

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1
 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; revising the name of a guardian program;
 7 authorizing a private school to request the sheriff to
 8 establish a guardian program under certain conditions;
 9 providing requirements for the guardian program;
 10 authorizing certified individuals to serve as school
 11 guardians if appointed by the applicable private
 12 school head of school; revising the training program
 13 hours required for school employees to be certified as
 14 school guardians; amending s. 768.28, F.S.; revising a
 15 definition; amending s. 790.001, F.S.; defining the
 16 term "handgun"; amending s. 790.01, F.S.; authorizing
 17 a person to carry a concealed weapon or concealed
 18 firearm if he or she is licensed to do so or meets
 19 specified requirements; specifying the burden of proof
 20 for certain violations; creating s. 790.013, F.S.;
 21 requiring a person who is carrying a concealed weapon
 22 or concealed firearm without a license to carry valid
 23 identification and display such identification upon
 24 demand by a law enforcement officer; providing a
 25 noncriminal penalty; prohibiting a person who is

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

26 carrying a concealed weapon or concealed firearm
 27 without a license from carrying such weapon or firearm
 28 in specified locations; amending s. 790.015, F.S.;
 29 authorizing a nonresident to carry a concealed weapon
 30 or concealed firearm in this state if he or she meets
 31 the same requirements as a resident; removing a
 32 requirement that limits recognition of concealed
 33 firearm licenses to those states that honor Florida
 34 concealed weapon or concealed firearm licenses;
 35 amending s. 790.052, F.S.; conforming provisions to
 36 changes made by the act; amending s. 790.053, F.S.;
 37 specifying that it is not a violation of specified
 38 provisions for persons authorized to carry a concealed
 39 weapon or concealed firearm without a license to
 40 briefly and openly display a firearm under specified
 41 circumstances; amending s. 790.06, F.S.; defining the
 42 term "concealed weapon or concealed firearm"; removing
 43 a requirement that a person who is licensed to carry a
 44 concealed weapon or concealed firearm must carry such
 45 license while he or she is in actual possession of a
 46 concealed weapon or concealed firearm; revising
 47 legislative findings; making technical changes;
 48 amending s. 790.0655, F.S.; making technical changes;
 49 amending s. 790.115, F.S.; providing that a person who
 50 is authorized to carry a concealed weapon or concealed

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

51 | firearm without a license is subject to specified
 52 | penalties for possessing such weapon or firearm at a
 53 | school-sponsored event or on school property;
 54 | conforming provisions to changes made by the act;
 55 | revising applicability; repealing s. 790.145, F.S.,
 56 | relating to the possession of firearms or destructive
 57 | devices within the premises of pharmacies; amending s.
 58 | 790.25, F.S.; providing that a person who is
 59 | authorized to carry a concealed weapon or concealed
 60 | firearm may carry such weapon or firearm on his or her
 61 | person in a private conveyance under certain
 62 | circumstances; conforming provisions to changes made
 63 | by the act; making technical changes; amending s.
 64 | 790.251, F.S.; revising the definition of the term
 65 | "employee" to include any person who is authorized to
 66 | carry a concealed weapon or concealed firearm;
 67 | prohibiting an employer from conditioning employment
 68 | upon the fact that an employee or a prospective
 69 | employee is authorized to carry a concealed weapon or
 70 | concealed firearm; amending s. 790.31, F.S.; removing
 71 | the definition of the term "handgun"; amending s.
 72 | 943.03, F.S.; conforming a provision to a change made
 73 | by the act; creating s. 943.6873, F.S.; requiring each
 74 | law enforcement agency in this state to create and
 75 | maintain an active assailant response policy by a

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

76 | specified date; providing requirements for the policy;
 77 | amending s. 1001.212, F.S.; requiring the Office of
 78 | Safe Schools to develop a behavioral threat management
 79 | operational process by a specified date; providing
 80 | requirements for the process; revising provisions
 81 | requiring the office to develop a Florida-specific
 82 | behavioral threat assessment instrument by a specified
 83 | date; revising requirements for the instrument;
 84 | requiring the office to develop, host, maintain, and
 85 | administer a threat management portal by a specified
 86 | date; providing requirements for the threat management
 87 | portal; providing a noncriminal penalty for an
 88 | individual using the threat management portal for an
 89 | unauthorized purpose; deleting provisions providing
 90 | for the Statewide Threat Assessment Database
 91 | Workgroup; authorizing the State Board of Education to
 92 | adopt emergency rules; amending s. 1002.42, F.S.;
 93 | authorizing a private school to partner with a law
 94 | enforcement agency or security agency for specified
 95 | purposes; conforming a provision to a change made by
 96 | the act; requiring a private school that establishes a
 97 | safe-school officer to comply with specified
 98 | provisions of law; providing that the private school
 99 | is responsible for certain implementation costs;
 100 | amending s. 1003.25, F.S.; revising information

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

101 included in verified reports of serious or recurrent
 102 behavior patterns; amending s. 1006.07, F.S.;
 103 redesignating threat assessment teams as threat
 104 management teams; requiring a charter school governing
 105 board to establish a threat management team; providing
 106 requirements for a threat management team; requiring
 107 the threat management team to prepare a specified
 108 report; authorizing the state board to adopt emergency
 109 rules; providing legislative findings; amending s.
 110 1006.12, F.S.; conforming a provision to a change made
 111 by the act; creating s. 1006.121, F.S.; requiring the
 112 Department of Education to establish the Florida Safe
 113 Schools Canine Program; requiring the Office of Safe
 114 Schools to consult with specified entities; defining
 115 the term "firearm detection canine"; providing
 116 requirements for the program; requiring the State
 117 Board of Education to adopt rules; amending s.
 118 1006.13, F.S.; conforming provisions to changes made
 119 by the act; providing reporting requirements for
 120 certain school safety incidents; amending ss.
 121 790.1612, 810.095, 921.0022, 921.0024, 943.051,
 122 943.0585, 943.059, 985.11, and 1002.33 F.S.;
 123 conforming provisions to changes made by the act;
 124 providing appropriations; providing effective dates.
 125

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

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

127

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

130 27.53 Appointment of assistants and other staff; method of
 131 payment.—

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

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

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

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

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

176 year. The plan must be developed in accordance with policies and
 177 procedures of the Executive Office of the Governor established
 178 in s. 216.181. Each assistant regional counsel appointed by the
 179 regional counsel under this section shall serve at the pleasure
 180 of the regional counsel. Each investigator employed by the
 181 regional counsel shall have full authority to serve any witness
 182 subpoena or court order issued by any court or judge in a
 183 criminal case in which the regional counsel has been appointed
 184 to represent the accused.

185 Section 2. Paragraph (k) of subsection (1) of section
 186 30.15, Florida Statutes, is amended to read:

187 30.15 Powers, duties, and obligations.—

188 (1) Sheriffs, in their respective counties, in person or
 189 by deputy, shall:

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

200 1.a. If a local school board has voted by a majority to

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

201 implement a guardian program, the sheriff in that county shall
 202 establish a guardian program to provide training, pursuant to
 203 subparagraph 2., to school district, ~~or~~ charter school, or
 204 private school employees, either directly or through a contract
 205 with another sheriff's office that has established a guardian
 206 program.

207 b. A charter school governing board in a school district
 208 that has not voted, or has declined, to implement a guardian
 209 program may request the sheriff in the county to establish a
 210 guardian program for the purpose of training the charter school
 211 employees. If the county sheriff denies the request, the charter
 212 school governing board may contract with a sheriff that has
 213 established a guardian program to provide such training. The
 214 charter school governing board must notify the superintendent
 215 and the sheriff in the charter school's county of the contract
 216 prior to its execution.

217 c. A private school in a school district that has not
 218 voted, or has declined, to implement a guardian program may
 219 request that the sheriff in the county of the private school
 220 establish a guardian program for the purpose of training private
 221 school employees. If the county sheriff denies the request, the
 222 private school may contract with a sheriff from another county
 223 who has established a guardian program to provide such training.
 224 The private school must notify the sheriff in the private
 225 school's county of the contract with a sheriff from another

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

226 county before its execution. The private school is responsible
227 for all training costs for a school guardian program. The
228 sheriff providing such training must ensure that any moneys paid
229 by a private school are not commingled with any funds provided
230 by the state to the sheriff as reimbursement for screening-
231 related and training-related costs of any school district or
232 charter school employee.

233 d. The training program required in sub-subparagraph 2.b.
234 is a standardized statewide curriculum, and each sheriff
235 providing such training shall adhere to the course of
236 instruction specified in that sub-subparagraph. This
237 subparagraph does not prohibit a sheriff from providing
238 additional training. A school guardian who has completed the
239 training program required in sub-subparagraph 2.b. may not be
240 required to attend another sheriff's training program pursuant
241 to that sub-subparagraph unless there has been at least a 1-year
242 break in his or her employment as a guardian.

243 e. The sheriff conducting the training pursuant to
244 subparagraph 2. will be reimbursed for screening-related and
245 training-related costs and for providing a one-time stipend of
246 \$500 to each school guardian who participates in the school
247 guardian program.

248 2. A sheriff who establishes a program shall consult with
249 the Department of Law Enforcement on programmatic guiding
250 principles, practices, and resources, and shall certify as

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

251 school guardians, without the power of arrest, school employees,
 252 as specified in s. 1006.12(3), who:

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

254 b. Complete a 144-hour training program, consisting of 12
 255 hours of certified nationally recognized diversity training and
 256 132 total hours of comprehensive firearm safety and proficiency
 257 training conducted by Criminal Justice Standards and Training
 258 Commission-certified instructors, which must include:

259 (I) Eighty hours of firearms instruction based on the
 260 Criminal Justice Standards and Training Commission's Law
 261 Enforcement Academy training model, which must include at least
 262 10 percent but no more than 20 percent more rounds fired than
 263 associated with academy training. Program participants must
 264 achieve an 85 percent pass rate on the firearms training.

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

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

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

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

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

272 c. Pass a psychological evaluation administered by a
 273 psychologist licensed under chapter 490 and designated by the
 274 Department of Law Enforcement and submit the results of the
 275 evaluation to the sheriff's office. The Department of Law

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

276 Enforcement is authorized to provide the sheriff's office with
 277 mental health and substance abuse data for compliance with this
 278 paragraph.

279 d. Submit to and pass an initial drug test and subsequent
 280 random drug tests in accordance with the requirements of s.
 281 112.0455 and the sheriff's office.

282 e. Successfully complete ongoing training, weapon
 283 inspection, and firearm qualification on at least an annual
 284 basis.

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

297 Section 3. Paragraph (b) of subsection (9) of section
 298 768.28, Florida Statutes, is amended to read:

299 768.28 Waiver of sovereign immunity in tort actions;
 300 recovery limits; civil liability for damages caused during a

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

301 riot; limitation on attorney fees; statute of limitations;
 302 exclusions; indemnification; risk management programs.—

303 (9)

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

305 1. "Employee" includes any volunteer firefighter.

306 2. "Officer, employee, or agent" includes, but is not
 307 limited to, any health care provider when providing services
 308 pursuant to s. 766.1115; any nonprofit independent college or
 309 university located and chartered in this state which owns or
 310 operates an accredited medical school, and its employees or
 311 agents, when providing patient services pursuant to paragraph
 312 (10) (f); any public defender or her or his employee or agent,
 313 including an assistant public defender or an investigator; and
 314 any member of a Child Protection Team, as defined in s. 39.01,
 315 or any member of a threat management team, as described in s.
 316 1006.07 (7) ~~s. 39.01(13)~~, when carrying out her or his duties as
 317 a team member under the control, direction, and supervision of
 318 the state or any of its agencies or subdivisions.

319 Section 4. Section 790.001, Florida Statutes, is amended
 320 to read:

321 790.001 Definitions.—As used in this chapter, except where
 322 the context otherwise requires:

323 (2) ~~(1)~~ "Antique firearm" means any firearm manufactured in
 324 or before 1918 (including any matchlock, flintlock, percussion
 325 cap, or similar early type of ignition system) or replica

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

326 | thereof, whether actually manufactured before or after the year
 327 | 1918, and also any firearm using fixed ammunition manufactured
 328 | in or before 1918, for which ammunition is no longer
 329 | manufactured in the United States and is not readily available
 330 | in the ordinary channels of commercial trade.

331 | (3)~~(2)~~ "Concealed firearm" means any firearm, as defined
 332 | in subsection (9) ~~(6)~~, which is carried on or about a person in
 333 | such a manner as to conceal the firearm from the ordinary sight
 334 | of another person.

335 | (4)~~(3)~~(a) "Concealed weapon" means any dirk, metallic
 336 | knuckles, billie, tear gas gun, chemical weapon or device, or
 337 | other deadly weapon carried on or about a person in such a
 338 | manner as to conceal the weapon from the ordinary sight of
 339 | another person.

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

346 | (6)~~(4)~~ "Destructive device" means any bomb, grenade, mine,
 347 | rocket, missile, pipebomb, or similar device containing an
 348 | explosive, incendiary, or poison gas and includes any frangible
 349 | container filled with an explosive, incendiary, explosive gas,
 350 | or expanding gas, which is designed or so constructed as to

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

351 explode by such filler and is capable of causing bodily harm or
 352 property damage; any combination of parts either designed or
 353 intended for use in converting any device into a destructive
 354 device and from which a destructive device may be readily
 355 assembled; any device declared a destructive device by the
 356 Bureau of Alcohol, Tobacco, and Firearms; any type of weapon
 357 which will, is designed to, or may readily be converted to expel
 358 a projectile by the action of any explosive and which has a
 359 barrel with a bore of one-half inch or more in diameter; and
 360 ammunition for such destructive devices, but not including
 361 shotgun shells or any other ammunition designed for use in a
 362 firearm other than a destructive device. "Destructive device"
 363 does not include:

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

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

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

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

373 (8)~~(5)~~ "Explosive" means any chemical compound or mixture
 374 that has the property of yielding readily to combustion or
 375 oxidation upon application of heat, flame, or shock, including

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

376 but not limited to dynamite, nitroglycerin, trinitrotoluene, or
 377 ammonium nitrate when combined with other ingredients to form an
 378 explosive mixture, blasting caps, and detonators; but not
 379 including:

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

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

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

386 (d) Black powder in quantities not to exceed that
 387 authorized by chapter 552, or by any rules adopted thereunder by
 388 the Department of Financial Services, when used for, or intended
 389 to be used for, the manufacture of target and sporting
 390 ammunition or for use in muzzle-loading flint or percussion
 391 weapons.

