

By the Committee on Fiscal Policy; and Senators Collins,
Gruters, Martin, and Hooper

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A bill to be entitled

An act relating to public safety; amending s. 27.53, F.S.; conforming provisions to changes made by the act; amending s. 30.15, F.S.; requiring sheriffs to assist private schools in complying with a certain statute; authorizing a private school to request the sheriff to establish a guardian program under certain conditions; providing requirements for the guardian program; authorizing certified individuals to serve as school guardians if appointed by the applicable private school head of school; revising the training program hours required for school employees to be certified as school guardians; amending s. 768.28, F.S.; revising a definition; amending s. 790.001, F.S.; defining the term "handgun"; amending s. 790.01, F.S.; authorizing a person to carry a concealed weapon or concealed firearm if he or she is licensed to do so or meets specified requirements; specifying that the state bears the burden of proof for certain violations; creating s. 790.013, F.S.; requiring a person who is carrying a concealed weapon or concealed firearm without a license to carry valid identification and display such identification upon demand by a law enforcement officer; providing a noncriminal penalty; prohibiting a person who is carrying a concealed weapon or concealed firearm without a license from carrying such weapon or firearm in specified locations; amending s. 790.015, F.S.; authorizing a nonresident to carry a concealed weapon

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or concealed firearm in this state if he or she meets the same requirements as a resident; removing a requirement that limits recognition of concealed firearm licenses to those states that honor Florida concealed weapon or concealed firearm licenses; amending s. 790.052, F.S.; conforming provisions to changes made by the act; amending s. 790.053, F.S.; specifying that it is not a violation of specified provisions for persons authorized to carry a concealed weapon or concealed firearm without a license to briefly and openly display a firearm under specified circumstances; amending s. 790.06, F.S.; defining the term "concealed weapon or concealed firearm"; removing a requirement that a person who is licensed to carry a concealed weapon or concealed firearm must carry such license while he or she is in actual possession of a concealed weapon or concealed firearm; revising legislative findings; making technical changes; amending s. 790.0655, F.S.; making technical changes; amending s. 790.115, F.S.; providing that a person who is authorized to carry a concealed weapon or concealed firearm without a license is subject to specified penalties for possessing such weapon or firearm at a school-sponsored event or on school property; conforming provisions to changes made by the act; revising applicability; repealing s. 790.145, F.S., relating to the possession of firearms or destructive devices within the premises of pharmacies; amending s. 790.25, F.S.; providing that a person who is

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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"; creating s.
72 943.6873, F.S.; requiring each law enforcement agency
73 in this state to create and maintain an active
74 assailant response policy by a specified date;
75 providing requirements for the policy; amending s.
76 1001.212, F.S.; requiring the Office of Safe Schools
77 to develop a behavioral threat management operational
78 process by a specified date; providing requirements
79 for the process; revising provisions requiring the
80 office to develop a Florida-specific behavioral threat
81 assessment instrument by a specified date; revising
82 requirements for the instrument; requiring the office
83 to develop, host, maintain, and administer a threat
84 management portal by a specified date; providing
85 requirements for the threat management portal;
86 providing a noncriminal penalty for an individual
87 using the threat management portal for an unauthorized

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purpose; deleting provisions providing for the
Statewide Threat Assessment Database Workgroup;
authorizing the State Board of Education to adopt
emergency rules; amending s. 1002.42, F.S.;
authorizing a private school to partner with a law
enforcement agency or security agency for specified
purposes; requiring a private school that establishes
a safe-school officer to comply with specified
provisions of law; providing that the private school
is responsible for certain implementation costs;
amending s. 1003.25, F.S.; revising information
included in verified reports of serious or recurrent
behavior patterns; amending s. 1006.07, F.S.;
redesignating threat assessment teams as threat
management teams; requiring a charter school governing
board to establish a threat management team; providing
requirements for a threat management team; requiring
the threat management team to prepare a specified
report; authorizing the state board to adopt emergency
rules; providing legislative findings; creating s.
1006.121, F.S.; requiring the Department of Education
to establish the Florida Safe Schools Canine Program;
requiring the Office of Safe Schools to consult with
specified entities; defining the term "firearm
detection canine"; providing requirements for the
program; requiring the State Board of Education to
adopt rules; amending s. 1006.13, F.S.; conforming
provisions to changes made by the act; providing
reporting requirements for certain school safety

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incidents; amending ss. 790.1612, 810.095, 921.0022,
921.0024, 943.051, 943.0585, 943.059, 985.11, and
1002.33, F.S.; conforming provisions to changes made
by the act; providing appropriations; providing
effective dates.

