
2040 time the offender committed the primary offense, and if the  
2041 primary offense was an offense committed on or after October 1,  
2042 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
2043 violation involved a victim who was a minor and, in the course  
2044 of committing that violation, the defendant committed a sexual  
2045 battery under chapter 794 or a lewd act under s. 800.04 or s.  
2046 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
2047 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
2048 800.04; or s. 847.0135(5), the subtotal sentence points are  
2049 multiplied by 2.0. If applying the multiplier results in the  
2050 lowest permissible sentence exceeding the statutory maximum  
2051 sentence for the primary offense under chapter 775, the court  
2052 may not apply the multiplier and must sentence the defendant to

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2053 the statutory maximum sentence.

2054 Section 30. Paragraph (b) of subsection (3) of section  
2055 943.051, Florida Statutes, is amended to read:

2056 943.051 Criminal justice information; collection and  
2057 storage; fingerprinting.—

2058 (3)

2059 (b) A minor who is charged with or found to have committed  
2060 the following offenses shall be fingerprinted and the  
2061 fingerprints shall be submitted electronically to the  
2062 department, unless the minor is issued a civil citation pursuant  
2063 to s. 985.12:

2064 1. Assault, as defined in s. 784.011.

2065 2. Battery, as defined in s. 784.03.

2066 3. Carrying a concealed weapon, as defined in s. 790.01(2)  
2067 ~~s. 790.01(1)~~.

2068 4. Unlawful use of destructive devices or bombs, as defined  
2069 in s. 790.1615(1).

2070 5. Neglect of a child, as defined in s. 827.03(1)(e).

2071 6. Assault or battery on a law enforcement officer, a  
2072 firefighter, or other specified officers, as defined in s.  
2073 784.07(2)(a) and (b).

2074 7. Open carrying of a weapon, as defined in s. 790.053.

2075 8. Exposure of sexual organs, as defined in s. 800.03.

2076 9. Unlawful possession of a firearm, as defined in s.  
2077 790.22(5).

2078 10. Petit theft, as defined in s. 812.014(3).

2079 11. Cruelty to animals, as defined in s. 828.12(1).

2080 12. Arson, as defined in s. 806.031(1).

2081 13. Unlawful possession or discharge of a weapon or firearm

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2082 at a school-sponsored event or on school property, as provided  
2083 in s. 790.115.

2084 Section 31. Paragraph (d) of subsection (1) of section  
2085 943.0585, Florida Statutes, is amended to read:

2086 943.0585 Court-ordered expunction of criminal history  
2087 records.—

2088 (1) ELIGIBILITY.—A person is eligible to petition a court  
2089 to expunge a criminal history record if:

2090 (d) The person has never, as of the date the application  
2091 for a certificate of expunction is filed, been adjudicated  
2092 guilty in this state of a criminal offense or been adjudicated  
2093 delinquent in this state for committing any felony or any of the  
2094 following misdemeanors, unless the record of such adjudication  
2095 of delinquency has been expunged pursuant to s. 943.0515:

2096 1. Assault, as defined in s. 784.011;

2097 2. Battery, as defined in s. 784.03;

2098 3. Assault on a law enforcement officer, a firefighter, or  
2099 other specified officers, as defined in s. 784.07(2)(a);

2100 4. Carrying a concealed weapon, as defined in s. 790.01(2)  
2101 ~~s. 790.01(1)~~;

2102 5. Open carrying of a weapon, as defined in s. 790.053;

2103 6. Unlawful possession or discharge of a weapon or firearm  
2104 at a school-sponsored event or on school property, as defined in  
2105 s. 790.115;

2106 7. Unlawful use of destructive devices or bombs, as defined  
2107 in s. 790.1615(1);

2108 8. Unlawful possession of a firearm, as defined in s.  
2109 790.22(5);

2110 9. Exposure of sexual organs, as defined in s. 800.03;



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2111 10. Arson, as defined in s. 806.031(1);  
 2112 11. Petit theft, as defined in s. 812.014(3);  
 2113 12. Neglect of a child, as defined in s. 827.03(1)(e); or  
 2114 13. Cruelty to animals, as defined in s. 828.12(1).  
 2115 Section 32. Paragraph (b) of subsection (1) of section  
 2116 943.059, Florida Statutes, is amended to read:  
 2117 943.059 Court-ordered sealing of criminal history records.—  
 2118 (1) ELIGIBILITY.—A person is eligible to petition a court  
 2119 to seal a criminal history record when:  
 2120 (b) The person has never, before the date the application  
 2121 for a certificate of eligibility is filed, been adjudicated  
 2122 guilty in this state of a criminal offense, or been adjudicated  
 2123 delinquent in this state for committing any felony or any of the  
 2124 following misdemeanor offenses, unless the record of such  
 2125 adjudication of delinquency has been expunged pursuant to s.  
 2126 943.0515:  
 2127 1. Assault, as defined in s. 784.011;  
 2128 2. Battery, as defined in s. 784.03;  
 2129 3. Assault on a law enforcement officer, a firefighter, or  
 2130 other specified officers, as defined in s. 784.07(2)(a);  
 2131 4. Carrying a concealed weapon, as defined in s. 790.01(2)  
 2132 ~~s. 790.01(1)~~;  
 2133 5. Open carrying of a weapon, as defined in s. 790.053;  
 2134 6. Unlawful possession or discharge of a weapon or firearm  
 2135 at a school-sponsored event or on school property, as defined in  
 2136 s. 790.115;  
 2137 7. Unlawful use of destructive devices or bombs, as defined  
 2138 in s. 790.1615(1);  
 2139 8. Unlawful possession of a firearm by a minor, as defined