392
 393 The exclusions contained in paragraphs (a)-(d) do not apply to
 394 the term "explosive" as used in the definition of "firearm" in
 395 subsection (9) ~~(6)~~.

396 (9) ~~(6)~~ "Firearm" means any weapon (including a starter
 397 gun) which will, is designed to, or may readily be converted to
 398 expel a projectile by the action of an explosive; the frame or
 399 receiver of any such weapon; any firearm muffler or firearm
 400 silencer; any destructive device; or any machine gun. The term

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

401 "firearm" does not include an antique firearm unless the antique
 402 firearm is used in the commission of a crime.

403 (11)~~(7)~~ "Indictment" means an indictment or an information
 404 in any court under which a crime punishable by imprisonment for
 405 a term exceeding 1 year may be prosecuted.

406 (12)~~(8)~~ "Law enforcement officer" means:

407 (a) All officers or employees of the United States or the
 408 State of Florida, or any agency, commission, department, board,
 409 division, municipality, or subdivision thereof, who have
 410 authority to make arrests;

411 (b) Officers or employees of the United States or the
 412 State of Florida, or any agency, commission, department, board,
 413 division, municipality, or subdivision thereof, duly authorized
 414 to carry a concealed weapon;

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

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

422 (e) All peace officers;

423 (f) All state attorneys and United States attorneys and
 424 their respective assistants and investigators.

425 (13)~~(9)~~ "Machine gun" means any firearm,~~as defined~~

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

426 ~~herein,~~ which shoots, or is designed to shoot, automatically
 427 more than one shot, without manually reloading, by a single
 428 function of the trigger.

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

431 ~~(17)-(10)~~ "Short-barreled shotgun" means a shotgun having
 432 one or more barrels less than 18 inches in length and any weapon
 433 made from a shotgun (whether by alteration, modification, or
 434 otherwise) if such weapon as modified has an overall length of
 435 less than 26 inches.

436 ~~(16)-(11)~~ "Short-barreled rifle" means a rifle having one
 437 or more barrels less than 16 inches in length and any weapon
 438 made from a rifle (whether by alteration, modification, or
 439 otherwise) if such weapon as modified has an overall length of
 440 less than 26 inches.

441 ~~(18)-(12)~~ "Slungshot" means a small mass of metal, stone,
 442 sand, or similar material fixed on a flexible handle, strap, or
 443 the like, used as a weapon.

444 ~~(20)-(13)~~ "Weapon" means any dirk, knife, metallic
 445 knuckles, slungshot, billie, tear gas gun, chemical weapon or
 446 device, or other deadly weapon except a firearm or a common
 447 pocketknife, plastic knife, or blunt-bladed table knife.

448 ~~(7)-(14)~~ "Electric weapon or device" means any device
 449 which, through the application or use of electrical current, is
 450 designed, redesigned, used, or intended to be used for offensive

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

451 or defensive purposes, the destruction of life, or the
 452 infliction of injury.

453 ~~(5)-(15)~~ "Dart-firing stun gun" means any device having one
 454 or more darts that are capable of delivering an electrical
 455 current.

456 ~~(14)-(16)~~ "Readily accessible for immediate use" means that
 457 a firearm or other weapon is carried on the person or within
 458 such close proximity and in such a manner that it can be
 459 retrieved and used as easily and quickly as if carried on the
 460 person.

461 ~~(15)-(17)~~ "Securely encased" means in a glove compartment,
 462 whether or not locked; snapped in a holster; in a gun case,
 463 whether or not locked; in a zippered gun case; or in a closed
 464 box or container which requires a lid or cover to be opened for
 465 access.

466 ~~(19)-(18)~~ "Sterile area" means the area of an airport to
 467 which access is controlled by the inspection of persons and
 468 property in accordance with federally approved airport security
 469 programs.

470 ~~(1)-(19)~~ "Ammunition" means an object consisting of all of
 471 the following:

- 472 (a) A fixed metallic or nonmetallic hull or casing
- 473 containing a primer.
- 474 (b) One or more projectiles, one or more bullets, or shot.
- 475 (c) Gunpowder.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

476
 477 All of the specified components must be present for an object to
 478 be ammunition.

479 Section 5. Section 790.01, Florida Statutes, is amended to
 480 read:

481 790.01 ~~Unlicensed~~ Carrying of concealed weapons or
 482 concealed firearms.—

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

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

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

490 (2)-(1) Except as provided in subsection (5) (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 weapon or electric
 493 weapon or device, as those terms are defined in s. 790.001, on
 494 or about his or her person commits a misdemeanor of the first
 495 degree, punishable as provided in s. 775.082 or s. 775.083.

496 (3)-(2) Except as provided in subsection (5) (3), a person
 497 who does not meet the criteria in subsection (1) is not licensed
 498 under s. 790.06 and who carries a concealed firearm, as that
 499 term is defined in s. 790.001, on or about his or her person
 500 commits a felony of the third degree, punishable as provided in

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

501 s. 775.082, s. 775.083, or s. 775.084.

502 (4) In any prosecution for a violation of subsection (2)
 503 or subsection (3), the state bears the burden of proving, as an
 504 element of the offense, both that a person is not licensed under
 505 s. 790.06 and that he or she is ineligible to receive and
 506 maintain such a license under the criteria listed in s.
 507 790.06(2)(a)-(f) and (i)-(n), (3), and (10).

508 (5)-(3) A person does not violate this section if he or she
 509 This section does not apply to:

510 (a) Is lawfully in possession of ~~A person who carries a~~
 511 concealed weapon or a concealed firearm, as those terms are
 512 defined in s. 790.001, or a person who may lawfully possess a
 513 ~~firearm~~ and who carries such a concealed weapon or concealed
 514 firearm, on or about his or her person while in the act of
 515 evacuating during a mandatory evacuation order issued during a
 516 state of emergency declared by the Governor pursuant to chapter
 517 252 or declared by a local authority pursuant to chapter 870. As
 518 used in this subsection, the term "in the act of evacuating"
 519 means the immediate and urgent movement of a person away from
 520 the evacuation zone within 48 hours after a mandatory evacuation
 521 is ordered. The 48 hours may be extended by an order issued by
 522 the Governor.

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

525 1. A self-defense chemical spray.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

526 2. A nonlethal stun gun or dart-firing stun gun or other
527 nonlethal electric weapon or device that is designed solely for
528 defensive purposes.

529 ~~(6)~~(4) This section does not preclude any prosecution for
530 the use of an electric weapon or device, a dart-firing stun gun,
531 or a self-defense chemical spray during the commission of any
532 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.
533 790.235, or for any other criminal offense.

534 Section 6. Section 790.013, Florida Statutes, is created
535 to read:

536 790.013 Carrying of concealed weapons or concealed
537 firearms without a license.—A person who carries a concealed
538 weapon or concealed firearm without a license as authorized
539 under s. 790.01(1)(b):

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

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

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

550 Section 7. Section 790.015, Florida Statutes, is amended

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

551 to read:

552 790.015 Nonresidents ~~who are United States citizens and~~
 553 ~~hold a concealed weapons license in another state;~~ reciprocity.-

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

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

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

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

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

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

570 (3) If the resident of another state who is the holder of
 571 a valid license to carry a concealed weapon or concealed firearm
 572 issued in another state establishes legal residence in this
 573 state by:

574 (a) Registering to vote;

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

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

576 or

577 (c) Filing for homestead tax exemption on property in this

578 state,

579

580 the license shall be recognized as valid ~~remain in effect~~ for 90

581 days following the date on which the holder of the license

582 establishes legal state residence.

583 ~~(4) This section applies only to nonresident concealed~~

584 ~~weapon or concealed firearm licenseholders from states that~~

585 ~~honor Florida concealed weapon or concealed firearm licenses.~~

586 (4)(5) The requirement in subsection (1) that a

587 nonresident be 21 years of age or older to carry a concealed

588 weapon or concealed firearm ~~of paragraph (1)(a)~~ does not apply

589 to a person who:

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

591 (b) Is a veteran of the United States Armed Forces who was

592 discharged under honorable conditions.

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

594 790.052, Florida Statutes, is amended to read:

595 790.052 Carrying concealed firearms; off-duty law

596 enforcement officers.-

597 (1)

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

599 enforcement officer, correctional officer, or correctional

600 probation officer to carry a concealed firearm off duty as a

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

601 private citizen under the exemption provided in s. 790.06 that
 602 allows a law enforcement officer, correctional officer, or
 603 correctional probation officer as defined in s. 943.10(1), (2),
 604 (3), (6), (7), (8), or (9) to carry a concealed firearm without
 605 a concealed weapon or concealed firearm license or as otherwise
 606 provided by law. The appointing or employing agency or
 607 department of an officer carrying a concealed firearm as a
 608 private citizen is ~~under s. 790.06~~ shall not be liable for the
 609 use of the firearm in such capacity. This section does not limit
 610 ~~Nothing herein limits~~ the authority of the appointing or
 611 employing agency or department from establishing policies
 612 limiting law enforcement officers or correctional officers from
 613 carrying concealed firearms during off-duty hours in their
 614 capacity as appointees or employees of the agency or department.

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

617 790.053 Open carrying of weapons.—

618 (1) Except as otherwise provided by law and in subsection
 619 (2), it is unlawful for any person to openly carry on or about
 620 his or her person any firearm or electric weapon or device. It
 621 is not a violation of this section for a person who carries
 622 ~~licensed to carry~~ a concealed firearm as authorized ~~provided~~ in
 623 s. 790.01(1) ~~s. 790.06(1)~~, and ~~who is lawfully carrying a~~
 624 ~~firearm in a concealed manner~~, to briefly and openly display the
 625 firearm to the ordinary sight of another person, unless the

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

626 | firearm is intentionally displayed in an angry or threatening
 627 | manner, not in necessary self-defense.

628 | Section 10. Subsection (1), paragraphs (g) and (h) of
 629 | subsection (2), paragraph (e) of subsection (4), paragraph (b)
 630 | of subsection (5), paragraph (f) of subsection (6), and
 631 | subsections (9), (10), (12), (13), and (16) of section 790.06,
 632 | Florida Statutes, are amended to read:

633 | 790.06 License to carry concealed weapon or concealed
 634 | firearm.—

635 | (1) (a) For the purposes of this section, the term
 636 | "concealed weapon or concealed firearm" means a handgun,
 637 | electric weapon or device, tear gas gun, knife, or billie, but
 638 | does not include a machine gun as that term is defined in s.
 639 | 790.001.

640 | (b) The Department of Agriculture and Consumer Services is
 641 | authorized to issue licenses to carry concealed weapons or
 642 | concealed firearms to persons qualified as provided in this
 643 | section. Each ~~such~~ license must bear a color photograph of the
 644 | licensee. ~~For the purposes of this section, concealed weapons or~~
 645 | ~~concealed firearms are defined as a handgun, electronic weapon~~
 646 | ~~or device, tear gas gun, knife, or billie, but the term does not~~
 647 | ~~include a machine gun as defined in s. 790.001(9).~~

648 | (c) ~~Such~~ Licenses are ~~shall be~~ valid throughout the state
 649 | for a ~~period of 7 years~~ after ~~from~~ the date of issuance. A
 650 | licensee must carry ~~Any person in compliance with the terms of~~

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

651 ~~such license may carry a concealed weapon or concealed firearm~~
 652 ~~notwithstanding the provisions of s. 790.01. The licensee must~~
 653 ~~carry the license, together with~~ valid identification, at all
 654 times in which the licensee is in actual possession of a
 655 concealed weapon or concealed firearm and must display such ~~both~~
 656 ~~the license and proper~~ identification upon demand by a law
 657 enforcement officer. Violations of the provisions of this
 658 subsection shall constitute a noncriminal violation with a
 659 penalty of \$25, payable to the clerk of the court.

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

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

664 (h) Demonstrates competence with a firearm by any one of
 665 the following:

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

669 2. Completion of any National Rifle Association firearms
 670 safety or training course;

671 3. Completion of any firearms safety or training course or
 672 class available to the general public offered by a law
 673 enforcement agency, junior college, college, or private or
 674 public institution or organization or firearms training school,
 675 using instructors certified by the National Rifle Association,

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

676 Criminal Justice Standards and Training Commission, or the
 677 Department of Agriculture and Consumer Services;

678 4. Completion of any law enforcement firearms safety or
 679 training course or class offered for security guards,
 680 investigators, special deputies, or any division or subdivision
 681 of a law enforcement agency or security enforcement;

682 5. Presents evidence of equivalent experience with a
 683 firearm through participation in organized shooting competition
 684 or military service;

685 6. Is licensed or has been licensed to carry a concealed
 686 weapon or concealed firearm in this state or a county or
 687 municipality of this state, unless such license has been revoked
 688 for cause; or

689 7. Completion of any firearms training or safety course or
 690 class conducted by a state-certified or National Rifle
 691 Association certified firearms instructor;

692
 693 A photocopy of a certificate of completion of any of the courses
 694 or classes; an affidavit from the instructor, school, club,
 695 organization, or group that conducted or taught such course or
 696 class attesting to the completion of the course or class by the
 697 applicant; or a copy of any document that shows completion of
 698 the course or class or evidences participation in firearms
 699 competition shall constitute evidence of qualification under
 700 this paragraph. A person who conducts a course pursuant to

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

701 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
702 an instructor, attests to the completion of such courses, must
703 maintain records certifying that he or she observed the student
704 safely handle and discharge the firearm in his or her physical
705 presence and that the discharge of the firearm included live
706 fire using a firearm and ammunition as defined in s. 790.001;

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

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

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

716 (b) A nonrefundable license fee of up to \$55 if he or she
717 has not previously been issued a statewide license or of up to
718 \$45 for renewal of a statewide license. The cost of processing
719 fingerprints as required in paragraph (c) shall be borne by the
720 applicant. However, an individual holding an active
721 certification from the Criminal Justice Standards and Training
722 Commission as a law enforcement officer, correctional officer,
723 or correctional probation officer as defined in s. 943.10(1),
724 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
725 requirements of this section. If such individual wishes to

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

726 receive a concealed weapon or concealed firearm license, he or
 727 she is exempt from the background investigation and all
 728 background investigation fees but must pay the current license
 729 fees regularly required to be paid by nonexempt applicants.
 730 Further, a law enforcement officer, a correctional officer, or a
 731 correctional probation officer as defined in s. 943.10(1), (2),
 732 or (3) is exempt from the required fees and background
 733 investigation for 1 year after his or her retirement.

