

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 621 School Safety
SPONSOR(S): Rommel
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	7 Y, 3 N	Bruno	Sumner
2) PreK-12 Quality Subcommittee			
3) Judiciary Committee			

SUMMARY ANALYSIS

Unless exempted, a person may not carry a concealed firearm or weapon in public without a license issued by the Department of Agriculture and Consumer Services. However, a licensee may not carry a concealed firearm in certain locations, including schools and colleges. Both federal and state law generally prohibit possession of a firearm in a school zone. Florida law criminalizes possession of a firearm on school property as a third degree felony, punishable by up to 5 years of incarceration and a \$5,000 fine.

HB 621 provides an exception to this prohibition by authorizing school principals and district school superintendents to designate certain persons to carry a concealed weapon or firearm on school property. A designee must submit proof that he or she has completed a minimum of 40 hours of a school safety program and annually complete 8 hours of active shooter training and 4 hours of firearm proficiency training. Persons eligible to be a designee are defined as:

- Current and veteran members of the United States Armed Forces who have not been found to have committed a firearms-related disciplinary infraction during his or her military service;
- A current or former law enforcement officer who has not been found to have committed a firearms-related disciplinary infraction during his or her law enforcement service; or
- Persons in possession of a valid license to carry a concealed weapon or firearm.

The bill allows a school to create a school safety program for employees and volunteers. Volunteers will be required to provide proof of certain training and undergo a level 2 background screening before becoming a designee to carry a concealed weapon or firearm on school property. To maintain designee status, volunteers will need to be re-screened every 5 years and complete any additional screening deemed appropriate by the school principal or district school superintendent.

The bill requires each school to establish model emergency management and preparedness procedures for active shooter situations and participate in active shooter training conducted by the law enforcement agency or agencies designated as first responders for the school. The bill requires schools to allow the law enforcement agency or agencies designated as first responders to tour the campus every 3 years and document recommended changes related to school safety and emergency issues.

The bill provides intent language and makes conforming cross-reference changes and non-substantive changes to style and grammar throughout the bill.

The bill provides an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Unless exempt, a person may not carry a concealed firearm or weapon at a school or college.¹ Both Florida and federal laws criminalize possession of a firearm on school property.²

Firearms on School Property - Federal Law

Federal law prohibits possession of a firearm in a school zone.³ A person who unlawfully possesses a firearm in a school zone faces up to 5 years in federal prison.⁴ The federal prohibition does not apply to possession of a firearm:

- On private property not part of school grounds;
- By a person licensed to possess a firearm by the state in which the school zone is located;
- That is:
 - Not loaded; and
 - Locked in a container, or a locked firearms rack that is on a motor vehicle.
- By an individual for use in a program approved by a school in the school zone;
- By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
- By a law enforcement officer acting in his or her official capacity; or
- That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if entry on school premises is authorized by school authorities.⁵

Firearms on School Property - Florida Law

Under Florida law, possessing a firearm or weapon at a school-sponsored event or on the property of any school, school bus, or school bus stop is a third degree felony,⁶ punishable by up to 5 years of incarceration and a \$5,000 fine.⁷ Under this law, a school is any public or private preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school.⁸ Exceptions to the prohibition on possessing a firearm on school property include when a person carries a firearm:

- In a case to a firearms program, class, or function approved by the principal or chief administrative officer of the school;
- In a case to a firearms training range at a career center; or
- In a vehicle under certain circumstances, except that school districts may adopt written and published policies that waive the exception for purposes of student and campus parking privileges.⁹

¹ S. 790.06(12)(1), F.S.

² S. 790.115(2)(a); 18 USC s. 922(q)(2)

³ 18 USC § 922(q)(2)(A).

⁴ 18 USC §§ 924(1)(1)(B) & 924(4).

⁵ 18 USC § 922(q)(2)(B).

⁶ S. 790.115(2)(c), F.S.

⁷ SS. 775.082 & 775.083, F.S.

⁸ S. 790.115(2)(a), F.S.

⁹ Id.