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2140 in s. 790.22(5);

2141 9. Exposure of sexual organs, as defined in s. 800.03;

2142 10. Arson, as defined in s. 806.031(1);

2143 11. Petit theft, as defined in s. 812.014(3);

2144 12. Neglect of a child, as defined in s. 827.03(1)(e); or

2145 13. Cruelty to animals, as defined in s. 828.12(1).

2146 Section 33. Paragraph (b) of subsection (1) of section  
2147 985.11, Florida Statutes, is amended to read:

2148 985.11 Fingerprinting and photographing.—

2149 (1)

2150 (b) Unless the child is issued a civil citation or is  
2151 participating in a similar diversion program pursuant to s.  
2152 985.12, a child who is charged with or found to have committed  
2153 one of the following offenses shall be fingerprinted, and the  
2154 fingerprints shall be submitted to the Department of Law  
2155 Enforcement as provided in s. 943.051(3)(b):

2156 1. Assault, as defined in s. 784.011.

2157 2. Battery, as defined in s. 784.03.

2158 3. Carrying a concealed weapon, as defined in s. 790.01(2)  
2159 ~~s. 790.01(1)~~.

2160 4. Unlawful use of destructive devices or bombs, as defined  
2161 in s. 790.1615(1).

2162 5. Neglect of a child, as defined in s. 827.03(1)(e).

2163 6. Assault on a law enforcement officer, a firefighter, or  
2164 other specified officers, as defined in s. 784.07(2)(a).

2165 7. Open carrying of a weapon, as defined in s. 790.053.

2166 8. Exposure of sexual organs, as defined in s. 800.03.

2167 9. Unlawful possession of a firearm, as defined in s.  
2168 790.22(5).

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2169 10. Petit theft, as defined in s. 812.014.  
2170 11. Cruelty to animals, as defined in s. 828.12(1).  
2171 12. Arson, resulting in bodily harm to a firefighter, as  
2172 defined in s. 806.031(1).  
2173 13. Unlawful possession or discharge of a weapon or firearm  
2174 at a school-sponsored event or on school property as defined in  
2175 s. 790.115.  
2176  
2177 A law enforcement agency may fingerprint and photograph a child  
2178 taken into custody upon probable cause that such child has  
2179 committed any other violation of law, as the agency deems  
2180 appropriate. Such fingerprint records and photographs shall be  
2181 retained by the law enforcement agency in a separate file, and  
2182 these records and all copies thereof must be marked "Juvenile  
2183 Confidential." These records are not available for public  
2184 disclosure and inspection under s. 119.07(1) except as provided  
2185 in ss. 943.053 and 985.04(2), but shall be available to other  
2186 law enforcement agencies, criminal justice agencies, state  
2187 attorneys, the courts, the child, the parents or legal  
2188 custodians of the child, their attorneys, and any other person  
2189 authorized by the court to have access to such records. In  
2190 addition, such records may be submitted to the Department of Law  
2191 Enforcement for inclusion in the state criminal history records  
2192 and used by criminal justice agencies for criminal justice  
2193 purposes. These records may, in the discretion of the court, be  
2194 open to inspection by anyone upon a showing of cause. The  
2195 fingerprint and photograph records shall be produced in the  
2196 court whenever directed by the court. Any photograph taken  
2197 pursuant to this section may be shown by a law enforcement

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2198 officer to any victim or witness of a crime for the purpose of  
2199 identifying the person who committed such crime.

2200 Section 34. Paragraph (b) of subsection (16) of section  
2201 1002.33, Florida Statutes, is amended to read:

2202 1002.33 Charter schools.—

2203 (16) EXEMPTION FROM STATUTES.—

2204 (b) Additionally, a charter school shall be in compliance  
2205 with the following statutes:

2206 1. Section 286.011, relating to public meetings and  
2207 records, public inspection, and criminal and civil penalties.

2208 2. Chapter 119, relating to public records.

2209 3. Section 1003.03, relating to the maximum class size,  
2210 except that the calculation for compliance pursuant to s.  
2211 1003.03 shall be the average at the school level.