734 (6)

735 (f) The Department of Agriculture and Consumer Services
 736 shall, upon receipt of a completed application and the
 737 identifying information required under paragraph (5)(f),
 738 expedite the processing of a servicemember's or a veteran's
 739 concealed weapon or concealed firearm license application.

740 (9) In the event that a concealed weapon or concealed
 741 firearm license is lost or destroyed, the license shall be
 742 automatically invalid, and the person to whom the same was
 743 issued may, upon payment of \$15 to the Department of Agriculture
 744 and Consumer Services, obtain a duplicate, or substitute
 745 thereof, upon furnishing a notarized statement to the Department
 746 of Agriculture and Consumer Services that such license has been
 747 lost or destroyed.

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

750 (a) Is found to be ineligible under the criteria set forth

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

751 in subsection (2);

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

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

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

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

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

767 (g) Is adjudicated an incapacitated person under s.
768 744.331, or similar laws of any other state; or

769 (h) Is committed to a mental institution under chapter
770 394, or similar laws of any other state.

771
772 Notwithstanding s. 120.60(5), service of a notice of the
773 suspension or revocation of a concealed weapon or concealed
774 firearm license must be given by either certified mail, return
775 receipt requested, to the licensee at his or her last known

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

776 mailing address furnished to the Department of Agriculture and
 777 Consumer Services, or by personal service. If a notice given by
 778 certified mail is returned as undeliverable, a second attempt
 779 must be made to provide notice to the licensee at that address,
 780 by either first-class mail in an envelope, postage prepaid,
 781 addressed to the licensee at his or her last known mailing
 782 address furnished to the department, or, if the licensee has
 783 provided an e-mail address to the department, by e-mail. Such
 784 mailing by the department constitutes notice, and any failure by
 785 the licensee to receive such notice does not stay the effective
 786 date or term of the suspension or revocation. A request for
 787 hearing must be filed with the department within 21 days after
 788 notice is received by personal delivery, or within 26 days after
 789 the date the department deposits the notice in the United States
 790 mail (21 days plus 5 days for mailing). The department shall
 791 document its attempts to provide notice, and such documentation
 792 is admissible in the courts of this state and constitutes
 793 sufficient proof that notice was given.

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

- 797 1. Any place of nuisance as defined in s. 823.05;
- 798 2. Any police, sheriff, or highway patrol station;
- 799 3. Any detention facility, prison, or jail;
- 800 4. Any courthouse;

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

- 801 5. Any courtroom, except that nothing in this section
 802 precludes ~~would preclude~~ a judge from carrying a concealed
 803 weapon or concealed firearm or determining who will carry a
 804 concealed weapon or concealed firearm in his or her courtroom;
- 805 6. Any polling place;
- 806 7. Any meeting of the governing body of a county, public
 807 school district, municipality, or special district;
- 808 8. Any meeting of the Legislature or a committee thereof;
- 809 9. Any school, college, or professional athletic event not
 810 related to firearms;
- 811 10. Any elementary or secondary school facility or
 812 administration building;
- 813 11. Any career center;
- 814 12. Any portion of an establishment licensed to dispense
 815 alcoholic beverages for consumption on the premises, which
 816 portion of the establishment is primarily devoted to such
 817 purpose;
- 818 13. Any college or university facility unless the licensee
 819 is a registered student, employee, or faculty member of such
 820 college or university and the weapon is a stun gun or nonlethal
 821 electric weapon or device designed solely for defensive purposes
 822 and the weapon does not fire a dart or projectile;
- 823 14. The inside of the passenger terminal and sterile area
 824 of any airport, provided that no person shall be prohibited from
 825 carrying any legal firearm into the terminal, which firearm is

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

826 encased for shipment for purposes of checking such firearm as
 827 baggage to be lawfully transported on any aircraft; or

828 15. Any place where the carrying of firearms is prohibited
 829 by federal law.

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

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

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

838 (13) Notwithstanding any other law, for the purposes of
 839 safety, security, personal protection, or any other lawful
 840 purpose, a person licensed under this section may carry a
 841 concealed weapon or concealed firearm on property owned, rented,
 842 leased, borrowed, or lawfully used by a church, synagogue, or
 843 other religious institution. This subsection does not limit the
 844 private property rights of a church, synagogue, or other
 845 religious institution to exercise control over property that the
 846 church, synagogue, or other religious institution owns, rents,
 847 leases, borrows, or lawfully uses.

848 (16) The Legislature finds as a matter of public policy
 849 and fact that it is necessary to provide statewide uniform
 850 standards for issuing licenses to carry concealed weapons and

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

851 concealed firearms ~~for self-defense~~ and finds it necessary to
 852 occupy the field of regulation of the bearing of concealed
 853 weapons or concealed firearms ~~for self-defense to ensure that no~~
 854 ~~honest, law-abiding person who qualifies under the provisions of~~
 855 ~~this section is subjectively or arbitrarily denied his or her~~
 856 ~~rights~~. The Department of Agriculture and Consumer Services
 857 shall implement and administer ~~the provisions of~~ this section.
 858 The Legislature does not delegate to the Department of
 859 Agriculture and Consumer Services the authority to regulate or
 860 restrict the issuing of licenses provided for in this section,
 861 beyond those provisions contained in this section. Subjective or
 862 arbitrary actions or rules which encumber the issuing process by
 863 placing burdens on the applicant beyond those sworn statements
 864 and specified documents detailed in this section or which create
 865 restrictions beyond those specified in this section are in
 866 conflict with the intent of this section and are prohibited.
 867 This section shall be liberally construed to carry out the
 868 constitutional right to bear arms ~~for self-defense~~. This section
 869 is supplemental and additional to existing rights to bear arms,
 870 and nothing in this section shall impair or diminish such
 871 rights.

872 Section 11. Paragraph (a) of subsection (2) of section
 873 790.0655, Florida Statutes, is amended to read:

874 790.0655 Purchase and delivery of firearms; mandatory
 875 waiting period; exceptions; penalties.—

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

876 (2) The waiting period does not apply in the following
877 circumstances:

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

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

884 790.115 Possessing or discharging weapons or firearms at a
885 school-sponsored event or on school property prohibited;
886 penalties; exceptions.—

887 (1) A person who exhibits any sword, sword cane, firearm,
888 electric weapon or device, destructive device, or other weapon
889 as defined in s. 790.001 ~~s. 790.001(13)~~, including a razor
890 blade, box cutter, or common pocketknife, except as authorized
891 in support of school-sanctioned activities, in the presence of
892 one or more persons in a rude, careless, angry, or threatening
893 manner and not in lawful self-defense, at a school-sponsored
894 event or on the grounds or facilities of any school, school bus,
895 or school bus stop, or within 1,000 feet of the real property
896 that comprises a public or private elementary school, middle
897 school, or secondary school, during school hours or during the
898 time of a sanctioned school activity, commits a felony of the
899 third degree, punishable as provided in s. 775.082, s. 775.083,
900 or s. 775.084. This subsection does not apply to the exhibition

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

901 of a firearm or weapon on private real property within 1,000
 902 feet of a school by the owner of such property or by a person
 903 whose presence on such property has been authorized, licensed,
 904 or invited by the owner.

905 (2) (a) A person shall not possess any firearm, electric
 906 weapon or device, destructive device, or other weapon as defined
 907 in s. 790.001 ~~s. 790.001(13)~~, including a razor blade or box
 908 cutter, except as authorized in support of school-sanctioned
 909 activities, at a school-sponsored event or on the property of
 910 any school, school bus, or school bus stop; however, a person
 911 may carry a firearm:

912 1. In a case to a firearms program, class or function
 913 which has been approved in advance by the principal or chief
 914 administrative officer of the school as a program or class to
 915 which firearms could be carried;

916 2. In a case to a career center having a firearms training
 917 range; or

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

922

923 For the purposes of this section, "school" means any preschool,
 924 elementary school, middle school, junior high school, secondary
 925 school, career center, or postsecondary school, whether public

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

926 | or nonpublic.

927 | (b) Except as provided in paragraph (e), a person who
 928 | willfully and knowingly possesses any electric weapon or device,
 929 | destructive device, or other weapon as defined in s. 790.001 ~~s.~~
 930 | ~~790.001(13)~~, including a razor blade or box cutter, except as
 931 | authorized in support of school-sanctioned activities, in
 932 | violation of this subsection commits a felony of the third
 933 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
 934 | 775.084.

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

939 | 2. A person who stores or leaves a loaded firearm within
 940 | the reach or easy access of a minor who obtains the firearm and
 941 | commits a violation of subparagraph 1. commits a misdemeanor of
 942 | the second degree, punishable as provided in s. 775.082 or s.
 943 | 775.083; except that this does not apply if the firearm was
 944 | stored or left in a securely locked box or container or in a
 945 | location which a reasonable person would have believed to be
 946 | secure, or was securely locked with a firearm-mounted push-
 947 | button combination lock or a trigger lock; if the minor obtains
 948 | the firearm as a result of an unlawful entry by any person; or
 949 | to members of the Armed Forces, National Guard, or State
 950 | Militia, or to police or other law enforcement officers, with

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

951 | respect to firearm possession by a minor which occurs during or
 952 | incidental to the performance of their official duties.

953 | (e) A person who is authorized to carry a concealed weapon
 954 | or concealed firearm under s. 790.01(1) and who willfully and
 955 | knowingly violates paragraph (b) or subparagraph (c)1. commits a
 956 | misdemeanor of the second degree, punishable as provided in s.
 957 | 775.082 or s. 775.083 ~~The penalties of this subsection shall not~~
 958 | ~~apply to persons licensed under s. 790.06. Persons licensed~~
 959 | ~~under s. 790.06 shall be punished as provided in s. 790.06(12),~~
 960 | ~~except that a licenseholder who unlawfully discharges a weapon~~
 961 | ~~or firearm on school property as prohibited by this subsection~~
 962 | ~~commits a felony of the second degree, punishable as provided in~~
 963 | ~~s. 775.082, s. 775.083, or s. 775.084.~~

964 | Section 13. Section 790.145, Florida Statutes, is
 965 | repealed.

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

968 | 790.25 Lawful ownership, possession, and use of firearms
 969 | and other weapons.—

970 | ~~(2) USES NOT AUTHORIZED.—~~

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

973 | ~~(b) The protections of this section do not apply to the~~
 974 | ~~following:~~

975 | ~~1. A person who has been adjudged mentally incompetent,~~

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

976 ~~who is addicted to the use of narcotics or any similar drug, or~~
 977 ~~who is a habitual or chronic alcoholic, or a person using~~
 978 ~~weapons or firearms in violation of ss. 790.07-790.115, 790.145-~~
 979 ~~790.19, 790.22-790.24;~~

980 ~~2. Vagrants and other undesirable persons as defined in s.~~
 981 ~~856.02;~~

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

985 (2)(3) LAWFUL USES. ~~Notwithstanding the provisions of ss.~~
 986 790.01, 790.053, and 790.06, ~~do not apply in the following~~
 987 ~~instances, and, despite such sections, it is lawful for the~~
 988 ~~following persons may~~ to own, possess, and lawfully use firearms
 989 and other weapons, ammunition, and supplies for lawful purposes
 990 if they are not otherwise prohibited from owning or possessing a
 991 firearm under state or federal law:

992 (a) Members of the Militia, National Guard, Florida State
 993 Defense Force, Army, Navy, Air Force, Marine Corps, Space Force,
 994 Coast Guard, organized reserves, and other armed forces of the
 995 state and of the United States, when on duty, when training or
 996 preparing themselves for military duty, or while subject to
 997 recall or mobilization;

998 (b) Citizens of this state subject to duty in the Armed
 999 Forces under s. 2, Art. X of the State Constitution, under
 1000 chapters 250 and 251, and under federal laws, when on duty or

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1001 when training or preparing themselves for military duty;
 1002 (c) Persons carrying out or training for emergency
 1003 management duties under chapter 252;
 1004 (d) Sheriffs, marshals, prison or jail wardens, police
 1005 officers, Florida highway patrol officers, game wardens, revenue
 1006 officers, forest officials, special officers appointed under the
 1007 provisions of chapter 354, and other peace and law enforcement
 1008 officers and their deputies and assistants and full-time paid
 1009 peace officers of other states and of the Federal Government who
 1010 are carrying out official duties while in this state;
 1011 (e) Officers or employees of the state or United States
 1012 duly authorized to carry a concealed weapon or a concealed
 1013 firearm;
 1014 (f) Guards or messengers of common carriers, express
 1015 companies, armored car carriers, mail carriers, banks, and other
 1016 financial institutions, while actually employed in and about the
 1017 shipment, transportation, or delivery of any money, treasure,
 1018 bullion, bonds, or other thing of value within this state;
 1019 (g) Regularly enrolled members of any organization duly
 1020 authorized to purchase or receive weapons or firearms from the
 1021 United States or from this state, or regularly enrolled members
 1022 of clubs organized for target, skeet, or trap shooting, while at
 1023 or going to or from shooting practice; or regularly enrolled
 1024 members of clubs organized for modern or antique firearms
 1025 collecting, while such members are at or going to or from their

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1026 collectors' gun shows, conventions, or exhibits;

1027 (h) A person engaged in fishing, camping, or lawful

1028 hunting or going to or returning from a fishing, camping, or

1029 lawful hunting expedition;

1030 (i) A person engaged in the business of manufacturing,

1031 repairing, or dealing in firearms, or the agent or

1032 representative of any such person while engaged in the lawful

1033 course of such business;

1034 (j) A person discharging a weapon or firearm ~~firing~~

1035 ~~weapons~~ for testing or target practice under safe conditions and

1036 in a safe place not prohibited by law or going to or from such

1037 place;

1038 (k) A person discharging a weapon or firearm ~~firing~~

1039 ~~weapons~~ in a safe and secure indoor range for testing and target

1040 practice;

1041 (l) A person traveling ~~by private conveyance when the~~

1042 ~~weapon is securely encased or~~ in a public conveyance when the

1043 weapon or firearm is securely encased and not in the person's

1044 manual possession;

1045 (m) A person while carrying a handgun ~~pistol~~ unloaded and

1046 in a secure wrapper, concealed or otherwise, from the place of

1047 purchase to his or her home or place of business or to a place

1048 of repair or back to his or her home or place of business;

1049 (n) A person possessing weapons or firearms ~~arms~~ at his or

1050 her home or place of business;

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1051 (o) Investigators employed by the several public defenders
 1052 of the state, while actually carrying out official duties,
 1053 provided such investigators:

1054 1. Are employed full time;

1055 2. Meet the official training standards for firearms
 1056 established by the Criminal Justice Standards and Training
 1057 Commission as provided in s. 943.12(5) and the requirements of
 1058 ss. 493.6108(1)(a) and 943.13(1)-(4); and

1059 3. Are individually designated by an affidavit of consent
 1060 signed by the employing public defender and filed with the clerk
 1061 of the circuit court in the county in which the employing public
 1062 defender resides.