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 or concealed
firearm weapons 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

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House of Representatives. Such plan shall be developed in accordance with policies and procedures of the Executive Office of the Governor established in s. 216.181. Each assistant public defender appointed by a public defender under this section shall serve at the pleasure of the public defender. Each investigator employed by a public defender shall have full authority to serve any witness subpoena or court order issued, by any court or judge within the judicial circuit served by such public defender, in a criminal case in which such public defender has been appointed to represent the accused.

(4) The five criminal conflict and civil regional counsels may employ and establish, in the numbers authorized by the General Appropriations Act, assistant regional counsels and other staff and personnel in each judicial district pursuant to s. 29.006, who shall be paid from funds appropriated for that purpose. Notwithstanding ss. 790.01 and 790.02, ~~s. 790.01, s. 790.02, or s. 790.25(2)(a)~~, an investigator employed by an office of criminal conflict and civil regional counsel, while actually carrying out official duties, is authorized to carry a concealed weapon or concealed firearm ~~weapons~~ 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 five regional counsels shall jointly develop a coordinated classification and pay plan for submission to the Justice Administrative Commission, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year. The plan must be developed in accordance with policies and procedures of the Executive Office of the Governor established

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175 in s. 216.181. Each assistant regional counsel appointed by the
176 regional counsel under this section shall serve at the pleasure
177 of the regional counsel. Each investigator employed by the
178 regional counsel shall have full authority to serve any witness
179 subpoena or court order issued by any court or judge in a
180 criminal case in which the regional counsel has been appointed
181 to represent the accused.

182 Section 2. Paragraph (k) of subsection (1) of section
183 30.15, Florida Statutes, is amended to read:

184 30.15 Powers, duties, and obligations.—

185 (1) Sheriffs, in their respective counties, in person or by
186 deputy, shall:

187 (k) Assist district school boards and charter school
188 governing boards in complying with, or private schools in
189 exercising options in, s. 1006.12. A sheriff must, at a minimum,
190 provide access to a Coach Aaron Feis Guardian Program to aid in
191 the prevention or abatement of active assailant incidents on
192 school premises, as required under this paragraph. Persons
193 certified as school guardians pursuant to this paragraph have no
194 authority to act in any law enforcement capacity except to the
195 extent necessary to prevent or abate an active assailant
196 incident.

197 1.a. If a local school board has voted by a majority to
198 implement a guardian program, the sheriff in that county shall
199 establish a guardian program to provide training, pursuant to
200 subparagraph 2., to school district, ~~or~~ charter school, or
201 private school employees, either directly or through a contract
202 with another sheriff's office that has established a guardian
203 program.

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b. A charter school governing board in a school district that has not voted, or has declined, to implement a guardian program may request the sheriff in the county to establish a guardian program for the purpose of training the charter school employees. If the county sheriff denies the request, the charter school governing board may contract with a sheriff that has established a guardian program to provide such training. The charter school governing board must notify the superintendent and the sheriff in the charter school's county of the contract prior to its execution.

c. A private school in a school district that has not voted, or has declined, to implement a guardian program may request that the sheriff in the county of the private school establish a guardian program for the purpose of training private school employees. If the county sheriff denies the request, the private school may contract with a sheriff from another county who has established a guardian program to provide such training. The private school must notify the sheriff in the private school's county of the contract with a sheriff from another county before its execution. The private school is responsible for all training costs for a school guardian program. The sheriff providing such training must ensure that any moneys paid by a private school are not commingled with any funds provided by the state to the sheriff as reimbursement for screening-related and training-related costs of any school district or charter school employee.

d. The training program required in sub-subparagraph 2.b. is a standardized statewide curriculum, and each sheriff providing such training shall adhere to the course of

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instruction specified in that sub-subparagraph. This subparagraph does not prohibit a sheriff from providing additional training. A school guardian who has completed the training program required in sub-subparagraph 2.b. may not be required to attend another sheriff's training program pursuant to that sub-subparagraph unless there has been at least a 1-year break in his or her employment as a guardian.

e. The sheriff conducting the training pursuant to subparagraph 2. will be reimbursed for screening-related and training-related costs and for providing a one-time stipend of \$500 to each school guardian who participates in the school guardian program.

2. A sheriff who establishes a program shall consult with the Department of Law Enforcement on programmatic guiding principles, practices, and resources, and shall certify as 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.

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(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 Enforcement is authorized to provide the sheriff's office with mental health and substance abuse data for compliance with this paragraph.

d. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office.

e. Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.

The sheriff who conducts the guardian training shall issue a school guardian certificate to individuals who meet the requirements of this section to the satisfaction of the sheriff, and shall maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian certified by the sheriff. An individual who is certified under this paragraph may serve as a school guardian under s. 1006.12(3) only if he or

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she is appointed by the applicable school district superintendent, ~~or~~ charter school principal, or private school head of school.