2212 4. Section 1012.22(1)(c), relating to compensation and  
2213 salary schedules.

2214 5. Section 1012.33(5), relating to workforce reductions.

2215 6. Section 1012.335, relating to contracts with  
2216 instructional personnel hired on or after July 1, 2011.

2217 7. Section 1012.34, relating to the substantive  
2218 requirements for performance evaluations for instructional  
2219 personnel and school administrators.

2220 8. Section 1006.12, relating to safe-school officers.

2221 9. Section 1006.07(7), relating to threat management  
2222 ~~assessment~~ teams.

2223 10. Section 1006.07(9), relating to School Environmental  
2224 Safety Incident Reporting.

2225 11. Section 1006.07(10), relating to reporting of  
2226 involuntary examinations.

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2227 12. Section 1006.1493, relating to the Florida Safe Schools  
2228 Assessment Tool.

2229 13. Section 1006.07(6)(d), relating to adopting an active  
2230 assailant response plan.

2231 14. Section 943.082(4)(b), relating to the mobile  
2232 suspicious activity reporting tool.

2233 15. Section 1012.584, relating to youth mental health  
2234 awareness and assistance training.

2235 Section 35. For the 2023-2024 fiscal year, the sum of \$1.5  
2236 million in recurring funds from the General Revenue Fund is  
2237 appropriated to the Department of Law Enforcement to implement a  
2238 grant program for local law enforcement agencies to provide  
2239 firearm safety training. The department shall develop a process  
2240 and guidelines for the disbursement of funds appropriated in  
2241 this section. Local law enforcement grant recipients shall  
2242 report documentation on the use of training funds, in a form and  
2243 manner determined by the department.

2244 Section 36. For the 2023-2024 fiscal year, eight full-time  
2245 equivalent positions, with associated salary rate of 582,000,  
2246 are authorized and the sums of \$1,207,321 in recurring funds and  
2247 \$70,525 in nonrecurring funds from the General Revenue Fund are  
2248 appropriated to the Department of Education to fund new and  
2249 existing positions and additional workload expenses within the  
2250 Office of Safe Schools.

2251 Section 37. For the 2023-2024 fiscal year, the sum of  
2252 \$400,000 in recurring funds from the General Revenue Fund is  
2253 appropriated to the Department of Education to fund the Office  
2254 of Safe Schools to update the existing school safety training  
2255 infrastructure.

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2256           Section 38. For the 2023-2024 fiscal year, the sums of \$5  
2257 million in recurring funds and \$7 million in nonrecurring funds  
2258 from the General Revenue Fund are appropriated to the Department  
2259 of Education to competitively procure for the development or  
2260 acquisition of a cloud-based secure statewide information  
2261 sharing system that meets the requirements of the threat  
2262 management portal as prescribed in this act.

2263           Section 39. For the 2023-2024 fiscal year, the sums of \$1.5  
2264 million in recurring funds and \$1.5 million in nonrecurring  
2265 funds from the General Revenue Fund are appropriated to the  
2266 Department of Education to competitively procure for the  
2267 development or acquisition of a cloud-based secure School  
2268 Environmental Safety Incident Reporting (SESIR) system.

2269           Section 40. For the 2023-2024 fiscal year, the sum of \$42  
2270 million in nonrecurring funds from the General Revenue Fund is  
2271 appropriated to the Department of Education for school hardening  
2272 grant programs to improve the physical security of school  
2273 buildings based on the security risk assessment required  
2274 pursuant to s. 1006.1493, Florida Statutes. By December 31,  
2275 2023, school districts and charter schools receiving school  
2276 hardening grant program funds shall report to the Department of  
2277 Education, in a format prescribed by the department, the total  
2278 estimated costs of their unmet school campus hardening needs as  
2279 identified by the Florida Safe Schools Assessment Tool (FSSAT)  
2280 conducted pursuant to s. 1006.1493, Florida Statutes. The report  
2281 should include a prioritized list of school hardening project  
2282 needs by each school district or charter school and an expected  
2283 timeframe for implementing those projects. In accordance with  
2284 ss. 119.071(3) (a) and 281.301, Florida Statutes, data and

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2285 information related to security risk assessments administered  
2286 pursuant to s. 1006.1493, Florida Statutes, are confidential and  
2287 exempt from public records requirements. Funds may be used only  
2288 for capital expenditures. Funds shall be allocated initially  
2289 based on each district's capital outlay full-time equivalent  
2290 (FTE) and charter school FTE. No district shall be allocated  
2291 less than \$42,000. Funds shall be provided based on a district's  
2292 application, which must be submitted to the Department of  
2293 Education by February 1, 2024.

2294       Section 41. Except as otherwise expressly provided in this  
2295 act and except for this section, which shall take effect upon  
2296 this act becoming a law, this act shall take effect July 1,  
2297 2023.