1063 (p) Investigators employed by the capital collateral
 1064 regional counsel, while actually carrying out official duties,
 1065 provided such investigators:

1066 1. Are employed full time;

1067 2. Meet the official training standards for firearms as
 1068 established by the Criminal Justice Standards and Training
 1069 Commission as provided in s. 943.12(1) and the requirements of
 1070 ss. 493.6108(1)(a) and 943.13(1)-(4); and

1071 3. Are individually designated by an affidavit of consent
 1072 signed by the capital collateral regional counsel and filed with
 1073 the clerk of the circuit court in the county in which the
 1074 investigator is headquartered.

1075 (q)1. A tactical medical professional who is actively

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1076 | operating in direct support of a tactical operation by a law
1077 | enforcement agency provided that:

1078 | a. The tactical medical professional is lawfully able to
1079 | possess firearms and has an active concealed weapon or concealed
1080 | firearm license ~~weapons permit~~ issued pursuant to s. 790.06.

1081 | b. The tactical medical professional is appointed to a law
1082 | enforcement tactical team of a law enforcement agency by the
1083 | head of the law enforcement agency.

1084 | c. The law enforcement agency has an established policy
1085 | providing for the appointment, training, and deployment of the
1086 | tactical medical professional.

1087 | d. The tactical medical professional successfully
1088 | completes a firearms safety training and tactical training as
1089 | established or designated by the appointing law enforcement
1090 | agency.

1091 | e. The law enforcement agency provides and the tactical
1092 | medical professional participates in annual firearm training and
1093 | tactical training.

1094 | 2. While actively operating in direct support of a
1095 | tactical operation by a law enforcement agency, a tactical
1096 | medical professional:

1097 | a. May carry a firearm in the same manner as a law
1098 | enforcement officer, as defined in s. 943.10 and,
1099 | notwithstanding any other law, at any place a tactical law
1100 | enforcement operation occurs.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1101 b. Has no duty to retreat and is justified in the use of
 1102 any force which he or she reasonably believes is necessary to
 1103 defend himself or herself or another from bodily harm.

1104 c. Has the same immunities and privileges as a law
 1105 enforcement officer, as defined in s. 943.10, in a civil or
 1106 criminal action arising out of a tactical law enforcement
 1107 operation when acting within the scope of his or her official
 1108 duties.

1109 3. This paragraph may not be construed to authorize a
 1110 tactical medical professional to carry, transport, or store any
 1111 firearm or ammunition on any fire apparatus or EMS vehicle.

1112 4. The appointing law enforcement agency shall issue any
 1113 firearm or ammunition that the tactical medical professional
 1114 carries in accordance with this paragraph.

1115 5. For the purposes of this paragraph, the term "tactical
 1116 medical professional" means a paramedic, as defined in s.
 1117 401.23, a physician, as defined in s. 458.305, or an osteopathic
 1118 physician, as defined in s. 459.003, who is appointed to provide
 1119 direct support to a tactical law enforcement unit by providing
 1120 medical services at high-risk incidents, including, but not
 1121 limited to, hostage incidents, narcotics raids, hazardous
 1122 surveillance, sniper incidents, armed suicidal persons,
 1123 barricaded suspects, high-risk felony warrant service, fugitives
 1124 refusing to surrender, and active shooter incidents.

1125 (4)~~(5)~~ POSSESSION IN PRIVATE CONVEYANCE.-

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1126 (a) Notwithstanding s. 790.01, a person 18 years of age or
1127 older who is in lawful possession of a handgun or other weapon
1128 may possess such a handgun or weapon within the interior of a
1129 private conveyance if the handgun or weapon is securely encased
1130 or otherwise not readily accessible for immediate use. A person
1131 who possesses a handgun or other weapon as authorized under this
1132 paragraph may not carry the handgun or weapon on his or her
1133 person.

1134 (b) This subsection does not prohibit a person from
1135 carrying a:

1136 1. Legal firearm other than a handgun anywhere in a
1137 private conveyance when such firearm is being carried for a
1138 lawful use; or

1139 2. Concealed weapon or concealed firearm on his or her
1140 person while in a private conveyance if he or she is authorized
1141 to carry a concealed weapon or concealed firearm under s.
1142 790.01(1).

1143 (c) This subsection shall be liberally construed in favor
1144 of the lawful use, ownership, and possession of firearms and
1145 other weapons, including lawful self-defense as provided in s.
1146 776.012. ~~Notwithstanding subsection (2), it is lawful and is not~~
1147 a violation of s. 790.01 for a person 18 years of age or older
1148 to possess a concealed firearm or other weapon for self-defense
1149 or other lawful purpose within the interior of a private
1150 conveyance, without a license, if the firearm or other weapon is

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1151 ~~securely encased or is otherwise not readily accessible for~~
 1152 ~~immediate use. Nothing herein contained prohibits the carrying~~
 1153 ~~of a legal firearm other than a handgun anywhere in a private~~
 1154 ~~conveyance when such firearm is being carried for a lawful use.~~
 1155 ~~Nothing herein contained shall be construed to authorize the~~
 1156 ~~carrying of a concealed firearm or other weapon on the person.~~
 1157 ~~This subsection shall be liberally construed in favor of the~~
 1158 ~~lawful use, ownership, and possession of firearms and other~~
 1159 ~~weapons, including lawful self-defense as provided in s.~~
 1160 ~~776.012.~~

1161 Section 15. Paragraph (c) of subsection (2) and paragraph
 1162 (c) of subsection (4) of section 790.251, Florida Statutes, are
 1163 amended to read:

1164 790.251 Protection of the right to keep and bear arms in
 1165 motor vehicles for self-defense and other lawful purposes;
 1166 prohibited acts; duty of public and private employers; immunity
 1167 from liability; enforcement.—

1168 (2) DEFINITIONS.—As used in this section, the term:

1169 (c) "Employee" means any person who is authorized to carry
 1170 a concealed weapon or concealed firearm under s. 790.01(1)
 1171 ~~possesses a valid license issued pursuant to s. 790.06 and:~~

- 1172 1. Works for salary, wages, or other remuneration;
- 1173 2. Is an independent contractor; or
- 1174 3. Is a volunteer, intern, or other similar individual for
 1175 an employer.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1176
 1177 As used in this section, the term "firearm" includes ammunition
 1178 and accoutrements attendant to the lawful possession and use of
 1179 a firearm.

1180 (4) PROHIBITED ACTS.—No public or private employer may
 1181 violate the constitutional rights of any customer, employee, or
 1182 invitee as provided in paragraphs (a) - (e):

1183 (c) No public or private employer shall condition
 1184 employment upon either:

1185 1. The fact that an employee or prospective employee is
 1186 authorized to carry a concealed weapon or concealed firearm
 1187 under s. 790.01(1) holds or does not hold a license issued
 1188 pursuant to s. 790.06; or

1189 2. Any agreement by an employee or a prospective employee
 1190 that prohibits an employee from keeping a legal firearm locked
 1191 inside or locked to a private motor vehicle in a parking lot
 1192 when such firearm is kept for lawful purposes.

1193
 1194 This subsection applies to all public sector employers,
 1195 including those already prohibited from regulating firearms
 1196 under ~~the provisions of~~ s. 790.33.

1197 Section 16. Paragraph (c) of subsection (1) of section
 1198 790.31, Florida Statutes, is amended to read:

1199 790.31 Armor-piercing or exploding ammunition or dragon's
 1200 breath shotgun shells, bolo shells, or flechette shells

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1201 prohibited.—

1202 (1) As used in this section, the term:

1203 ~~(c) "Handgun" means a firearm capable of being carried and~~
 1204 ~~used by one hand, such as a pistol or revolver.~~

1205 Section 17. Subsection (16) of section 943.03, Florida
 1206 Statutes, is amended to read:

1207 943.03 Department of Law Enforcement.—

1208 (16) Upon request, the department shall consult with
 1209 sheriffs to provide input regarding programmatic guiding
 1210 principles, practices, and resources in order to assist in the
 1211 development and implementation of the Chris Hixon, Coach Aaron
 1212 Feis, and Coach Scott Beigel Guardian Program established
 1213 pursuant to s. 30.15. Such input and guidance may include, but
 1214 need not be limited to, standards, curriculum, instructional
 1215 strategies, evaluation, certification, records retention,
 1216 equipment, and other resource needs.

1217 Section 18. Effective upon becoming a law, section
 1218 943.6873, Florida Statutes, is created to read:

1219 943.6873 Active assailant response policy.—For the
 1220 protection of all persons in this state, it is necessary and
 1221 required that every law enforcement agency in this state be
 1222 prepared to respond to an active assailant event. To be
 1223 adequately prepared, each law enforcement agency must create and
 1224 maintain an active assailant response policy.

1225 (1) By October 1, 2023, each law enforcement agency in

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1226 this state shall have a written active assailant response policy
 1227 that:
 1228 (a) Is consistent with the agency's response capabilities;
 1229 and
 1230 (b) Includes response procedures specifying the command
 1231 protocol and coordination with other law enforcement agencies.
 1232 (2)(a) The department shall make the model active
 1233 assailant response policy developed by the Marjory Stoneman
 1234 Douglas High School Public Safety Commission available on its
 1235 website. The department may also make available any other
 1236 policies deemed appropriate by the executive director which may
 1237 guide a law enforcement agency in developing its active
 1238 assailant response policy.
 1239 (b) Each law enforcement agency must review the model
 1240 active assailant response policy developed by the Marjory
 1241 Stoneman Douglas High School Public Safety Commission when
 1242 developing its active assailant response policy.
 1243 (3) Each law enforcement agency shall ensure that all of
 1244 its sworn personnel have been trained on the agency's existing
 1245 active assailant response policy, or that sworn personnel are
 1246 trained within 180 days after enacting a new or revised policy.
 1247 Each law enforcement agency must ensure that all of its sworn
 1248 personnel receive, at minimum, annual training on the active
 1249 assailant response policy.
 1250 (4) By October 1, 2023, each law enforcement agency shall

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1251 provide written certification to the department from the head of
1252 the law enforcement agency verifying that the agency has
1253 officially adopted a written active assailant response policy.

1254 (5) By January 1, 2024, the department shall submit a
1255 report to the Governor, the President of the Senate, and the
1256 Speaker of the House of Representatives identifying each law
1257 enforcement agency that has not complied with the requirements
1258 of this section.

1259 Section 19. Effective upon becoming a law, subsections
1260 (14) through (17) of section 1001.212, Florida Statutes, are
1261 renumbered as subsections (13) through (16), respectively, and
1262 present subsections (12) and (13) are amended, to read:

1263 1001.212 Office of Safe Schools.—There is created in the
1264 Department of Education the Office of Safe Schools. The office
1265 is fully accountable to the Commissioner of Education. The
1266 office shall serve as a central repository for best practices,
1267 training standards, and compliance oversight in all matters
1268 regarding school safety and security, including prevention
1269 efforts, intervention efforts, and emergency preparedness
1270 planning. The office shall:

1271 (12) Develop a statewide behavioral threat management
1272 operational process, a Florida-specific behavioral threat
1273 assessment instrument, and a threat management portal.

1274 (a)1. By December 1, 2023, the office shall develop a
1275 statewide behavioral threat management operational process to

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1276 guide school districts, schools, charter school governing
1277 boards, and charter schools through the threat management
1278 process. The process must be designed to identify, assess,
1279 manage, and monitor potential and real threats to schools. This
1280 process must include, but is not limited to:

1281 a. The establishment and duties of threat management
1282 teams.

1283 b. Defining behavioral risks and threats.

1284 c. The use of the Florida-specific behavioral threat
1285 assessment instrument developed pursuant to paragraph (b) to
1286 evaluate the behavior of students who may pose a threat to the
1287 school, school staff, or other students and to coordinate
1288 intervention and services for such students.

1289 d. Upon the availability of the threat management portal
1290 developed pursuant to paragraph (c), the use, authorized user
1291 criteria, and access specifications of the portal.

1292 e. Procedures for the implementation of interventions,
1293 school support, and community services.

1294 f. Guidelines for appropriate law enforcement
1295 intervention.

1296 g. Procedures for risk management.

1297 h. Procedures for disciplinary actions.

1298 i. Mechanisms for continued monitoring of potential and
1299 real threats.

1300 j. Procedures for referrals to mental health services

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1301 identified by the school district or charter school governing
 1302 board pursuant to s. 1012.584(4).

1303 k. Procedures and requirements necessary for the creation
 1304 of a threat assessment report, all corresponding documentation,
 1305 and any other information required by the Florida-specific
 1306 behavioral threat assessment instrument under paragraph (b).

1307 2. Upon availability, each school district, school,
 1308 charter school governing board, and charter school must use the
 1309 statewide behavioral threat management operational process.

1310 3. The office shall provide training to all school
 1311 districts, schools, charter school governing boards, and charter
 1312 schools on the statewide behavioral threat management
 1313 operational process.

1314 4. The office shall coordinate the ongoing development,
 1315 implementation, and operation of the statewide behavioral threat
 1316 management operational process.

1317 (b)1. By August 1, ~~2023~~ 2019, the office shall develop a
 1318 Florida-specific ~~standardized, statewide~~ behavioral threat
 1319 assessment instrument for school districts, schools, charter
 1320 school governing boards, and charter schools to use to evaluate
 1321 the behavior of students who may pose a threat to the school,
 1322 school staff, or students and to coordinate intervention and
 1323 services for such students. The Florida-specific behavioral
 1324 threat assessment instrument must include, but is not limited
 1325 to: ~~use by all public schools, including charter schools, which~~

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1326 ~~addresses early identification, evaluation, early intervention,~~
 1327 ~~and student support.~~

1328 ~~(a) The standardized, statewide behavioral threat~~
 1329 ~~assessment instrument must include, but need not be limited to,~~
 1330 ~~components and forms that address:~~

1331 a.1. An assessment of the threat, which includes an
 1332 assessment of the student, family, and school and social
 1333 dynamics.

