

1 A bill to be entitled

2 An act relating to school safety; providing  
3 legislative intent; amending s. 790.115, F.S.;  
4 providing an exception to a prohibition on possession  
5 of firearms or other specified devices on school  
6 property or other specified areas for authorized  
7 concealed weapon or firearm licensees as designated by  
8 school principals or district superintendents;  
9 providing requirements for designees; amending s.  
10 1006.07, F.S.; requiring school boards to formulate  
11 policies and procedures for managing active shooter  
12 and hostage situations; requiring that active shooter  
13 training for each school be conducted by the law  
14 enforcement agency that is designated as the first  
15 responder agency for the school; requiring that  
16 district school boards and private schools allow  
17 campus tours by local law enforcement agencies for  
18 specified purposes; requiring that all recommendations  
19 be documented; amending s. 1006.12, F.S.; permitting  
20 district school boards to commission one or more  
21 school safety officers on each school campus; amending  
22 ss. 435.04, 790.251, 921.0022, and 1012.315, F.S.;  
23 conforming cross-references; providing an effective  
24 date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28       Section 1. It is the intent of the Legislature to prevent  
29 violent crimes from occurring on school grounds. The Legislature  
30 acknowledges that the safekeeping of our students, teachers, and  
31 campuses is imperative. In addition, the Legislature's intent is  
32 not to mandate that a school have one or more designees as  
33 described in the amendments made by this act to s. 790.115,  
34 Florida Statutes; rather, the intent of the amendments is to  
35 allow the school principal or authorizing superintendent the  
36 opportunity to do so.

37       Section 2. Section 790.115, Florida Statutes, is amended  
38 to read:

39       790.115 Possessing or discharging weapons or firearms at a  
40 school-sponsored event or on school property prohibited;  
41 penalties; exceptions.—

42       (1) As used in this section, the term "school" means any  
43 preschool, elementary school, middle school, junior high school,  
44 secondary school, career center, or postsecondary school,  
45 whether public or nonpublic.

46       (2)~~(1)~~ A person who exhibits any sword, sword cane,  
47 firearm, electric weapon or device, destructive device, or other  
48 weapon as defined in s. 790.001(13), including a razor blade,  
49 box cutter, or common pocketknife, except as authorized in  
50 support of school-sanctioned activities, in the presence of one  
51 or more persons in a rude, careless, angry, or threatening  
52 manner and not in lawful self-defense, at a school-sponsored

53 event or on the grounds or facilities of any school, school bus,  
54 or school bus stop, or within 1,000 feet of the real property  
55 that comprises a public or private elementary school, middle  
56 school, or secondary school, during school hours or during the  
57 time of a sanctioned school activity, commits a felony of the  
58 third degree, punishable as provided in s. 775.082, s. 775.083,  
59 or s. 775.084. This subsection does not apply to the exhibition  
60 of a firearm or weapon on private real property within 1,000  
61 feet of a school by the owner of such property or by a person  
62 whose presence on such property has been authorized, licensed,  
63 or invited by the owner.

64 (3) Subsection (4) does not apply to a member of a  
65 school's personnel or a volunteer who has been designated by the  
66 school principal of the school at which the member of the  
67 school's personnel or volunteer is employed or volunteering, or,  
68 for an administration building, a member of the district's  
69 personnel or a volunteer who has been designated by the district  
70 school superintendent, as authorized to carry a concealed weapon  
71 or firearm on school property.

72 (a)1. A designee authorized to carry a concealed weapon or  
73 firearm on such school property under this subsection may only  
74 carry such weapon or firearm in a concealed manner. The weapon  
75 or firearm must be carried on the designee's person at all times  
76 while the designee is performing his or her official school  
77 duties.

78 2. The designee must submit to the authorizing principal

79 or authorizing superintendent proof of completion of a minimum  
80 of 40 hours of a school safety program and annually complete 8  
81 hours of active shooter training and 4 hours of firearm  
82 proficiency training. These training programs are created and  
83 defined by the Criminal Justice Standards and Training  
84 Commission. The training programs are administered by State of  
85 Florida Criminal Justice Training Centers. In addition, the  
86 State of Florida Criminal Justice Training Center must certify  
87 and provide proof of the designee's completion of the trainings  
88 in a manner prescribed by the Criminal Justice Standards and  
89 Training Commission. For purposes of this subsection, a designee  
90 is an individual licensed to carry a concealed firearm pursuant  
91 to s. 790.06 who is:

92 a. A military veteran who was honorably discharged and who  
93 has not been found to have committed a firearms-related  
94 disciplinary infraction during his or her service;

95 b. An active duty member of the military, the National  
96 Guard, or military reserves who has not been found to have  
97 committed a firearms-related disciplinary infraction during his  
98 or her service;

99 c. A law enforcement officer in good standing or a former  
100 law enforcement officer who has left the law enforcement agency  
101 in good standing; or

102 d. A school district employee or volunteer as otherwise  
103 provided in this subsection.

