

1                                   A bill to be entitled  
 2           An act relating to school safety; amending s. 790.115,  
 3           F.S.; providing an exception to a prohibition on  
 4           possession of firearms or other specified devices on  
 5           school property or other specified areas for  
 6           authorized concealed weapon or firearm licensees as  
 7           designated by school principals or district  
 8           superintendents; revising the applicability of a  
 9           definition; amending s. 1006.12, F.S.; permitting  
 10          district school boards to commission one or more  
 11          school safety officers on each school campus; amending  
 12          ss. 435.04, 790.251, 921.0022, and 1012.315, F.S.;  
 13          conforming cross-references; providing an effective  
 14          date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

17  
 18           Section 1. Section 790.115, Florida Statutes, is amended  
 19           to read:

20           790.115 Possessing or discharging weapons or firearms at a  
 21           school-sponsored event or on school property prohibited;  
 22           penalties; exceptions.—

23           (1) Except as provided in subsection (3), for purposes of  
 24           this section, "school" means any preschool, elementary school,  
 25           middle school, junior high school, secondary school, career  
 26           center, or postsecondary school, whether public or nonpublic.

27           (2)~~(1)~~ A person who exhibits any sword, sword cane,  
 28           firearm, electric weapon or device, destructive device, or other

29 | weapon as defined in s. 790.001(13), including a razor blade,  
30 | box cutter, or common pocketknife, except as authorized in  
31 | support of school-sanctioned activities, in the presence of one  
32 | or more persons in a rude, careless, angry, or threatening  
33 | manner and not in lawful self-defense, at a school-sponsored  
34 | event or on the grounds or facilities of any school, school bus,  
35 | or school bus stop, or within 1,000 feet of the real property  
36 | that comprises a public or private elementary school, middle  
37 | school, or secondary school, during school hours or during the  
38 | time of a sanctioned school activity, commits a felony of the  
39 | third degree, punishable as provided in s. 775.082, s. 775.083,  
40 | or s. 775.084. This subsection does not apply to the exhibition  
41 | of a firearm or weapon on private real property within 1,000  
42 | feet of a school by the owner of such property or by a person  
43 | whose presence on such property has been authorized, licensed,  
44 | or invited by the owner.

45 | (3) This section does not apply to a member of a school's  
46 | personnel who has been designated by the school principal of the  
47 | school at which the member of the school's personnel is  
48 | employed, or, for an administration building, by the district  
49 | school superintendent, as authorized to carry a concealed weapon  
50 | or firearm on school property.

51 | (a) A designee authorized to carry a concealed weapon or  
52 | firearm on such school property under this subsection may only  
53 | carry such weapon or firearm in a concealed manner. The weapon  
54 | or firearm must be carried on the designee's person at all times  
55 | while the designee is performing his or her official school  
56 | duties. Additionally, the designee must submit to the

57 | authorizing principal or authorizing superintendent proof of  
 58 | completion of training or experience as described in ss.  
 59 | 493.6113(3)(b) and 493.6303(4).

60 | (b) Each public or private school principal or, for an  
 61 | administration building, the superintendent, may designate one  
 62 | or more such designees pursuant to this subsection.

63 | (c) For purposes of this subsection, "school" means any  
 64 | elementary school, middle school, junior high school, or  
 65 | secondary school, whether public or nonpublic.

66 | (4)(2)(a) A person shall not possess any firearm, electric  
 67 | weapon or device, destructive device, or other weapon as defined  
 68 | in s. 790.001(13), including a razor blade or box cutter, except  
 69 | as authorized in support of school-sanctioned activities, at a  
 70 | school-sponsored event or on the property of any school, school  
 71 | bus, or school bus stop; however, a person may carry a firearm:

- 72 | 1. In a case to a firearms program, class or function
- 73 | which has been approved in advance by the principal or chief
- 74 | administrative officer of the school as a program or class to
- 75 | which firearms could be carried;
- 76 | 2. In a case to a career center having a firearms training
- 77 | range; or
- 78 | 3. In a vehicle pursuant to s. 790.25(5); except that
- 79 | school districts may adopt written and published policies that
- 80 | waive the exception in this subparagraph for purposes of student
- 81 | and campus parking privileges.