District School Board Duties Relating to School Safety

Current law requires school boards to establish model emergency management and emergency preparedness procedures for the following life-threatening emergencies:

- Weapon use and hostage situations;
- Hazardous materials and toxic chemical spills;
- Weather emergencies; and
- Exposure as a result of a manmade emergency.¹⁰

Current law does not specifically require any procedures for or training in active shooter situations.

School districts are required to conduct self-assessments on how they perform against the Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability. Based on this assessment, the district school superintendent must provide recommendations to the district school board that identify strategies and activities the school board should implement to improve school safety. Current law does not require the superintendent to make recommendations to law enforcement agencies designated as first responders to improve school safety.

Effect of Proposed Changes

HB 621 amends s. 790.115, F.S., to allow, but not mandate, public and nonpublic k-12 schools, career centers, or postsecondary schools to designate one or more individuals as authorized to carry a concealed weapon or firearm on school property. A designee is defined as an individual who is:

- A veteran of the United States Armed Forces who was honorably discharged and who has not been found to have committed a firearms-related disciplinary infraction during his or her military service;
- An active duty member of the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces who has not been found to have committed a firearms-related disciplinary infraction during his or her military service;
- A current or former law enforcement officer who has not been found to have committed a firearms-related disciplinary infraction during his or her law enforcement service; or
- In possession of a valid license to carry a concealed weapon or firearm, pursuant to s. 79.06, F.S.

The bill authorizes a designee to only carry a weapon or firearm in a concealed manner and keep the concealed weapon or firearm on the designee's person at all times while performing his or her official duties. A designee must submit proof that he or she has completed a minimum of 40 hours of a school safety program and annually complete 8 hours of active shooter training and 4 hours of firearm proficiency training.¹¹

The bill allows schools to create a school safety program for employees and volunteers. The bill allows each school principal or district school superintendent to designate one or more designees who have provided proof of completion of training as created by the Criminal Justice Standards and Training Commission and administered and certified by the Criminal Justice Training Center. Volunteers will be required to undergo a level 2 background screening¹² before becoming a designee, and again every 5 years thereafter as well as any additional screening deemed appropriate by the school principal or district school superintendent.

¹⁰ S. 1006.07(4), F.S.; Exposure as a result of a manmade emergency would include exposure to radioactive materials from a nuclear source such as a nuclear reactor or bomb.

¹¹ The training is defined and administered by the Florida Department of Law Enforcement.

¹² A level 2 background check requires that a person undergo security background investigations as a condition of employment and continued employment which includes but may not be limited to, fingerprinting, for statewide criminal history records checks through FDLE, and national criminal history records checks through local law enforcement agencies. See S. 435.02, F.S.

The bill requires each school to establish model emergency management and preparedness procedures for active shooter situations and participate in training conducted by the law enforcement agency or agencies designated as first responders¹³ to the school's campus. The bill requires a district school board or private school principal or governing board to allow the law enforcement agency or agencies designated as first responders to tour the campus every 3 years. The district school board or the principal or governing board of a private school must document changes related to school safety and emergency issues recommended by law enforcement.

The bill also provides intent language, makes conforming cross-reference changes, and makes non-substantive changes to style and grammar throughout the bill.

The bill is effective July 1, 2018.

B. SECTION DIRECTORY:

Section 1: Provides legislative intent.

Section 2: Amends s. 790.115, F.S., relating to possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.

Section 3: Amends s. 1006.07, F.S., relating to district school board duties relation to student discipline and school safety.

Section 4: Amends s. 1006.12, F.S., relating to school resource officers and school safety officers.

Section 5: Amends s. 435.04, F.S., relating to level 2 screening standards.

Section 6: Amends s. 790.251, F.S., relating to protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes; prohibited acts; duty of public and private employers; immunity from liability; enforcement.

Section 7: Amends s. 921.0022, F.S., relating to criminal punishment code, offense severity ranking chart.

Section 8: Amends s. 1012.315, F.S., relating to disqualification from employment.

Section 9: Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

¹³ S. 112.1815, F.S.
STORAGE NAME: h0621a.CRJ
DATE: 1/25/2018

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES