

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.; requiring  
 10          district school boards to commission a school safety  
 11          officer on each school campus in a school district  
 12          unless the school principal for that campus has  
 13          designated a concealed weapon or firearm licensee to  
 14          carry firearms on school property while performing  
 15          school duties under a specified provision; amending  
 16          ss. 435.04, 790.251, 921.0022, and 1012.315, F.S.;  
 17          conforming cross-references; providing an effective  
 18          date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22           Section 1. Section 790.115, Florida Statutes, is amended  
 23 to read:

24           790.115 Possessing or discharging weapons or firearms at a  
 25 school-sponsored event or on school property prohibited;  
 26 penalties; exceptions.—

27           (1) Except as provided in subsection (3), for purposes of  
 28 this section, "school" means any preschool, elementary school,

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29 middle school, junior high school, secondary school, career  
30 center, or postsecondary school, whether public or nonpublic.

31 (2)~~(1)~~ A person who exhibits any sword, sword cane,  
32 firearm, electric weapon or device, destructive device, or other  
33 weapon as defined in s. 790.001(13), including a razor blade,  
34 box cutter, or common pocketknife, except as authorized in  
35 support of school-sanctioned activities, in the presence of one  
36 or more persons in a rude, careless, angry, or threatening  
37 manner and not in lawful self-defense, at a school-sponsored  
38 event or on the grounds or facilities of any school, school bus,  
39 or school bus stop, or within 1,000 feet of the real property  
40 that comprises a public or private elementary school, middle  
41 school, or secondary school, during school hours or during the  
42 time of a sanctioned school activity, commits a felony of the  
43 third degree, punishable as provided in s. 775.082, s. 775.083,  
44 or s. 775.084. This subsection does not apply to the exhibition  
45 of a firearm or weapon on private real property within 1,000  
46 feet of a school by the owner of such property or by a person  
47 whose presence on such property has been authorized, licensed,  
48 or invited by the owner.

49 (3) This section does not apply to a member of a school  
50 district's personnel who has been designated by the school  
51 principal or, for an administration building, by the district  
52 school superintendent, as authorized to carry a concealed weapon  
53 or firearm on school district property.

54 (a) A designee authorized to carry a concealed weapon or  
55 firearm on such school district property under this subsection  
56 may only carry such weapon or firearm in a concealed manner and

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57 | may only do so while performing his or her official school  
58 | duties. Additionally, the designee must submit to the  
59 | authorizing principal or authorizing superintendent proof of  
60 | completion of training or experience as described in ss.  
61 | 493.6113(3)(b) and 493.6303(4).

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

65 | (c) For purposes of this subsection, "school" means any  
66 | public elementary school, middle school, junior high school, or  
67 | secondary school.

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

74 | 1. In a case to a firearms program, class or function  
75 | which has been approved in advance by the principal or chief  
76 | administrative officer of the school as a program or class to  
77 | which firearms could be carried;

78 | 2. In a case to a career center having a firearms training  
79 | range; or

80 | 3. In a vehicle pursuant to s. 790.25(5); except that  
81 | school districts may adopt written and published policies that  
82 | waive the exception in this subparagraph for purposes of student  
83 | and campus parking privileges.

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85 ~~For the purposes of this section, "school" means any preschool,~~  
86 ~~elementary school, middle school, junior high school, secondary~~  
87 ~~school, career center, or postsecondary school, whether public~~  
88 ~~or nonpublic.~~

89 (b) A person who willfully and knowingly possesses any  
90 electric weapon or device, destructive device, or other weapon  
91 as defined in s. 790.001(13), including a razor blade or box  
92 cutter, except as authorized in support of school-sanctioned  
93 activities, in violation of this subsection commits a felony of  
94 the third degree, punishable as provided in s. 775.082, s.  
95 775.083, or s. 775.084.

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

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

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113 incidental to the performance of their official duties.

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

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

126 ~~(5)~~<sup>(3)</sup> This section does not apply to any law enforcement  
127 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),  
128 (8), (9), or (14).

129 ~~(6)~~<sup>(4)</sup> Notwithstanding s. 985.24, s. 985.245, or s.  
130 985.25(1), any minor under 18 years of age who is charged under  
131 this section with possessing or discharging a firearm on school  
132 property shall be detained in secure detention, unless the state  
133 attorney authorizes the release of the minor, and shall be given  
134 a probable cause hearing within 24 hours after being taken into  
135 custody. At the hearing, the court may order that the minor  
136 continue to be held in secure detention for a period of 21 days,  
137 during which time the minor shall receive medical, psychiatric,  
138 psychological, or substance abuse examinations pursuant to s.  
139 985.18, and a written report shall be completed.

140 Section 2. Paragraph (b) of subsection (2) of section

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141 1006.12, Florida Statutes, is amended to read:

142 1006.12 School resource officers and school safety  
143 officers.—

144 (2)

145 (b) A district school board shall ~~may~~ commission a school  
146 safety officer ~~one or more school safety officers~~ for the  
147 protection and safety of school personnel, property, and  
148 students on each school campus within the school district,  
149 except for the campus of a school whose principal has authorized  
150 one or more school district personnel to carry a concealed  
151 weapon or firearm on school property pursuant to s. 790.115(3).  
152 The district school superintendent shall ~~may~~ recommend and the  
153 district school board shall ~~may~~ appoint the ~~one or more~~ school  
154 safety officers.