Section 3. Paragraph (b) of subsection (9) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; civil liability for damages caused during a 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:

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320 (2)~~(1)~~ "Antique firearm" means any firearm manufactured in
321 or before 1918 (including any matchlock, flintlock, percussion
322 cap, or similar early type of ignition system) or replica
323 thereof, whether actually manufactured before or after the year
324 1918, and also any firearm using fixed ammunition manufactured
325 in or before 1918, for which ammunition is no longer
326 manufactured in the United States and is not readily available
327 in the ordinary channels of commercial trade.

328 (3)~~(2)~~ "Concealed firearm" means any firearm, as defined in
329 subsection (9) ~~(6)~~, which is carried on or about a person in
330 such a manner as to conceal the firearm from the ordinary sight
331 of another person.

332 (4)~~(3)~~(a) "Concealed weapon" means any dirk, metallic
333 knuckles, billie, tear gas gun, chemical weapon or device, or
334 other deadly weapon carried on or about a person in such a
335 manner as to conceal the weapon from the ordinary sight of
336 another person.

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

343 (6)~~(4)~~ "Destructive device" means any bomb, grenade, mine,
344 rocket, missile, pipebomb, or similar device containing an
345 explosive, incendiary, or poison gas and includes any frangible
346 container filled with an explosive, incendiary, explosive gas,
347 or expanding gas, which is designed or so constructed as to
348 explode by such filler and is capable of causing bodily harm or

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property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms; any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" does not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(8)~~(5)~~ "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including 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;

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(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 "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;

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(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 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

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436 inches.

437 (18)~~(12)~~ "Slungshot" means a small mass of metal, stone,
438 sand, or similar material fixed on a flexible handle, strap, or
439 the like, used as a weapon.

440 (20)~~(13)~~ "Weapon" means any dirk, knife, metallic knuckles,
441 slungshot, billie, tear gas gun, chemical weapon or device, or
442 other deadly weapon except a firearm or a common pocketknife,
443 plastic knife, or blunt-bladed table knife.

444 (7)~~(14)~~ "Electric weapon or device" means any device which,
445 through the application or use of electrical current, is
446 designed, redesigned, used, or intended to be used for offensive
447 or defensive purposes, the destruction of life, or the
448 infliction of injury.

449 (5)~~(15)~~ "Dart-firing stun gun" means any device having one
450 or more darts that are capable of delivering an electrical
451 current.

452 (14)~~(16)~~ "Readily accessible for immediate use" means that
453 a firearm or other weapon is carried on the person or within
454 such close proximity and in such a manner that it can be
455 retrieved and used as easily and quickly as if carried on the
456 person.

457 (15)~~(17)~~ "Securely encased" means in a glove compartment,
458 whether or not locked; snapped in a holster; in a gun case,
459 whether or not locked; in a zippered gun case; or in a closed
460 box or container which requires a lid or cover to be opened for
461 access.

462 (19)~~(18)~~ "Sterile area" means the area of an airport to
463 which access is controlled by the inspection of persons and
464 property in accordance with federally approved airport security

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465 programs.

466 (1)~~(19)~~ "Ammunition" means an object consisting of all of
467 the following:

468 (a) A fixed metallic or nonmetallic hull or casing
469 containing a primer.

470 (b) One or more projectiles, one or more bullets, or shot.

471 (c) Gunpowder.

472
473 All of the specified components must be present for an object to
474 be ammunition.

475 Section 5. Section 790.01, Florida Statutes, is amended to
476 read:

477 790.01 ~~Unlicensed~~ Carrying of concealed weapons or
478 concealed firearms.—

479 (1) A person is authorized to carry a concealed weapon or
480 concealed firearm, as that term is defined in s. 790.06(1), if
481 he or she:

482 (a) Is licensed under s. 790.06; or

483 (b) Is not licensed under s. 790.06, but otherwise
484 satisfies the criteria for receiving and maintaining such a
485 license under s. 790.06(2)(a)-(f) and (i)-(n), (3), and (10).

486 (2)~~(1)~~ Except as provided in subsection (5) ~~(3)~~, a person
487 who does not meet the criteria in subsection (1) ~~is not licensed~~
488 ~~under s. 790.06~~ and who carries a concealed weapon or electric
489 weapon or device, as those terms are defined in s. 790.001, on
490 or about his or her person commits a misdemeanor of the first
491 degree, punishable as provided in s. 775.082 or s. 775.083.

492 (3)~~(2)~~ Except as provided in subsection (5) ~~(3)~~, a person
493 who does not meet the criteria in subsection (1) ~~is not licensed~~

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494 ~~under s. 790.06~~ and who carries a concealed firearm, as that
495 term is defined in s. 790.001, on or about his or her person
496 commits a felony of the third degree, punishable as provided in
497 s. 775.082, s. 775.083, or s. 775.084.

