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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

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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

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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

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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

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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.

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

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

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

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

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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

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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

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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

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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

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

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

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

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

(II) Sixteen hours of instruction in precision pistol.

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

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

(V) Eight hours of instruction in defensive tactics.

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

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

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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

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

(9)

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

1. "Employee" includes any volunteer firefighter.

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

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

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

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

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

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

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

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

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

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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

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

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

(b) Fireworks as defined in s. 791.01;

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

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

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

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

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

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

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

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

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

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

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

(e) All peace officers;

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

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

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

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

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

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

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

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

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

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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.

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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

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

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

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

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

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

1. A self-defense chemical spray.

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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

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to read:

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

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

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

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

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

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

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

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

(a) Registering to vote;

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

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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

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

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

790.053 Open carrying of weapons.—

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

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

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

790.06 License to carry concealed weapon or concealed firearm.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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

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in subsection (2);

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

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

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

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

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

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

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

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

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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;

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- 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

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

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

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

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

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

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

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

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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.—

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

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

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

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

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

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

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

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

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

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

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

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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

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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,~~

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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

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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

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collectors' gun shows, conventions, or exhibits;

(h) A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition;

(i) A person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business;

(j) A person discharging a weapon or firearm ~~firing weapons~~ for testing or target practice under safe conditions and in a safe place not prohibited by law or going to or from such place;

(k) A person discharging a weapon or firearm ~~firing weapons~~ in a safe and secure indoor range for testing and target practice;

(l) A person traveling ~~by private conveyance when the weapon is securely encased or~~ in a public conveyance when the weapon or firearm is securely encased and not in the person's manual possession;

(m) A person while carrying a handgun ~~pistol~~ unloaded and in a secure wrapper, concealed or otherwise, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business;

(n) A person possessing weapons or firearms ~~arms~~ at his or her home or place of business;

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

1. Are employed full time;

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

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

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

1. Are employed full time;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) ~~(5)~~ POSSESSION IN PRIVATE CONVEYANCE.—

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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~~

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

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

790.251 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.—

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

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

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

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

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

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

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

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

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

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

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

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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

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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

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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

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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

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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~~

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

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

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

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

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

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

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

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

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

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

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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:

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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

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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

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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,~~

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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),~~

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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~~

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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

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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.

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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.

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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

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

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

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

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

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

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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,

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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

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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.

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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.

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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

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

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

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

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

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

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

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

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

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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

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

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

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

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

(4) ELIGIBILITY.—

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

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

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

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

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

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

5. Documentation from the law enforcement agency certifying:

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

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

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

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

(5) DESIGNATION AND AWARD.—

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

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

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

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

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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,

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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

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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:

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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

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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,

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			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			

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2006	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2007			
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.
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2009			
2010	<u>790.01 (3)</u>	3rd	<u>Unlawful</u> carrying <u>of</u> a
	790.01 (2)		concealed firearm.
2011	790.162	2nd	Threat to throw or discharge destructive device.
	790.163 (1)	2nd	False report of bomb,

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			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

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			property.
2018	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.

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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.

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2030	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
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			

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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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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 cocaine (or other s.

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2048

893.13(4) (b)

2nd

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.

Use or hire of minor; deliver
to minor other controlled
substance.

2049

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

2050

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

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

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

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

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

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

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

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

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Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offense was committed.

Prior capital felony points: If the offender has one or more prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony in the offender's criminal record is a previous capital felony offense for which the offender has entered a plea of nolo

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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

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substantial assistance as described in s. 893.135(4).

Law enforcement protection: If the primary offense is a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence points are multiplied by 1.5. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the

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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

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

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

943.051 Criminal justice information; collection and storage; fingerprinting.—

(3)

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

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

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

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

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

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

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

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

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

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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)~~;

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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.

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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

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

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

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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

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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

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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.

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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

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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.