104 (b) School superintendents and principals may create a

105 school safety designee program for employees or volunteers. Each  
 106 public or private school principal or, for an administration  
 107 building, the superintendent, may designate one or more such  
 108 designees who have provided proof of completion of training as  
 109 created by the Criminal Justice Standards and Training  
 110 Commission and administered and certified by the State of  
 111 Florida Criminal Justice Training Centers. The school principal  
 112 or superintendent must require volunteer designees to undergo  
 113 level 2 background screening pursuant to s. 435.04 and every 5  
 114 years thereafter and may require additional screening or  
 115 screenings for all designees.

116 (4)-(2)(a) A person shall not possess any firearm, electric  
 117 weapon or device, destructive device, or other weapon as defined  
 118 in s. 790.001(13), including a razor blade or box cutter, except  
 119 as authorized in support of school-sanctioned activities, at a  
 120 school-sponsored event or on the property of any school, school  
 121 bus, or school bus stop; however, a person may carry a firearm:

122 1. In a case to a firearms program, class or function  
 123 which has been approved in advance by the principal or chief  
 124 administrative officer of the school as a program or class to  
 125 which firearms could be carried;

126 2. In a case to a career center having a firearms training  
 127 range; or

128 3. In a vehicle pursuant to s. 790.25(5); except that  
 129 school districts may adopt written and published policies that  
 130 waive the exception in this subparagraph for purposes of student

131 and campus parking privileges.

132

133 ~~For the purposes of this section, "school" means any preschool,~~  
134 ~~elementary school, middle school, junior high school, secondary~~  
135 ~~school, career center, or postsecondary school, whether public~~  
136 ~~or nonpublic.~~

137 (b) A person who willfully and knowingly possesses any  
138 electric weapon or device, destructive device, or other weapon  
139 as defined in s. 790.001(13), including a razor blade or box  
140 cutter, except as authorized in support of school-sanctioned  
141 activities, in violation of this subsection commits a felony of  
142 the third degree, punishable as provided in s. 775.082, s.  
143 775.083, or s. 775.084.

144 (c)1. A person who willfully and knowingly possesses any  
145 firearm in violation of this subsection commits a felony of the  
146 third degree, punishable as provided in s. 775.082, s. 775.083,  
147 or s. 775.084.

148 2. A person who stores or leaves a loaded firearm within  
149 the reach or easy access of a minor who obtains the firearm and  
150 commits a violation of subparagraph 1. commits a misdemeanor of  
151 the second degree, punishable as provided in s. 775.082 or s.  
152 775.083; except that this does not apply if the firearm was  
153 stored or left in a securely locked box or container or in a  
154 location which a reasonable person would have believed to be  
155 secure, or was securely locked with a firearm-mounted push-  
156 button combination lock or a trigger lock; if the minor obtains

157 the firearm as a result of an unlawful entry by any person; or  
158 to members of the Armed Forces, National Guard, or State  
159 Militia, or to police or other law enforcement officers, with  
160 respect to firearm possession by a minor which occurs during or  
161 incidental to the performance of their official duties.

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

167 (e) The penalties of this subsection shall not apply to  
168 persons licensed under s. 790.06. Persons licensed under s.  
169 790.06 shall be punished as provided in s. 790.06(12), except  
170 that a licenseholder who unlawfully discharges a weapon or  
171 firearm on school property as prohibited by this subsection  
172 commits a felony of the second degree, punishable as provided in  
173 s. 775.082, s. 775.083, or s. 775.084.

174 (5)~~(3)~~ This section does not apply to any law enforcement  
175 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),  
176 (8), (9), or (14).

177 (6)~~(4)~~ Notwithstanding s. 985.24, s. 985.245, or s.  
178 985.25(1), any minor under 18 years of age who is charged under  
179 this section with possessing or discharging a firearm on school  
180 property shall be detained in secure detention, unless the state  
181 attorney authorizes the release of the minor, and shall be given  
182 a probable cause hearing within 24 hours after being taken into

183 custody. At the hearing, the court may order that the minor  
184 continue to be held in secure detention for a period of 21 days,  
185 during which time the minor shall receive medical, psychiatric,  
186 psychological, or substance abuse examinations pursuant to s.  
187 985.18, and a written report shall be completed.