1334 b.2. An evaluation to determine whether a threat exists
 1335 and if so, if the type of threat is transient or substantive.

1336 c.3. The response to a ~~substantive~~ threat, which includes
 1337 the school response, and the role of law enforcement agencies in
 1338 the response, and the response by mental health providers.

1339 ~~d.4. The response to a serious substantive threat,~~
 1340 ~~including mental health and law enforcement referrals.~~

1341 5. Ongoing monitoring to assess implementation of threat
 1342 management and safety strategies.

1343 e. Ongoing monitoring to evaluate interventions and
 1344 support provided to the students.

1345 f. A standardized threat assessment report, which must
 1346 include, but need not be limited to, all documentation
 1347 associated with the evaluation, intervention, management, and
 1348 any ongoing monitoring of the threat.

1349 2. A report, all corresponding documentation, and any
 1350 other information required by the instrument in the threat

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1351 management portal under paragraph (c) is an education record and
 1352 may not be retained, maintained, or transferred, except in
 1353 accordance with State Board of Education rule.

1354 3. Upon availability, each school district, school,
 1355 charter school governing board, and charter school must use the
 1356 Florida-specific behavioral threat assessment instrument.

1357 4.6- The office shall provide training for members of
 1358 threat management ~~assessment~~ teams established under s.
 1359 1006.07(7) and for all school districts and charter school
 1360 governing boards ~~school administrators~~ regarding the use of the
 1361 Florida-specific behavioral threat assessment instrument.

1362 (c)1. By August 1, 2025, the office shall develop, host,
 1363 maintain, and administer a threat management portal that will
 1364 digitize the Florida-specific behavioral threat assessment
 1365 instrument for use by each school district, school, charter
 1366 school governing board, and charter school. The portal will also
 1367 facilitate the electronic threat assessment reporting and
 1368 documentation as required by the Florida-specific behavioral
 1369 threat assessment instrument to evaluate the behavior of
 1370 students who may pose a threat to the school, school staff, or
 1371 students and to coordinate intervention and services for such
 1372 students. The portal may not provide the office with access to
 1373 the portal unless authorized in accordance with State Board of
 1374 Education rule. The portal must include, but need not be limited
 1375 to, the following functionalities:

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

- 1376 | a. Workflow processes that align with the statewide
- 1377 | behavioral threat management operational process.
- 1378 | b. Direct data entry and file uploading as required by the
- 1379 | Florida-specific behavioral threat assessment instrument.
- 1380 | c. The ability to create a threat assessment report as
- 1381 | required by the Florida-specific behavioral threat assessment
- 1382 | instrument.
- 1383 | d. The ability of authorized personnel to add to or update
- 1384 | a threat assessment report, all corresponding documentation, or
- 1385 | any other information required by the Florida-specific
- 1386 | behavioral threat assessment instrument.
- 1387 | e. The ability to create and remove connections between
- 1388 | education records in the portal and authorized personnel.
- 1389 | f. The ability to grant access to and securely transfer
- 1390 | any education records in the portal to other schools or charter
- 1391 | schools in the district.
- 1392 | g. The ability to grant access to and securely transfer
- 1393 | any education records in the portal to schools and charter
- 1394 | schools not in the originating district.
- 1395 | h. The ability to retain, maintain, and transfer education
- 1396 | records in the portal in accordance with State Board of
- 1397 | Education rule.
- 1398 | i. The ability to restrict access to, entry of,
- 1399 | modification of, and transfer of education records in the portal
- 1400 | to a school district, school, charter school governing board, or

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1401 charter school and authorized personnel as specified by the
 1402 statewide behavioral threat management operational process.

1403 j. The ability to designate school district or charter
 1404 school governing board system administrators who may grant
 1405 access to authorized school district and charter school
 1406 governing board personnel and school and charter school system
 1407 administrators.

1408 k. The ability to designate school or charter school
 1409 system administrators who may grant access to authorized school
 1410 or charter school personnel.

1411 1. The ability to notify the office's system
 1412 administrators and school district or charter school governing
 1413 board system administrators of attempts to access any education
 1414 records by unauthorized personnel.

1415 2. Upon availability, each school district, school,
 1416 charter school governing board, and charter school shall use the
 1417 portal.

1418 3. A threat assessment report, all corresponding
 1419 documentation, and any other information required by the
 1420 Florida-specific behavioral threat assessment instrument which
 1421 is maintained in the portal is an education record and may not
 1422 be retained, maintained, or transferred, except in accordance
 1423 with State Board of Education rule.

1424 4. The office and the office system administrators may not
 1425 have access to a threat assessment report, all corresponding

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1426 documentation, and any other information required by the
 1427 Florida-specific behavioral threat assessment instrument which
 1428 is maintained in the portal.

1429 5. A school district or charter school governing board may
 1430 not have access to the education records in the portal, except
 1431 in accordance with State Board of Education rule.

1432 6. The parent of a student may access his or her student's
 1433 education records in the portal in accordance with State Board
 1434 of Education rule, but may not have access to the portal.

1435 7. The office shall develop and implement a quarterly
 1436 portal access review audit process.

1437 8. Upon availability, each school district, school,
 1438 charter school governing board, and charter school shall comply
 1439 with the quarterly portal access review audit process developed
 1440 by the office.

1441 9. By August 1, 2025, and annually thereafter, the office
 1442 shall provide role-based training to all authorized school
 1443 district, school, charter school governing board, and charter
 1444 school personnel.

1445 10. Any individual who accesses, uses, or releases any
 1446 education record contained in the portal for a purpose not
 1447 specifically authorized by law commits a noncriminal infraction,
 1448 punishable by a fine not exceeding \$2,000.

1449 (d) ~~(b)~~ The office shall:

1450 1. by August 1 of each year; ~~2020,~~

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1451 1. Evaluate each school district's and charter school
 1452 governing board's use of the statewide behavioral threat
 1453 management operational process, the Florida-specific behavioral
 1454 threat assessment instrument, and the threat management portal
 1455 ~~procedures~~ for compliance with this subsection.

1456 2. Notify the district school superintendent or charter
 1457 school governing board, as applicable, if the use of the
 1458 statewide behavioral threat management operational process, the
 1459 Florida-specific behavioral threat assessment instrument, and
 1460 the threat management portal is not in compliance with this
 1461 subsection.

1462 3. Report any issues of ongoing noncompliance with this
 1463 subsection to the commissioner and the district school
 1464 superintendent or the charter school governing board, as
 1465 applicable.

1466 ~~(13) Establish the Statewide Threat Assessment Database~~
 1467 ~~Workgroup, composed of members appointed by the department, to~~
 1468 ~~complement the work of the department and the Department of Law~~
 1469 ~~Enforcement associated with the centralized integrated data~~
 1470 ~~repository and data analytics resources initiative and make~~
 1471 ~~recommendations regarding the development of a statewide threat~~
 1472 ~~assessment database. The database must allow authorized public~~
 1473 ~~school personnel to enter information related to any threat~~
 1474 ~~assessment conducted at their respective schools using the~~
 1475 ~~instrument developed by the office pursuant to subsection (12),~~

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1476 ~~and must provide such information to authorized personnel in~~
1477 ~~each school district and public school and to appropriate~~
1478 ~~stakeholders. By December 31, 2019, the workgroup shall provide~~
1479 ~~a report to the office with recommendations that include, but~~
1480 ~~need not be limited to:~~

1481 ~~(a) Threat assessment data that should be required to be~~
1482 ~~entered into the database.~~

1483 ~~(b) School district and public school personnel who should~~
1484 ~~be allowed to input student records to the database and view~~
1485 ~~such records.~~

1486 ~~(c) Database design and functionality, to include data~~
1487 ~~security.~~

1488 ~~(d) Restrictions and authorities on information sharing,~~
1489 ~~including:~~

1490 ~~1. Section 1002.22 and other applicable state laws.~~

1491 ~~2. The Family Educational Rights and Privacy Act (FERPA),~~
1492 ~~20 U.S.C. s. 1232g, 42 C.F.R. part 2; the Health Insurance~~
1493 ~~Portability and Accountability Act (HIPAA), 42 U.S.C. s. 1320d6,~~
1494 ~~45 C.F.R. part 164, subpart E; and other applicable federal~~
1495 ~~laws.~~

1496 ~~3. The appropriateness of interagency agreements that will~~
1497 ~~allow law enforcement to view database records.~~

1498 ~~(e) The cost to develop and maintain a statewide online~~
1499 ~~database.~~

1500 ~~(f) An implementation plan and timeline for the workgroup~~

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1501 ~~recommendations.~~

1502 Section 20. Effective upon becoming a law, the State Board
 1503 of Education may, and all conditions are deemed met, to adopt
 1504 emergency rules pursuant to s. 120.54(4), Florida Statutes, for
 1505 the purpose of implementing the amendments made to s.
 1506 1001.212(12), Florida Statutes, by this act. Notwithstanding any
 1507 other law, emergency rules adopted pursuant to this section are
 1508 effective for 6 months after adoption and may be renewed during
 1509 the pendency of procedures to adopt permanent rules addressing
 1510 the subject of the emergency rules. This section expires July 1,
 1511 2024.

1512 Section 21. Subsection (18) is added to section 1002.42,
 1513 Florida Statutes, to read:

1514 1002.42 Private schools.—
 1515 (18) SAFE SCHOOL OFFICERS.—

1516 (a) A private school may partner with a law enforcement
 1517 agency or a security agency to establish or assign one or more
 1518 safe-school officers established in s. 1006.12(1)-(4). The
 1519 private school is responsible for the full cost of implementing
 1520 any such option, which includes all training costs under the
 1521 Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian
 1522 Program under s. 30.15(1)(k).

1523 (b) A private school that establishes a safe-school
 1524 officer must comply with the requirements of s. 1006.12.
 1525 References to a school district, district school board, or

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1526 district school superintendent in s. 1006.12(1)-(5) shall also
 1527 mean a private school governing board or private school head of
 1528 school, as applicable. References to a school district employee
 1529 in s. 1006.12(3) shall also mean a private school employee.

1530 Section 22. Effective upon becoming a law, subsection (2)
 1531 of section 1003.25, Florida Statutes, is amended to read:

1532 1003.25 Procedures for maintenance and transfer of student
 1533 records.—

1534 (2) The procedure for transferring and maintaining records
 1535 of students who transfer from school to school is ~~shall be~~
 1536 prescribed by rules of the State Board of Education. The
 1537 transfer of records must ~~shall~~ occur within 3 school days. The
 1538 records must ~~shall~~ include, if applicable:

1539 (a) Verified reports of serious or recurrent behavior
 1540 patterns, including any threat assessment report, all
 1541 corresponding documentation, and any other information required
 1542 by the Florida-specific behavioral threat assessment instrument
 1543 pursuant to s. 1001.212(12) which contains the evaluation,
 1544 ~~evaluations and~~ intervention, and management of the threat
 1545 assessment evaluations and intervention services.

1546 (b) Psychological evaluations, including therapeutic
 1547 treatment plans and therapy or progress notes created or
 1548 maintained by school district or charter school staff, as
 1549 appropriate.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1550 Section 23. Effective upon becoming a law, paragraph (b)
 1551 of subsection (4), paragraph (b) of subsection (6), and
 1552 subsections (7) and (9) of section 1006.07, Florida Statutes,
 1553 are amended to read:

1554 1006.07 District school board duties relating to student
 1555 discipline and school safety.—The district school board shall
 1556 provide for the proper accounting for all students, for the
 1557 attendance and control of students at school, and for proper
 1558 attention to health, safety, and other matters relating to the
 1559 welfare of students, including:

1560 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

1561 (b) Provide timely notification to parents of threats
 1562 pursuant to policies adopted under subsection (7) and the
 1563 following unlawful acts or significant emergencies that occur on
 1564 school grounds, during school transportation, or during school-
 1565 sponsored activities:

1566 1. Weapons possession or use when there is intended harm
 1567 toward another person, hostage, and active assailant situations.
 1568 The active assailant situation training for each school must
 1569 engage the participation of the district school safety
 1570 specialist, threat management ~~assessment~~ team members, faculty,
 1571 staff, and students and must be conducted by the law enforcement
 1572 agency or agencies that are designated as first responders to
 1573 the school's campus.

1574 2. Murder, homicide, or manslaughter.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1575 | 3. Sex offenses, including rape, sexual assault, or sexual
1576 | misconduct with a student by school personnel.

1577 | 4. Natural emergencies, including hurricanes, tornadoes,
1578 | and severe storms.

1579 | 5. Exposure as a result of a manmade emergency.

1580 | (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
1581 | school superintendent shall establish policies and procedures
1582 | for the prevention of violence on school grounds, including the
1583 | assessment of and intervention with individuals whose behavior
1584 | poses a threat to the safety of the school community.

1585 | (b) Mental health coordinator.—Each district school board
1586 | shall identify a mental health coordinator for the district. The
1587 | mental health coordinator shall serve as the district's primary
1588 | point of contact regarding the district's coordination,
1589 | communication, and implementation of student mental health
1590 | policies, procedures, responsibilities, and reporting,
1591 | including:

1592 | 1. Coordinating with the Office of Safe Schools,
1593 | established pursuant to s. 1001.212.

1594 | 2. Maintaining records and reports regarding student
1595 | mental health as it relates to school safety and the mental
1596 | health assistance allocation under s. 1011.62(14).

1597 | 3. Facilitating the implementation of school district
1598 | policies relating to the respective duties and responsibilities

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1599 of the school district, the superintendent, and district school
 1600 principals.

1601 4. Coordinating with the school safety specialist on the
 1602 staffing and training of threat management ~~assessment~~ teams and
 1603 facilitating referrals to mental health services, as
 1604 appropriate, for students and their families.

1605 5. Coordinating with the school safety specialist on the
 1606 training and resources for students and school district staff
 1607 relating to youth mental health awareness and assistance.