82 | ~~For the purposes of this section, "school" means any preschool,~~  
 83 | ~~elementary school, middle school, junior high school, secondary~~  
 84 | ~~school, or private school.~~

85 ~~school, career center, or postsecondary school, whether public~~  
 86 ~~or nonpublic.~~

87 (b) A person who willfully and knowingly possesses any  
 88 electric weapon or device, destructive device, or other weapon  
 89 as defined in s. 790.001(13), including a razor blade or box  
 90 cutter, except as authorized in support of school-sanctioned  
 91 activities, in violation of this subsection commits a felony of  
 92 the third degree, punishable as provided in s. 775.082, s.  
 93 775.083, or s. 775.084.

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

98 2. A person who stores or leaves a loaded firearm within  
 99 the reach or easy access of a minor who obtains the firearm and  
 100 commits a violation of subparagraph 1. commits a misdemeanor of  
 101 the second degree, punishable as provided in s. 775.082 or s.  
 102 775.083; except that this does not apply if the firearm was  
 103 stored or left in a securely locked box or container or in a  
 104 location which a reasonable person would have believed to be  
 105 secure, or was securely locked with a firearm-mounted push-  
 106 button combination lock or a trigger lock; if the minor obtains  
 107 the firearm as a result of an unlawful entry by any person; or  
 108 to members of the Armed Forces, National Guard, or State  
 109 Militia, or to police or other law enforcement officers, with  
 110 respect to firearm possession by a minor which occurs during or  
 111 incidental to the performance of their official duties.

112 (d) A person who discharges any weapon or firearm while in

113 violation of paragraph (a), unless discharged for lawful defense  
114 of himself or herself or another or for a lawful purpose,  
115 commits a felony of the second degree, punishable as provided in  
116 s. 775.082, s. 775.083, or s. 775.084.

117 (e) The penalties of this subsection shall not apply to  
118 persons licensed under s. 790.06. Persons licensed under s.  
119 790.06 shall be punished as provided in s. 790.06(12), except  
120 that a licenseholder who unlawfully discharges a weapon or  
121 firearm on school property as prohibited by this subsection  
122 commits a felony of the second degree, punishable as provided in  
123 s. 775.082, s. 775.083, or s. 775.084.

124 ~~(5)~~(3) This section does not apply to any law enforcement  
125 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),  
126 (8), (9), or (14).

127 ~~(6)~~(4) Notwithstanding s. 985.24, s. 985.245, or s.  
128 985.25(1), any minor under 18 years of age who is charged under  
129 this section with possessing or discharging a firearm on school  
130 property shall be detained in secure detention, unless the state  
131 attorney authorizes the release of the minor, and shall be given  
132 a probable cause hearing within 24 hours after being taken into  
133 custody. At the hearing, the court may order that the minor  
134 continue to be held in secure detention for a period of 21 days,  
135 during which time the minor shall receive medical, psychiatric,  
136 psychological, or substance abuse examinations pursuant to s.  
137 985.18, and a written report shall be completed.

138 Section 2. Paragraph (b) of subsection (2) of section  
139 1006.12, Florida Statutes, is amended to read:

140 1006.12 School resource officers and school safety

141 officers.-

142 (2)

143 (b) A district school board may commission one or more  
 144 school safety officers for the protection and safety of school  
 145 personnel, property, and students on each school campus within  
 146 the school district. The district school superintendent may  
 147 recommend and the district school board may appoint the ~~one or~~  
 148 ~~more~~ school safety officers.

149 Section 3. Paragraphs (p) and (q) of subsection (2) of  
 150 section 435.04, Florida Statutes, are amended to read:

151 435.04 Level 2 screening standards.-

152 (2) The security background investigations under this  
 153 section must ensure that no persons subject to the provisions of  
 154 this section have been arrested for and are awaiting final  
 155 disposition of, have been found guilty of, regardless of  
 156 adjudication, or entered a plea of nolo contendere or guilty to,  
 157 or have been adjudicated delinquent and the record has not been  
 158 sealed or expunged for, any offense prohibited under any of the  
 159 following provisions of state law or similar law of another  
 160 jurisdiction:

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

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

166 Section 4. Paragraph (a) of subsection (7) of section  
 167 790.251, Florida Statutes, is amended to read:

168 790.251 Protection of the right to keep and bear arms in

169 motor vehicles for self-defense and other lawful purposes;  
 170 prohibited acts; duty of public and private employers; immunity  
 171 from liability; enforcement.—

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

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

176 Section 5. Paragraphs (d) and (f) of subsection (3) of  
 177 section 921.0022, Florida Statutes, are amended to read:

178 921.0022 Criminal Punishment Code; offense severity  
 179 ranking chart.—

180 (3) OFFENSE SEVERITY RANKING CHART

181 (d) LEVEL 4

182

Florida Statute	Felony Degree	Description
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

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pedigree papers.