188 Section 3. Subsections (4) and (6) of section 1006.07,  
189 Florida Statutes, are amended and subsection (7) is added to  
190 that section to read:

191 1006.07 District school board duties relating to student  
192 discipline and school safety.—The district school board shall  
193 provide for the proper accounting for all students, for the  
194 attendance and control of students at school, and for proper  
195 attention to health, safety, and other matters relating to the  
196 welfare of students, including:

197 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

198 (a) Formulate and prescribe policies and procedures for  
199 emergency drills and for actual emergencies, including, but not  
200 limited to, fires, natural disasters, active shooters, hostage  
201 situations, and bomb threats, for all the public schools of the  
202 district which comprise grades K-12. District school board  
203 policies shall include commonly used alarm system responses for  
204 specific types of emergencies and verification by each school  
205 that drills have been provided as required by law and fire  
206 protection codes. The emergency response agency that is  
207 responsible for notifying the school district for each type of  
208 emergency must be listed in the district's emergency response



209 policy.

210 (b) Establish model emergency management and emergency  
211 preparedness procedures, including emergency notification  
212 procedures pursuant to paragraph (a), for the following life-  
213 threatening emergencies:

214 1. Weapon-use, ~~and~~ hostage, and active shooter situations.

215 The active shooter situation training for each school must be  
216 conducted by the law enforcement agency or agencies that are  
217 designated as first responders to the school's campus.

218 2. Hazardous materials or toxic chemical spills.

219 3. Weather emergencies, including hurricanes, tornadoes,  
220 and severe storms.

221 4. Exposure as a result of a manmade emergency.

222 (6) SAFETY AND SECURITY BEST PRACTICES.—Use the Safety and  
223 Security Best Practices developed by the Office of Program  
224 Policy Analysis and Government Accountability to conduct a self-  
225 assessment of the school districts' current safety and security  
226 practices. Based on these self-assessment findings, the district  
227 school superintendent shall provide recommendations to the  
228 district school board and local law enforcement agencies that  
229 are first responders to the district campuses which identify  
230 strategies and activities that the district school board should  
231 implement in order to improve school safety and security.  
232 Annually each district school board must receive the self-  
233 assessment results at a publicly noticed district school board  
234 meeting to provide the public an opportunity to hear the

235 district school board members discuss and take action on the  
 236 report findings. Each district school superintendent shall  
 237 report the self-assessment results and school board action to  
 238 the commissioner within 30 days after the district school board  
 239 meeting.

240 (7) SAFETY IN CONSTRUCTION AND PLANNING.—A district school  
 241 board or private school principal or governing board must allow  
 242 local law enforcement agencies that are first responders to the  
 243 schools to tour the school campuses once every 3 years. Any  
 244 changes related to school safety and emergency issues  
 245 recommended by a law enforcement agency based on a campus tour  
 246 must be documented by the district school board or the private  
 247 school principal or governing board.

248 Section 4. Paragraph (b) of subsection (2) of section  
 249 1006.12, Florida Statutes, is amended to read:

250 1006.12 School resource officers and school safety  
 251 officers.—

252 (2)

253 (b) A district school board may commission one or more  
 254 school safety officers for the protection and safety of school  
 255 personnel, property, and students on each school campus within  
 256 the school district. The district school superintendent may  
 257 recommend and the district school board may appoint the ~~one or~~  
 258 ~~more~~ school safety officers.

259 Section 5. Paragraphs (p) and (q) of subsection (2) of  
 260 section 435.04, Florida Statutes, are amended to read:

261 435.04 Level 2 screening standards.—

262 (2) The security background investigations under this  
 263 section must ensure that no persons subject to the provisions of  
 264 this section have been arrested for and are awaiting final  
 265 disposition of, have been found guilty of, regardless of  
 266 adjudication, or entered a plea of nolo contendere or guilty to,  
 267 or have been adjudicated delinquent and the record has not been  
 268 sealed or expunged for, any offense prohibited under any of the  
 269 following provisions of state law or similar law of another  
 270 jurisdiction:

271 (p) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting  
 272 firearms or weapons within 1,000 feet of a school.

273 (q) Section 790.115(4)(b) ~~790.115(2)(b)~~, relating to  
 274 possessing an electric weapon or device, destructive device, or  
 275 other weapon on school property.