1608 6. Reviewing annually the school district's policies and
 1609 procedures related to student mental health for compliance with
 1610 state law and alignment with current best practices and making
 1611 recommendations, as needed, for amending such policies and
 1612 procedures to the superintendent and the district school board.

1613 (7) THREAT MANAGEMENT ASSESSMENT ~~ASSESSMENT~~ TEAMS.—Each district
 1614 school board and charter school governing board shall establish
 1615 a ~~adopt~~ policies for the establishment of threat management team
 1616 ~~assessment~~ teams at each school whose duties include the
 1617 coordination of resources and assessment and intervention with
 1618 students ~~individuals~~ whose behavior may pose a threat to the
 1619 safety of the school, school staff, or students ~~consistent with~~
 1620 ~~the model policies developed by the Office of Safe Schools. Such~~
 1621 ~~policies must include procedures for referrals to mental health~~
 1622 ~~services identified by the school district pursuant to s.~~
 1623 ~~1012.584(4), when appropriate, and procedures for behavioral~~

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1624 ~~threat assessments in compliance with the instrument developed~~
 1625 ~~pursuant to s. 1001.212(12).~~

1626 (a) Upon the availability of a statewide behavioral threat
 1627 management operational process developed pursuant to s.
 1628 1001.212(12), all threat management teams shall use the
 1629 operational process.

1630 (b)-(a) A threat ~~management~~ assessment team shall include
 1631 persons with expertise in counseling, instruction, school
 1632 administration, and law enforcement. All members of the threat
 1633 management assessment team must be involved in the threat
 1634 assessment and threat management process and final
 1635 decisionmaking. At least one member of the threat management
 1636 team must have personal familiarity with the individual who is
 1637 the subject of the threat assessment. If no member of the threat
 1638 management team has such familiarity, an instructional personnel
 1639 or administrative personnel, as those terms are defined in s.
 1640 1012.01(2) and (3), who is personally familiar with the
 1641 individual who is the subject of the threat assessment must
 1642 consult with the threat management team for the purpose of
 1643 assessing the threat. The instructional or administrative
 1644 personnel who provides such consultation shall not participate
 1645 in the decisionmaking process.

1646 (c) The threat management team ~~assessment~~ teams shall
 1647 identify members of the school community to whom threatening
 1648 behavior should be reported and provide guidance to students,

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1649 faculty, and staff regarding recognition of threatening or
1650 aberrant behavior that may represent a threat to the community,
1651 school, or self.

1652 (d) Upon the availability of the Florida-specific
1653 behavioral threat assessment instrument developed pursuant to s.
1654 1001.212(12), all the threat management teams assessment team
1655 shall use that instrument when evaluating the behavior of
1656 students who may pose a threat to the school, school staff, or
1657 students and to coordinate intervention and services for such
1658 students.

1659 (e)-(b) Upon a preliminary determination that a student
1660 poses a threat of violence or physical harm to himself or
1661 herself or others, a threat management assessment team shall
1662 immediately report its determination to the superintendent or
1663 his or her designee. The superintendent or his or her designee
1664 or the charter school administrator or his or her designee shall
1665 immediately attempt to notify the student's parent or legal
1666 guardian. Nothing in this subsection precludes ~~shall preclude~~
1667 school district or charter school governing board personnel from
1668 acting immediately to address an imminent threat.

1669 (f)-(e) Upon a preliminary determination by the threat
1670 management assessment team that a student poses a threat of
1671 violence to himself or herself or others or exhibits
1672 significantly disruptive behavior or need for assistance,
1673 authorized members of the threat management assessment team may

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1674 obtain criminal history record information pursuant to s.
 1675 985.04(1). A member of a threat management ~~assessment~~ team may
 1676 not disclose any criminal history record information obtained
 1677 pursuant to this section or otherwise use any record of an
 1678 individual beyond the purpose for which such disclosure was made
 1679 to the threat management ~~assessment~~ team.

1680 (g) ~~(d)~~ Notwithstanding any other provision of law, all
 1681 state and local agencies and programs that provide services to
 1682 students experiencing or at risk of an emotional disturbance or
 1683 a mental illness, including the school districts, charter
 1684 schools, school personnel, state and local law enforcement
 1685 agencies, the Department of Juvenile Justice, the Department of
 1686 Children and Families, the Department of Health, the Agency for
 1687 Health Care Administration, the Agency for Persons with
 1688 Disabilities, the Department of Education, the Statewide
 1689 Guardian Ad Litem Office, and any service or support provider
 1690 contracting with such agencies, may share with each other
 1691 records or information that are confidential or exempt from
 1692 disclosure under chapter 119 if the records or information are
 1693 reasonably necessary to ensure access to appropriate services
 1694 for the student or to ensure the safety of the student or
 1695 others. All such state and local agencies and programs shall
 1696 communicate, collaborate, and coordinate efforts to serve such
 1697 students.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1698 (h)~~(e)~~ If an immediate mental health or substance abuse
1699 crisis is suspected, school personnel shall follow steps
1700 ~~policies~~ established by the threat management ~~assessment~~ team to
1701 engage behavioral health crisis resources. Behavioral health
1702 crisis resources, including, but not limited to, mobile crisis
1703 teams and school resource officers trained in crisis
1704 intervention, shall provide emergency intervention and
1705 assessment, make recommendations, and refer the student for
1706 appropriate services. Onsite school personnel shall report all
1707 such situations and actions taken to the threat management
1708 ~~assessment~~ team, which shall contact the other agencies involved
1709 with the student and any known service providers to share
1710 information and coordinate any necessary followup actions. Upon
1711 the student's transfer to a different school, the threat
1712 management ~~assessment~~ team shall verify that any intervention
1713 services provided to the student remain in place until the
1714 threat management ~~assessment~~ team of the receiving school
1715 independently determines the need for intervention services.

1716 (i) The threat management team shall prepare a threat
1717 assessment report required by the Florida-specific behavioral
1718 threat assessment instrument developed pursuant to s.
1719 1001.212(12). A threat assessment report, all corresponding
1720 documentation, and any other information required by the
1721 Florida-specific behavioral threat assessment instrument in the
1722 threat management portal is an education record.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1723 ~~(j)-(f)~~ Each threat management assessment team established
 1724 ~~pursuant to this subsection~~ shall report quantitative data on
 1725 its activities to the Office of Safe Schools in accordance with
 1726 guidance from the office ~~and shall utilize the threat assessment~~
 1727 ~~database developed pursuant to s. 1001.212(13)~~ upon the
 1728 ~~availability of the database.~~

1729 (9) SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING.—Each
 1730 district school board shall adopt policies to ensure the
 1731 accurate and timely reporting of incidents related to school
 1732 safety and discipline. The district school superintendent is
 1733 responsible for school environmental safety incident reporting.
 1734 A district school superintendent who fails to comply with this
 1735 subsection is subject to the penalties specified in law,
 1736 including, but not limited to, s. 1001.42(13) (b) or s.
 1737 1001.51(12) (b), as applicable. The State Board of Education
 1738 shall adopt rules establishing the requirements for the school
 1739 environmental safety incident report, including those incidents
 1740 that must be reported to a law enforcement agency. Annually, the
 1741 department shall publish on its website the most recently
 1742 available school environmental safety incident data along with
 1743 other school accountability and performance data in a uniform,
 1744 statewide format that is easy to read and understand.

1745 Section 24. Effective upon becoming a law:

1746 (1) The State Board of Education is authorized, and all
 1747 conditions are deemed met, to adopt emergency rules pursuant to

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1748 s. 120.54(4), Florida Statutes, for the purpose of implementing
1749 the amendments made to s. 1006.07(9), Florida Statutes. The
1750 Legislature finds that school district discretion over reporting
1751 criminal incidents to law enforcement has resulted in
1752 significant under-reporting of serious crimes. The Legislature
1753 further finds that emergency rulemaking authority is necessary
1754 to ensure that all reportable incidents that are crimes are
1755 reported to law enforcement as soon as practicable starting in
1756 the 2023-2024 school year. Emergency rules adopted under this
1757 section are exempt from s. 120.54(4)(c), Florida Statutes and
1758 shall remain in effect until replaced by rules adopted under the
1759 nonemergency rulemaking procedures of chapter 120, Florida
1760 Statutes which must occur no later than July 1, 2024.

1761 (2) Notwithstanding any other provision of law, emergency
1762 rules adopted pursuant to subsection (1) are effective for 6
1763 months after adoption and may be renewed during the pendency of
1764 procedures to adopt permanent rules addressing the subject of
1765 the emergency rules.

1766 Section 25. Subsection (3) of section 1006.12, Florida
1767 Statutes, is amended to read:

1768 1006.12 Safe-school officers at each public school.—For
1769 the protection and safety of school personnel, property,
1770 students, and visitors, each district school board and school
1771 district superintendent shall partner with law enforcement
1772 agencies or security agencies to establish or assign one or more

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1773 safe-school officers at each school facility within the
 1774 district, including charter schools. A district school board
 1775 must collaborate with charter school governing boards to
 1776 facilitate charter school access to all safe-school officer
 1777 options available under this section. The school district may
 1778 implement any combination of the options in subsections (1)-(4)
 1779 to best meet the needs of the school district and charter
 1780 schools.

1781 (3) SCHOOL GUARDIAN.—At the school district's or the
 1782 charter school governing board's discretion, as applicable,
 1783 pursuant to s. 30.15, a school district or charter school
 1784 governing board may participate in the Chris Hixon, Coach Aaron
 1785 Feis, and Coach Scott Beigel Guardian Program to meet the
 1786 requirement of establishing a safe-school officer. The following
 1787 individuals may serve as a school guardian, in support of
 1788 school-sanctioned activities for purposes of s. 790.115, upon
 1789 satisfactory completion of the requirements under s. 30.15(1)(k)
 1790 and certification by a sheriff:

1791 (a) A school district employee or personnel, as defined
 1792 under s. 1012.01, or a charter school employee, as provided
 1793 under s. 1002.33(12)(a), who volunteers to serve as a school
 1794 guardian in addition to his or her official job duties; or

1795 (b) An employee of a school district or a charter school
 1796 who is hired for the specific purpose of serving as a school
 1797 guardian.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1798
 1799 If a district school board, through its adopted policies,
 1800 procedures, or actions, denies a charter school access to any
 1801 safe-school officer options pursuant to this section, the school
 1802 district must assign a school resource officer or school safety
 1803 officer to the charter school. Under such circumstances, the
 1804 charter school's share of the costs of the school resource
 1805 officer or school safety officer may not exceed the safe school
 1806 allocation funds provided to the charter school pursuant to s.
 1807 1011.62(12) and shall be retained by the school district.

1808 Section 26. Effective upon becoming a law, section
 1809 1006.121, Florida Statutes, is created to read:

1810 1006.121 Florida Safe Schools Canine Program.-

1811 (1) CREATION AND PURPOSE.-

1812 (a) The Department of Education, through the Office of
 1813 Safe Schools pursuant to s. 1001.212, shall establish the
 1814 Florida Safe Schools Canine Program for the purpose of
 1815 designating a person, school, or business entity as a Florida
 1816 Safe Schools Canine Partner if the person, school, or business
 1817 entity provides a monetary or in-kind donation to a law
 1818 enforcement agency to purchase, train, or care for a firearm
 1819 detection canine. The office shall consult with the Florida
 1820 Police Chiefs Association and the Florida Sheriffs Association
 1821 in creating the program.

1822 (b) The presence of firearm detection canines at K-12

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1823 schools contributes to a safe school community, furthering a
 1824 communitywide investment and engagement in school safety and
 1825 public safety initiatives. The program seeks to foster
 1826 relationships between schools, local businesses, and law
 1827 enforcement, promoting trust and confidence in the ability of
 1828 law enforcement to keep schools and communities safe. Firearm
 1829 detection canines act as liaisons between students and law
 1830 enforcement agencies and serve as ambassadors for a law
 1831 enforcement agency to improve community engagement. K-12 schools
 1832 and students are encouraged to partner with law enforcement to
 1833 raise funds in the local community for the monetary or in-kind
 1834 donations needed to purchase, train, or care for a firearm
 1835 detection canine. This includes building relationships with
 1836 local businesses that support school safety by providing
 1837 monetary or in-kind donations to help with the ongoing care and
 1838 expenses of a firearm detection canine which include, but are
 1839 not limited to, veterinary care such as wellness checks and
 1840 medicine; food; interactive and training toys; grooming; and
 1841 necessary equipment such as collars and leads.

1842 (2) DEFINITION.—As used in this section, the term "firearm
 1843 detection canine" means any canine that is owned or the service
 1844 of which is employed by a law enforcement agency for use in K12
 1845 schools for the primary purpose of aiding in the detection of
 1846 firearms and ammunition.

1847 (3) CANINE REQUIREMENTS.—A firearm detection canine must

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1848 be trained to interact with children and must complete behavior
 1849 and temperament training. A firearm detection canine may also be
 1850 trained as an animal-assisted therapy canine.

1851 (4) ELIGIBILITY.—

1852 (a) A law enforcement agency may nominate a person,
 1853 school, or business entity to be designated as a Florida Safe
 1854 Schools Canine Partner, or such person, school, or business
 1855 entity may apply to the office to be designated as a Florida
 1856 Safe Schools Canine Partner if a monetary or in-kind donation is
 1857 made to a law enforcement agency for the purchase, training, or
 1858 care of a firearm detection canine.

1859 (b) The nomination or application to the office for
 1860 designation as a Florida Safe Schools Canine Partner must, at
 1861 minimum, include all of the following:

1862 1. The name, address, and contact information of the
 1863 person, school, or business entity.

1864 2. The name, address, and contact information of the law
 1865 enforcement agency.

1866 3. Whether the donation was monetary or in-kind.

1867 4. The amount of the donation or type of in-kind donation.

1868 5. Documentation from the law enforcement agency

1869 certifying:

1870 a. The date of receipt of the monetary or in-kind donation
 1871 by the person, school, or business entity; and

1872 b. The monetary or in-kind donation by person, school, or

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1873 business entity is for the purchase, training, or care of a
 1874 firearm detection canine.

1875 (c) The office shall adopt procedures for the nomination
 1876 and application processes for a Florida Safe Schools Canine
 1877 Partner.

1878 (5) DESIGNATION AND AWARD.—

1879 (a) The office shall determine whether a person, school,
 1880 or business entity, based on the information provided in the
 1881 nomination or application, meets the requirements in subsection
 1882 (4). The office may request additional information from the
 1883 person, school, or business entity.