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

157 435.04 Level 2 screening standards.—

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

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

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

172 Section 4. Paragraph (a) of subsection (7) of section  
 173 790.251, Florida Statutes, is amended to read:

174 790.251 Protection of the right to keep and bear arms in  
 175 motor vehicles for self-defense and other lawful purposes;  
 176 prohibited acts; duty of public and private employers; immunity  
 177 from liability; enforcement.—

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

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

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

184 921.0022 Criminal Punishment Code; offense severity  
 185 ranking chart.—

186 (3) OFFENSE SEVERITY RANKING CHART

187 (d) LEVEL 4

188

Florida	Felony	Description
Statute	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

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siren and lights activated.

190

499.0051 (1) 3rd Failure to maintain or deliver pedigree papers.

191

499.0051 (2) 3rd Failure to authenticate pedigree papers.

192

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

193

517.07 (1) 3rd Failure to register securities.

194

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

195

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

196

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

197

784.075 3rd Battery on detention or commitment facility staff.

198

784.078 3rd Battery of facility employee by



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throwing, tossing, or expelling  
certain fluids or materials.

199

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

200

784.081 (3) 3rd Battery on specified official  
or employee.

201

784.082 (3) 3rd Battery by detained person on  
visitor or other detainee.

202

784.083 (3) 3rd Battery on code inspector.

203

784.085 3rd Battery of child by throwing,  
tossing, projecting, or  
expelling certain fluids or  
materials.

204

787.03 (1) 3rd Interference with custody;  
wrongly takes minor from  
appointed guardian.

205

787.04 (2) 3rd Take, entice, or remove child  
beyond state limits with  
criminal intent pending custody  
proceedings.

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207	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
208	787.07	3rd	Human smuggling.
209	<u>790.115 (2)</u> <del>790.115 (1)</del>	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
210	<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.
211	<u>790.115 (4) (c)</u> <del>790.115 (2) (c)</del>	3rd	Possessing firearm on school property.
212	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
213	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted

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burglary, of an unoccupied conveyance; unarmed; no assault or battery.

214

810.06 3rd Burglary; possession of tools.

215

810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

216

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

217

812.014 (2) (c) 4.-10. 3rd Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.

218

812.0195 (2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

219

817.563 (1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

220

817.568 (2) (a) 3rd Fraudulent use of personal identification information.

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221	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
222	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
223	837.02(1)	3rd	Perjury in official proceedings.
224	837.021(1)	3rd	Make contradictory statements in official proceedings.
225	838.022	3rd	Official misconduct.
226	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
227	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
228	843.021	3rd	Possession of a concealed handcuff key by a person in custody.

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229	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
230	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
231	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
232	874.05(1)	3rd	Encouraging or recruiting another to join a criminal gang.
233	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).
234	914.14(2)	3rd	Witnesses accepting bribes.
235	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
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237

914.23 (2) 3rd Retaliation against a witness,  
victim, or informant, no bodily  
injury.

238

918.12 3rd Tampering with jurors.

239

934.215 3rd Use of two-way communications  
device to facilitate commission  
of a crime.

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(f) LEVEL 6

241

Florida	Felony	
Statute	Degree	Description

242

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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243

499.0051 (3)	2nd	Knowing forgery of pedigree papers.
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244

499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
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245

499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
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775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048 (3)	3rd	Aggravated stalking; credible threat.
784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.

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255	784.081(2)	2nd	Aggravated assault on specified official or employee.
256	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
257	784.083(2)	2nd	Aggravated assault on code inspector.
258	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
259	<u>790.115(4)(d)</u> <del>790.115(2)(d)</del>	2nd	Discharging firearm or weapon on school property.
260	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
261	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
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263	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
264	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
265	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
266	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.
267	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
268	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
269	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	810.145 (8) (b)	2nd	Video voyeurism; certain minor

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victims; 2nd or subsequent offense.

270

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

271

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

272

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

273

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

274

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

275

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

276

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

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277	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
278	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
279	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
280	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
281	827.03 (2) (c)	3rd	Abuse of a child.
282	827.03 (2) (d)	3rd	Neglect of a child.
283	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
284	836.05	2nd	Threats; extortion.
285	836.10	2nd	Written threats to kill or do bodily injury.
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287	843.12	3rd	Aids or assists person to escape.
288	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
289	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
290	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
291	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
292	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.
	944.40	2nd	Escapes.

293

944.46 3rd Harboring, concealing, aiding  
escaped prisoners.

294

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

295

951.22(1) 3rd Intoxicating drug, firearm, or  
weapon introduced into county  
facility.

296

297 Section 6. Paragraphs (n) and (o) of subsection (1) of  
298 section 1012.315, Florida Statutes, are amended to read:

299 1012.315 Disqualification from employment.—A person is  
300 ineligible for educator certification, and instructional  
301 personnel and school administrators, as defined in s. 1012.01,  
302 are ineligible for employment in any position that requires  
303 direct contact with students in a district school system,  
304 charter school, or private school that accepts scholarship  
305 students under s. 1002.39 or s. 1002.395, if the person,  
306 instructional personnel, or school administrator has been  
307 convicted of:

308 (1) Any felony offense prohibited under any of the  
309 following statutes:

310 (n) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting  
311 firearms or weapons at a school-sponsored event, on school  
312 property, or within 1,000 feet of a school.

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313 |           (o) Section 790.115(4)(b) ~~790.115(2)(b)~~, relating to  
314 | possessing an electric weapon or device, destructive device, or  
315 | other weapon at a school-sponsored event or on school property.  
316 |           Section 7. This act shall take effect July 1, 2013.