276 Section 6. Paragraph (a) of subsection (7) of section  
 277 790.251, Florida Statutes, is amended to read:

278 790.251 Protection of the right to keep and bear arms in  
 279 motor vehicles for self-defense and other lawful purposes;  
 280 prohibited acts; duty of public and private employers; immunity  
 281 from liability; enforcement.—

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

284 (a) Any school property as defined in s. 790.115(1) and  
 285 regulated under that section ~~s. 790.115~~.

286 Section 7. Paragraphs (d) and (f) of subsection (3) of

287 section 921.0022, Florida Statutes, are amended to read:  
 288 921.0022 Criminal Punishment Code; offense severity  
 289 ranking chart.—

290 (3) OFFENSE SEVERITY RANKING CHART

291 (d) LEVEL 4

292

Florida	Felony	Description
Statute	Degree	
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
499.0051(2)	3rd	Failure to authenticate pedigree papers.
499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

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298	517.07 (1)	3rd	Failure to register securities.
299	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
300	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
301	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
302	784.075	3rd	Battery on detention or commitment facility staff.
303	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
304	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
305	784.081 (3)	3rd	Battery on specified official or employee.

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306	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
307	784.083 (3)	3rd	Battery on code inspector.
308	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
309	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
310	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
311	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

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312	787.07	3rd	Human smuggling.
313	<u>790.115 (2)</u> <del>790.115 (1)</del>	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
314	<u>790.115 (4) (b)</u> <del>790.115 (2) (b)</del>	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
315	<u>790.115 (4) (c)</u> <del>790.115 (2) (c)</del>	3rd	Possessing firearm on school property.
316	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
317	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
318	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

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319	810.06	3rd	Burglary; possession of tools.
320	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
321	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
322	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
323	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
324	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
325	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.



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326	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
327	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
328	837.02 (1)	3rd	Perjury in official proceedings.
329	837.021 (1)	3rd	Make contradictory statements in official proceedings.
330	838.022	3rd	Official misconduct.
331	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
332	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
	843.021	3rd	Possession of a concealed

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handcuff key by a person in custody.

333

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

334

843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

335

847.0135(5)(c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

336

874.05(1)(a) 3rd Encouraging or recruiting another to join a criminal gang.

337

893.13(2)(a)1. 2nd Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).

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339	914.14 (2)	3rd	Witnesses accepting bribes.
340	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
341	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
342	918.12	3rd	Tampering with jurors.
343	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
344	(f) LEVEL 6		
345	Florida	Felony	
346	Statute	Degree	Description
347	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
348	499.0051 (3)	2nd	Knowing forgery of pedigree papers.

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349	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
350	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
351	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
352	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
353	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
354	784.041	3rd	Felony battery; domestic battery by strangulation.
355	784.048 (3)	3rd	Aggravated stalking; credible threat.
356	784.048 (5)	3rd	Aggravated stalking of person under 16.

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357	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
358	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
359	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
360	784.081 (2)	2nd	Aggravated assault on specified official or employee.
361	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
362	784.083 (2)	2nd	Aggravated assault on code inspector.
363	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
	<u>790.115 (4) (d)</u>	2nd	Discharging firearm or weapon

364	<del>790.115(2)(d)</del>		on school property.
	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
365	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
366	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
367	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
368	794.05(1)	2nd	Unlawful sexual activity with specified minor.
369	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older

but less than 16 years;  
offender less than 18 years.

370

800.04 (6) (b) 2nd Lewd or lascivious conduct;  
offender 18 years of age or  
older.

371

806.031 (2) 2nd Arson resulting in great bodily  
harm to firefighter or any  
other person.

372

810.02 (3) (c) 2nd Burglary of occupied structure;  
unarmed; no assault or battery.

373

810.145 (8) (b) 2nd Video voyeurism; certain minor  
victims; 2nd or subsequent  
offense.

374

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or  
more, but less than \$100,000,  
grand theft in 2nd degree.

375

812.014 (6) 2nd Theft; property stolen \$3,000  
or more; coordination of  
others.

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377	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
378	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
379	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
380	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
381	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
382	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
383	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.



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384	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
385	827.03(2)(c)	3rd	Abuse of a child.
386	827.03(2)(d)	3rd	Neglect of a child.
387	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
388	836.05	2nd	Threats; extortion.
389	836.10	2nd	Written threats to kill or do bodily injury.
390	843.12	3rd	Aids or assists person to escape.
391	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

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392	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
393	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
394	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
395	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
396	944.40	2nd	Escapes.
397	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
	944.47(1)(a)5.	2nd	Introduction of contraband



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419 |           Section 9.   This act shall take effect July 1, 2014. |