1884 (b)1. A nominated person, school, or business entity that
 1885 meets the requirements shall be notified by the office regarding
 1886 the nominee's eligibility to be awarded a designation as a
 1887 Florida Safe Schools Canine Partner.

1888 2. The nominee shall have 30 days after receipt of the
 1889 notice to certify that the information in the notice is true and
 1890 accurate and accept the nomination, to provide corrected
 1891 information for consideration by the office and indicate an
 1892 intention to accept the nomination, or to decline the
 1893 nomination. If the nominee accepts the nomination, the office
 1894 shall award the designation. The office may not award the
 1895 designation if the nominee declines the nomination or has not
 1896 accepted the nomination within 30 days after receiving notice.

1897 (c) An applicant person, school, or business entity that

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1898 meets the requirements shall be notified and awarded a
 1899 designation as a Florida Safe Schools Canine Partner.

1900 (d) The office shall adopt procedures for the designation
 1901 process of a Florida Safe Schools Canine Partner. Designation as
 1902 a Florida Safe Schools Canine Partner does not establish or
 1903 involve licensure, does not affect the substantial interests of
 1904 a party, and does not constitute a final agency action. The
 1905 Florida Safe Schools Canine Program and designation are not
 1906 subject to chapter 120.

1907 (6) LOGO DEVELOPMENT.—

1908 (a) The office shall develop a logo that identifies a
 1909 person, school, or business entity that is designated as a
 1910 Florida Safe Schools Canine Partner.

1911 (b) The office shall adopt guidelines and requirements for
 1912 the use of the logo, including how the logo may be used in
 1913 advertising. The office may allow a person, school, or business
 1914 entity to display a Florida Safe Schools Canine Partner logo
 1915 upon designation. A person, school, or business entity that has
 1916 not been designated as a Florida Safe Schools Canine Partner or
 1917 has elected to discontinue its designated status may not display
 1918 the logo.

1919 (7) WEBSITE.—The office shall establish a page on the
 1920 department's website for the Florida Safe Schools Canine
 1921 Program. At a minimum, the page must provide a list, updated
 1922 quarterly, of persons, schools, or business entities, by county,

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1923 which currently have the Florida Safe Schools Canine Partner
 1924 designation and information regarding the eligibility
 1925 requirements for the designation and the method of application
 1926 or nomination.

1927 (8) RULES.—The State Board of Education shall adopt rules
 1928 to administer this section.

1929 Section 27. Effective upon becoming a law, subsections
 1930 (1), (2), and (8) of section 1006.13, Florida Statutes, are
 1931 amended to read:

1932 1006.13 Policy of zero tolerance for crime and
 1933 victimization.—

1934 (1) District school boards shall promote a safe and
 1935 supportive learning environment in schools by protecting
 1936 students and staff from conduct that poses a threat to school
 1937 safety. A threat management ~~assessment~~ team may use alternatives
 1938 to expulsion or referral to law enforcement agencies to address
 1939 disruptive behavior through restitution, civil citation, teen
 1940 court, neighborhood restorative justice, or similar programs.
 1941 Zero-tolerance policies may not be rigorously applied to petty
 1942 acts of misconduct. Zero-tolerance policies must apply equally
 1943 to all students regardless of their economic status, race, or
 1944 disability.

1945 (2) Each district school board shall adopt a policy of
 1946 zero tolerance that:

1947 (a) Identifies acts that are required to be reported under

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1948 | the school environmental safety incident reporting pursuant to
 1949 | s. 1006.07(9) ~~Defines criteria for reporting to a law~~
 1950 | ~~enforcement agency any act that poses a threat to school safety~~
 1951 | ~~that occurs whenever or wherever students are within the~~
 1952 | ~~jurisdiction of the district school board.~~

1953 | (b) Defines acts that pose a threat to school safety.

1954 | (c) Defines petty acts of misconduct which are not a
 1955 | threat to school safety and do not require consultation with law
 1956 | enforcement.

1957 | (d) Minimizes the victimization of students, staff, or
 1958 | volunteers, including taking all steps necessary to protect the
 1959 | victim of any violent crime from any further victimization.

1960 | (e) Establishes a procedure that provides each student
 1961 | with the opportunity for a review of the disciplinary action
 1962 | imposed pursuant to s. 1006.07.

1963 | (f) Requires the threat management ~~assessment~~ team to
 1964 | consult with law enforcement when a student exhibits a pattern
 1965 | of behavior, based upon previous acts or the severity of an act,
 1966 | that would pose a threat to school safety.

1967 | (8) A threat management ~~assessment~~ team may use
 1968 | alternatives to expulsion or referral to law enforcement
 1969 | agencies unless the use of such alternatives will pose a threat
 1970 | to school safety.

1971 | Section 28. Section 790.1612, Florida Statutes, is amended
 1972 | to read:

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1973 790.1612 Authorization for governmental manufacture,
 1974 possession, and use of destructive devices.—The governing body
 1975 of any municipality or county and the Division of State Fire
 1976 Marshal of the Department of Financial Services have the power
 1977 to authorize the manufacture, possession, and use of destructive
 1978 devices as defined in s. 790.001 ~~s. 790.001(4)~~.

1979 Section 29. Subsection (1) of section 810.095, Florida
 1980 Statutes, is amended to read:

1981 810.095 Trespass on school property with firearm or other
 1982 weapon prohibited.—

1983 (1) It is a felony of the third degree, punishable as
 1984 provided in s. 775.082, s. 775.083, or s. 775.084, for a person
 1985 who is trespassing upon school property to bring onto, or to
 1986 possess on, such school property any weapon as defined in s.
 1987 790.001 ~~s. 790.001(13)~~ or any firearm.

1988 Section 30. Paragraph (e) of subsection (3) of section
 1989 921.0022, Florida Statutes, is amended to read:

1990 921.0022 Criminal Punishment Code; offense severity
 1991 ranking chart.—

1992 (3) OFFENSE SEVERITY RANKING CHART

1993 (e) LEVEL 5

1994

Florida	Felony	Description
Statute	Degree	

1995

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

1996	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1997	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
1998	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
1999	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2000	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply,

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

			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.
2001	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
2002	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
2003	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2004	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
2005			

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2006	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2007	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2008	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
2009	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2010	<u>790.01 (3)</u> 790.01 (2)	3rd	<u>Unlawful</u> carrying <u>of</u> a concealed firearm.
2011	790.162	2nd	Threat to throw or discharge destructive device.
	790.163 (1)	2nd	False report of bomb,

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

			explosive, weapon of mass destruction, or use of firearms in violent manner.
2012	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2013	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2014	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2015	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
2016	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
2017	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2018			property.
	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2019			
	812.015 (8)(a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
2020			
	812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
2021			
	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
2022			
	812.081(3)	2nd	Trafficking in trade secrets.
2023			
	812.131(2)(b)	3rd	Robbery by sudden snatching.
2024			
	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
2025			
	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2026	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2027	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.
2028	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
2029	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2030	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, <u>skimming device, or reencoder.</u>
2031	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2032	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
2033	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
2034	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2035			

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2036	836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
2037	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.
2038	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
2039	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2040	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2041	874.05(1)(b)	2nd	<p>electronic device or equipment.</p> <p>Encouraging or recruiting another to join a criminal gang; second or subsequent offense.</p>
2042	874.05(2)(a)	2nd	<p>Encouraging or recruiting person under 13 years of age to join a criminal gang.</p>
2043	893.13(1)(a)1.	2nd	<p>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).</p>
2044	893.13(1)(c)2.	2nd	<p>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</p>

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2045	893.13(1)(d)1.	1st	state, county, or municipal park or publicly owned recreational facility or community center.
2046	893.13(1)(e)2.	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) within 1,000 feet of university.
2047	893.13(1)(f)1.	1st	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.
			Sell, manufacture, or deliver cocaine (or other s.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2048 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.

2049 893.13(4) (b) 2nd Use or hire of minor; deliver
 to minor other controlled
 substance.

2050 893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

2051 Section 31. Paragraph (b) of subsection (1) of section
 2052 921.0024, Florida Statutes, is amended to read:
 2053 921.0024 Criminal Punishment Code; worksheet computations;
 2054 scoresheets.—
 2055 (1)
 2056 (b) WORKSHEET KEY:
 2057
 2058 Legal status points are assessed when any form of legal status
 2059 existed at the time the offender committed an offense before the
 2060 court for sentencing. Four (4) sentence points are assessed for
 2061 an offender's legal status.
 2062

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2063 Community sanction violation points are assessed when a
2064 community sanction violation is before the court for sentencing.
2065 Six (6) sentence points are assessed for each community sanction
2066 violation and each successive community sanction violation,
2067 unless any of the following apply:

2068 1. If the community sanction violation includes a new
2069 felony conviction before the sentencing court, twelve (12)
2070 community sanction violation points are assessed for the
2071 violation, and for each successive community sanction violation
2072 involving a new felony conviction.

2073 2. If the community sanction violation is committed by a
2074 violent felony offender of special concern as defined in s.
2075 948.06:

2076 a. Twelve (12) community sanction violation points are
2077 assessed for the violation and for each successive violation of
2078 felony probation or community control where:

2079 I. The violation does not include a new felony conviction;
2080 and

2081 II. The community sanction violation is not based solely
2082 on the probationer or offender's failure to pay costs or fines
2083 or make restitution payments.

2084 b. Twenty-four (24) community sanction violation points
2085 are assessed for the violation and for each successive violation
2086 of felony probation or community control where the violation
2087 includes a new felony conviction.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2088
 2089 Multiple counts of community sanction violations before the
 2090 sentencing court shall not be a basis for multiplying the
 2091 assessment of community sanction violation points.
 2092
 2093 Prior serious felony points: If the offender has a primary
 2094 offense or any additional offense ranked in level 8, level 9, or
 2095 level 10, and one or more prior serious felonies, a single
 2096 assessment of thirty (30) points shall be added. For purposes of
 2097 this section, a prior serious felony is an offense in the
 2098 offender's prior record that is ranked in level 8, level 9, or
 2099 level 10 under s. 921.0022 or s. 921.0023 and for which the
 2100 offender is serving a sentence of confinement, supervision, or
 2101 other sanction or for which the offender's date of release from
 2102 confinement, supervision, or other sanction, whichever is later,
 2103 is within 3 years before the date the primary offense or any
 2104 additional offense was committed.
 2105
 2106 Prior capital felony points: If the offender has one or more
 2107 prior capital felonies in the offender's criminal record, points
 2108 shall be added to the subtotal sentence points of the offender
 2109 equal to twice the number of points the offender receives for
 2110 the primary offense and any additional offense. A prior capital
 2111 felony in the offender's criminal record is a previous capital
 2112 felony offense for which the offender has entered a plea of nolo

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2113 | contendere or guilty or has been found guilty; or a felony in
 2114 | another jurisdiction which is a capital felony in that
 2115 | jurisdiction, or would be a capital felony if the offense were
 2116 | committed in this state.

2117 |
 2118 | Possession of a firearm, semiautomatic firearm, or machine gun:
 2119 | If the offender is convicted of committing or attempting to
 2120 | commit any felony other than those enumerated in s. 775.087(2)
 2121 | while having in his or her possession: a firearm as defined in
 2122 | s. 790.001 ~~s. 790.001(6)~~, an additional eighteen (18) sentence
 2123 | points are assessed; or if the offender is convicted of
 2124 | committing or attempting to commit any felony other than those
 2125 | enumerated in s. 775.087(3) while having in his or her
 2126 | possession a semiautomatic firearm as defined in s. 775.087(3)
 2127 | or a machine gun as defined in s. 790.001 ~~s. 790.001(9)~~, an
 2128 | additional twenty-five (25) sentence points are assessed.

2129 |
 2130 | Sentencing multipliers:

2131 |
 2132 | Drug trafficking: If the primary offense is drug trafficking
 2133 | under s. 893.135, the subtotal sentence points are multiplied,
 2134 | at the discretion of the court, for a level 7 or level 8
 2135 | offense, by 1.5. The state attorney may move the sentencing
 2136 | court to reduce or suspend the sentence of a person convicted of
 2137 | a level 7 or level 8 offense, if the offender provides

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2138 | substantial assistance as described in s. 893.135(4).
 2139 |
 2140 | Law enforcement protection: If the primary offense is a
 2141 | violation of the Law Enforcement Protection Act under s.
 2142 | 775.0823(2), (3), or (4), the subtotal sentence points are
 2143 | multiplied by 2.5. If the primary offense is a violation of s.
 2144 | 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 2145 | are multiplied by 2.0. If the primary offense is a violation of
 2146 | s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 2147 | Protection Act under s. 775.0823(10) or (11), the subtotal
 2148 | sentence points are multiplied by 1.5.
 2149 |
 2150 | Grand theft of a motor vehicle: If the primary offense is grand
 2151 | theft of the third degree involving a motor vehicle and in the
 2152 | offender's prior record, there are three or more grand thefts of
 2153 | the third degree involving a motor vehicle, the subtotal
 2154 | sentence points are multiplied by 1.5.
 2155 |
 2156 | Offense related to a criminal gang: If the offender is convicted
 2157 | of the primary offense and committed that offense for the
 2158 | purpose of benefiting, promoting, or furthering the interests of
 2159 | a criminal gang as defined in s. 874.03, the subtotal sentence
 2160 | points are multiplied by 1.5. If applying the multiplier results
 2161 | in the lowest permissible sentence exceeding the statutory
 2162 | maximum sentence for the primary offense under chapter 775, the

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2163 court may not apply the multiplier and must sentence the
 2164 defendant to the statutory maximum sentence.

2165
 2166 Domestic violence in the presence of a child: If the offender is
 2167 convicted of the primary offense and the primary offense is a
 2168 crime of domestic violence, as defined in s. 741.28, which was
 2169 committed in the presence of a child under 16 years of age who
 2170 is a family or household member as defined in s. 741.28(3) with
 2171 the victim or perpetrator, the subtotal sentence points are
 2172 multiplied by 1.5.