186

499.0051 (6) 2nd Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

187

517.07 (1) 3rd Failure to register securities.

188

517.12 (1) 3rd Failure of dealer, associated person, or issuer of securities to register.

189

784.07 (2) (b) 3rd Battery of law enforcement officer, firefighter, etc.

190

784.074 (1) (c) 3rd Battery of sexually violent predators facility staff.

191

784.075 3rd Battery on detention or commitment facility staff.

192

784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

193

784.08 (2) (c) 3rd Battery on a person 65 years of age or older.

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195	784.081 (3)	3rd	Battery on specified official or employee.
196	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
197	784.083 (3)	3rd	Battery on code inspector.
198	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
199	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
200	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
201	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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202	787.07	3rd	Human smuggling.
203	<u>790.115 (2)</u> <del>790.115 (1)</del>	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
204	<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.
205	<u>790.115 (4) (c)</u> <del>790.115 (2) (c)</del>	3rd	Possessing firearm on school property.
206	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
207	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
208	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
209	810.06	3rd	Burglary; possession of tools.

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210	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
211	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
212	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
213	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
214	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
215	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
216	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent

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breeding disability to any  
registered horse or cattle.

217

837.02 (1) 3rd Perjury in official  
proceedings.

218

837.021 (1) 3rd Make contradictory statements  
in official proceedings.

219

838.022 3rd Official misconduct.

220

839.13 (2) (a) 3rd Falsifying records of an  
individual in the care and  
custody of a state agency.

221

839.13 (2) (c) 3rd Falsifying records of the  
Department of Children and  
Family Services.

222

843.021 3rd Possession of a concealed  
handcuff key by a person in  
custody.

223

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

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225	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
226	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
227	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal gang.
228	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).
229	914.14 (2)	3rd	Witnesses accepting bribes.
230	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
231	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
232	918.12	3rd	Tampering with jurors.

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233	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
234	(f) LEVEL 6		
235	Florida Statute	Felony Degree	Description
236	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
237	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
238	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
239	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
240	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
241	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.

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242	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
243	784.041	3rd	Felony battery; domestic battery by strangulation.
244	784.048 (3)	3rd	Aggravated stalking; credible threat.
245	784.048 (5)	3rd	Aggravated stalking of person under 16.
246	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
247	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
248	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
249	784.081 (2)	2nd	Aggravated assault on specified official or employee.
250	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other

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detainee.

251

784.083 (2) 2nd Aggravated assault on code  
inspector.

252

787.02 (2) 3rd False imprisonment; restraining  
with purpose other than those  
in s. 787.01.

253

790.115 (4) (d) 2nd Discharging firearm or weapon  
~~790.115 (2) (d)~~ on school property.

254

790.161 (2) 2nd Make, possess, or throw  
destructive device with intent  
to do bodily harm or damage  
property.

255

790.164 (1) 2nd False report of deadly  
explosive, weapon of mass  
destruction, or act of arson or  
violence to state property.

256

790.19 2nd Shooting or throwing deadly  
missiles into dwellings,  
vessels, or vehicles.

257

794.011 (8) (a) 3rd Solicitation of minor to  
participate in sexual activity

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by custodial adult.

258

794.05 (1) 2nd Unlawful sexual activity with specified minor.

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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.

260

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

261

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

262

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

263

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

264

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

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265	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
266	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
267	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
268	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
269	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
270	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
271	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
272	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.

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273	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
274	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
275	827.03(2)(c)	3rd	Abuse of a child.
276	827.03(2)(d)	3rd	Neglect of a child.
277	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
278	836.05	2nd	Threats; extortion.
279	836.10	2nd	Written threats to kill or do bodily injury.
280	843.12	3rd	Aids or assists person to escape.
281	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene

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materials depicting minors.

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847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

283

847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

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914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

285

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.

286

944.40 2nd Escapes.

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944.46 3rd Harboring, concealing, aiding escaped prisoners.

288

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive)