2173
 2174 Adult-on-minor sex offense: If the offender was 18 years of age
 2175 or older and the victim was younger than 18 years of age at the
 2176 time the offender committed the primary offense, and if the
 2177 primary offense was an offense committed on or after October 1,
 2178 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
 2179 violation involved a victim who was a minor and, in the course
 2180 of committing that violation, the defendant committed a sexual
 2181 battery under chapter 794 or a lewd act under s. 800.04 or s.
 2182 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
 2183 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
 2184 800.04; or s. 847.0135(5), the subtotal sentence points are
 2185 multiplied by 2.0. If applying the multiplier results in the
 2186 lowest permissible sentence exceeding the statutory maximum
 2187 sentence for the primary offense under chapter 775, the court

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2188 | may not apply the multiplier and must sentence the defendant to
 2189 | the statutory maximum sentence.

2190 | Section 32. Paragraph (b) of subsection (3) of section
 2191 | 943.051, Florida Statutes, is amended to read:

2192 | 943.051 Criminal justice information; collection and
 2193 | storage; fingerprinting.—

2194 | (3)

2195 | (b) A minor who is charged with or found to have committed
 2196 | the following offenses shall be fingerprinted and the
 2197 | fingerprints shall be submitted electronically to the
 2198 | department, unless the minor is issued a civil citation pursuant
 2199 | to s. 985.12:

2200 | 1. Assault, as defined in s. 784.011.

2201 | 2. Battery, as defined in s. 784.03.

2202 | 3. Carrying a concealed weapon, as defined in s. 790.01(2)
 2203 | ~~s. 790.01(1)~~.

2204 | 4. Unlawful use of destructive devices or bombs, as
 2205 | defined in s. 790.1615(1).

2206 | 5. Neglect of a child, as defined in s. 827.03(1)(e).

2207 | 6. Assault or battery on a law enforcement officer, a
 2208 | firefighter, or other specified officers, as defined in s.
 2209 | 784.07(2)(a) and (b).

2210 | 7. Open carrying of a weapon, as defined in s. 790.053.

2211 | 8. Exposure of sexual organs, as defined in s. 800.03.

2212 | 9. Unlawful possession of a firearm, as defined in s.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2213 | 790.22(5).

2214 | 10. Petit theft, as defined in s. 812.014(3).

2215 | 11. Cruelty to animals, as defined in s. 828.12(1).

2216 | 12. Arson, as defined in s. 806.031(1).

2217 | 13. Unlawful possession or discharge of a weapon or

2218 | firearm at a school-sponsored event or on school property, as

2219 | provided in s. 790.115.

2220 | Section 33. Paragraph (d) of subsection (1) of section

2221 | 943.0585, Florida Statutes, is amended to read:

2222 | 943.0585 Court-ordered expunction of criminal history

2223 | records.—

2224 | (1) ELIGIBILITY.—A person is eligible to petition a court

2225 | to expunge a criminal history record if:

2226 | (d) The person has never, as of the date the application

2227 | for a certificate of expunction is filed, been adjudicated

2228 | guilty in this state of a criminal offense or been adjudicated

2229 | delinquent in this state for committing any felony or any of the

2230 | following misdemeanors, unless the record of such adjudication

2231 | of delinquency has been expunged pursuant to s. 943.0515:

2232 | 1. Assault, as defined in s. 784.011;

2233 | 2. Battery, as defined in s. 784.03;

2234 | 3. Assault on a law enforcement officer, a firefighter, or

2235 | other specified officers, as defined in s. 784.07(2)(a);

2236 | 4. Carrying a concealed weapon, as defined in s. 790.01(2)

2237 | ~~s. 790.01(1)~~;

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

- 2238 5. Open carrying of a weapon, as defined in s. 790.053;
- 2239 6. Unlawful possession or discharge of a weapon or firearm
- 2240 at a school-sponsored event or on school property, as defined in
- 2241 s. 790.115;
- 2242 7. Unlawful use of destructive devices or bombs, as
- 2243 defined in s. 790.1615(1);
- 2244 8. Unlawful possession of a firearm, as defined in s.
- 2245 790.22(5);
- 2246 9. Exposure of sexual organs, as defined in s. 800.03;
- 2247 10. Arson, as defined in s. 806.031(1);
- 2248 11. Petit theft, as defined in s. 812.014(3);
- 2249 12. Neglect of a child, as defined in s. 827.03(1)(e); or
- 2250 13. Cruelty to animals, as defined in s. 828.12(1).
- 2251 Section 34. Paragraph (b) of subsection (1) of section
- 2252 943.059, Florida Statutes, is amended to read:
- 2253 943.059 Court-ordered sealing of criminal history
- 2254 records.—
- 2255 (1) ELIGIBILITY.—A person is eligible to petition a court
- 2256 to seal a criminal history record when:
- 2257 (b) The person has never, before the date the application
- 2258 for a certificate of eligibility is filed, been adjudicated
- 2259 guilty in this state of a criminal offense, or been adjudicated
- 2260 delinquent in this state for committing any felony or any of the
- 2261 following misdemeanor offenses, unless the record of such
- 2262 adjudication of delinquency has been expunged pursuant to s.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

- 2263 943.0515:
- 2264 1. Assault, as defined in s. 784.011;
- 2265 2. Battery, as defined in s. 784.03;
- 2266 3. Assault on a law enforcement officer, a firefighter, or
- 2267 other specified officers, as defined in s. 784.07(2)(a);
- 2268 4. Carrying a concealed weapon, as defined in s. 790.01(2)
- 2269 ~~s. 790.01(1)~~;
- 2270 5. Open carrying of a weapon, as defined in s. 790.053;
- 2271 6. Unlawful possession or discharge of a weapon or firearm
- 2272 at a school-sponsored event or on school property, as defined in
- 2273 s. 790.115;
- 2274 7. Unlawful use of destructive devices or bombs, as
- 2275 defined in s. 790.1615(1);
- 2276 8. Unlawful possession of a firearm by a minor, as defined
- 2277 in s. 790.22(5);
- 2278 9. Exposure of sexual organs, as defined in s. 800.03;
- 2279 10. Arson, as defined in s. 806.031(1);
- 2280 11. Petit theft, as defined in s. 812.014(3);
- 2281 12. Neglect of a child, as defined in s. 827.03(1)(e); or
- 2282 13. Cruelty to animals, as defined in s. 828.12(1).
- 2283 Section 35. Paragraph (b) of subsection (1) of section
- 2284 985.11, Florida Statutes, is amended to read:
- 2285 985.11 Fingerprinting and photographing.—
- 2286 (1)
- 2287 (b) Unless the child is issued a civil citation or is

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2288 participating in a similar diversion program pursuant to s.
 2289 985.12, a child who is charged with or found to have committed
 2290 one of the following offenses shall be fingerprinted, and the
 2291 fingerprints shall be submitted to the Department of Law
 2292 Enforcement as provided in s. 943.051(3)(b):

- 2293 1. Assault, as defined in s. 784.011.
- 2294 2. Battery, as defined in s. 784.03.
- 2295 3. Carrying a concealed weapon, as defined in s. 790.01(2)
 2296 ~~s. 790.01(1)~~.
- 2297 4. Unlawful use of destructive devices or bombs, as
 2298 defined in s. 790.1615(1).
- 2299 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 2300 6. Assault on a law enforcement officer, a firefighter, or
 2301 other specified officers, as defined in s. 784.07(2)(a).
- 2302 7. Open carrying of a weapon, as defined in s. 790.053.
- 2303 8. Exposure of sexual organs, as defined in s. 800.03.
- 2304 9. Unlawful possession of a firearm, as defined in s.
 2305 790.22(5).
- 2306 10. Petit theft, as defined in s. 812.014.
- 2307 11. Cruelty to animals, as defined in s. 828.12(1).
- 2308 12. Arson, resulting in bodily harm to a firefighter, as
 2309 defined in s. 806.031(1).
- 2310 13. Unlawful possession or discharge of a weapon or
 2311 firearm at a school-sponsored event or on school property as
 2312 defined in s. 790.115.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2313
 2314 A law enforcement agency may fingerprint and photograph a child
 2315 taken into custody upon probable cause that such child has
 2316 committed any other violation of law, as the agency deems
 2317 appropriate. Such fingerprint records and photographs shall be
 2318 retained by the law enforcement agency in a separate file, and
 2319 these records and all copies thereof must be marked "Juvenile
 2320 Confidential." These records are not available for public
 2321 disclosure and inspection under s. 119.07(1) except as provided
 2322 in ss. 943.053 and 985.04(2), but shall be available to other
 2323 law enforcement agencies, criminal justice agencies, state
 2324 attorneys, the courts, the child, the parents or legal
 2325 custodians of the child, their attorneys, and any other person
 2326 authorized by the court to have access to such records. In
 2327 addition, such records may be submitted to the Department of Law
 2328 Enforcement for inclusion in the state criminal history records
 2329 and used by criminal justice agencies for criminal justice
 2330 purposes. These records may, in the discretion of the court, be
 2331 open to inspection by anyone upon a showing of cause. The
 2332 fingerprint and photograph records shall be produced in the
 2333 court whenever directed by the court. Any photograph taken
 2334 pursuant to this section may be shown by a law enforcement
 2335 officer to any victim or witness of a crime for the purpose of
 2336 identifying the person who committed such crime.

2337 Section 36. Paragraph (b) of subsection (16) of section

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2338 | 1002.33, Florida Statutes, is amended to read:
 2339 | 1002.33 Charter schools.—
 2340 | (16) EXEMPTION FROM STATUTES.—
 2341 | (b) Additionally, a charter school shall be in compliance
 2342 | with the following statutes:
 2343 | 1. Section 286.011, relating to public meetings and
 2344 | records, public inspection, and criminal and civil penalties.
 2345 | 2. Chapter 119, relating to public records.
 2346 | 3. Section 1003.03, relating to the maximum class size,
 2347 | except that the calculation for compliance pursuant to s.
 2348 | 1003.03 shall be the average at the school level.
 2349 | 4. Section 1012.22(1)(c), relating to compensation and
 2350 | salary schedules.
 2351 | 5. Section 1012.33(5), relating to workforce reductions.
 2352 | 6. Section 1012.335, relating to contracts with
 2353 | instructional personnel hired on or after July 1, 2011.
 2354 | 7. Section 1012.34, relating to the substantive
 2355 | requirements for performance evaluations for instructional
 2356 | personnel and school administrators.
 2357 | 8. Section 1006.12, relating to safe-school officers.
 2358 | 9. Section 1006.07(7), relating to threat management
 2359 | ~~assessment~~ teams.
 2360 | 10. Section 1006.07(9), relating to School Environmental
 2361 | Safety Incident Reporting.
 2362 | 11. Section 1006.07(10), relating to reporting of

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2363 involuntary examinations.

2364 12. Section 1006.1493, relating to the Florida Safe
2365 Schools Assessment Tool.

2366 13. Section 1006.07(6)(d), relating to adopting an active
2367 assailant response plan.

2368 14. Section 943.082(4)(b), relating to the mobile
2369 suspicious activity reporting tool.

2370 15. Section 1012.584, relating to youth mental health
2371 awareness and assistance training.

2372 Section 37. For the 2023-2024 fiscal year, the sum of \$1.5
2373 million in recurring funds from the General Revenue Fund is
2374 appropriated to the Department of Law Enforcement to implement a
2375 grant program for local law enforcement agencies to provide
2376 firearm safety training. The department shall develop a process
2377 and guidelines for the disbursement of funds appropriated in
2378 this section. Local law enforcement grant recipients shall
2379 report documentation on the use of training funds, in a form and
2380 manner determined by the department.

2381 Section 38. For the 2023-2024 fiscal year, eight full-time
2382 equivalent positions, with associated salary rate of 582,000,
2383 are authorized and the sums of \$1,207,321 in recurring funds and
2384 \$70,525 in nonrecurring funds from the General Revenue Fund are
2385 appropriated to the Department of Education to fund new and
2386 existing positions and additional workload expenses within the
2387 Office of Safe Schools.

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2388 Section 39. For the 2023-2024 fiscal year, the sum of
 2389 \$400,000 in recurring funds from the General Revenue Fund is
 2390 appropriated to the Department of Education to fund the Office
 2391 of Safe Schools to update the existing school safety training
 2392 infrastructure.

2393 Section 40. For the 2023-2024 fiscal year, the sums of \$5
 2394 million in recurring funds and \$7 million in nonrecurring funds
 2395 from the General Revenue Fund are appropriated to the Department
 2396 of Education to competitively procure for the development or
 2397 acquisition of a cloud-based secure statewide information
 2398 sharing system that meets the requirements of the threat
 2399 management portal as prescribed in this act.

2400 Section 41. For the 2023-2024 fiscal year, the sums of
 2401 \$1.5 million in recurring funds and \$1.5 million in nonrecurring
 2402 funds from the General Revenue Fund are appropriated to the
 2403 Department of Education to competitively procure for the
 2404 development or acquisition of a cloud-based secure School
 2405 Environmental Safety Incident Reporting (SESIR) system.

2406 Section 42. For the 2023-2024 fiscal year, the sum of \$42
 2407 million in nonrecurring funds from the General Revenue Fund is
 2408 appropriated to the Department of Education for school hardening
 2409 grant programs to improve the physical security of school
 2410 buildings based on the security risk assessment required
 2411 pursuant to s. 1006.1493, Florida Statutes. By December 31,
 2412 2023, school districts and charter schools receiving school

ENROLLED

CS/HB 543, Engrossed 1

2023 Legislature

2413 hardening grant program funds shall report to the Department of
2414 Education, in a format prescribed by the department, the total
2415 estimated costs of their unmet school campus hardening needs as
2416 identified by the Florida Safe Schools Assessment Tool (FSSAT)
2417 conducted pursuant to s. 1006.1493, Florida Statutes. The report
2418 should include a prioritized list of school hardening project
2419 needs by each school district or charter school and an expected
2420 timeframe for implementing those projects. In accordance with
2421 ss. 119.071(3) (a) and 281.301, Florida Statutes, data and
2422 information related to security risk assessments administered
2423 pursuant to s. 1006.1493, Florida Statutes, are confidential and
2424 exempt from public records requirements. Funds may be used only
2425 for capital expenditures. Funds shall be allocated initially
2426 based on each district's capital outlay full-time equivalent
2427 (FTE) and charter school FTE. A district shall not be allocated
2428 less than \$42,000. Funds shall be provided based on a district's
2429 application, which must be submitted to the Department of
2430 Education by February 1, 2024.

2431 Section 43. Except as otherwise expressly provided in this
2432 act and except for this section, which shall take effect upon
2433 this act becoming a law, this act shall take effect July 1,
2434 2023.