498 (4) In any prosecution for a violation of subsection (2) or
499 subsection (3), the state bears the burden of proving, as an
500 element of the offense, both that a person is not licensed under
501 s. 790.06 and that he or she is ineligible to receive and
502 maintain such a license under the criteria listed in s.
503 790.06(2)(a)-(f) and (i)-(n), (3), and (10).

504 (5)~~(3)~~ A person does not violate this section if he or she
505 ~~This section does not apply to:~~

506 (a) Is lawfully in possession of ~~A person who carries a~~
507 concealed weapon or a concealed firearm, as those terms are
508 defined in s. 790.001, ~~or a person who may lawfully possess a~~
509 ~~firearm~~ and ~~who~~ carries such a concealed weapon or concealed
510 firearm, on or about his or her person while in the act of
511 evacuating during a mandatory evacuation order issued during a
512 state of emergency declared by the Governor pursuant to chapter
513 252 or declared by a local authority pursuant to chapter 870. As
514 used in this subsection, the term "in the act of evacuating"
515 means the immediate and urgent movement of a person away from
516 the evacuation zone within 48 hours after a mandatory evacuation
517 is ordered. The 48 hours may be extended by an order issued by
518 the Governor.

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

- 521 1. A self-defense chemical spray.
- 522 2. A nonlethal stun gun or dart-firing stun gun or other

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nonlethal electric weapon or device that is designed solely for defensive purposes.

(6)~~(4)~~ This section does not preclude any prosecution for the use of an electric weapon or device, a dart-firing stun gun, or a self-defense chemical spray during the commission of any criminal offense under s. 790.07, s. 790.10, s. 790.23, or s. 790.235, or for any other criminal offense.

Section 6. Section 790.013, Florida Statutes, is created to read:

790.013 Carrying of concealed weapons or concealed firearms without a license.—A person who carries a concealed weapon or concealed firearm without a license as authorized under s. 790.01(1)(b):

(1)(a) Must carry valid identification at all times when he or she is in actual possession of a concealed weapon or concealed firearm and must display such identification upon demand by a law enforcement officer.

(b) A violation of this subsection is a noncriminal violation punishable by a \$25 fine, payable to the clerk of the court.

(2) Is subject to s. 790.06(12) in the same manner as a person who is licensed to carry a concealed weapon or concealed firearm.

Section 7. Section 790.015, Florida Statutes, is amended 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

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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;

or

(c) Filing for homestead tax exemption on property in this state,

the license shall be recognized as valid ~~remain in effect~~ for 90 days following the date on which the holder of the license establishes legal state residence.

~~(4) This section applies only to nonresident concealed weapon or concealed firearm licenseholders from states that~~

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~~honor Florida concealed weapon or concealed firearm licenses.~~

~~(4)(5)~~ The requirement in subsection (1) that a nonresident
be 21 years of age or older to carry a concealed weapon or
concealed firearm of paragraph (1)(a) does not apply to a person
who:

(a) Is a servicemember, as defined in s. 250.01; or

(b) Is a veteran of the United States Armed Forces who was
discharged under honorable conditions.

Section 8. Paragraph (d) of subsection (1) of section
790.052, Florida Statutes, is amended to read:

790.052 Carrying concealed firearms; off-duty law
enforcement officers.—

(1)

(d) This section does not limit the right of a law
enforcement officer, correctional officer, or correctional
probation officer to carry a concealed firearm off duty as a
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

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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 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

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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 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

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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, 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 receive a concealed weapon or concealed firearm license, he or she is exempt from the background investigation and all background investigation fees but must pay the current license fees regularly required to be paid by nonexempt applicants.

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Further, a law enforcement officer, a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), or (3) is exempt from the required fees and background investigation for 1 year after his or her retirement.

(6)

(f) The Department of Agriculture and Consumer Services shall, upon receipt of a completed application and the identifying information required under paragraph (5)(f), expedite the processing of a servicemember's or a veteran's concealed weapon or concealed firearm license application.

(9) In the event that a concealed weapon or concealed firearm license is lost or destroyed, the license shall be automatically invalid, and the person to whom the same was issued may, upon payment of \$15 to the Department of Agriculture and Consumer Services, obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the Department of Agriculture and Consumer Services that such license has been lost or destroyed.

(10) A license issued under this section shall be suspended or revoked pursuant to chapter 120 if the licensee:

(a) Is found to be ineligible under the criteria set forth 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;

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(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 mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified mail is returned as undeliverable, a second attempt must be made to provide notice to the licensee at that address, by either first-class mail in an envelope, postage prepaid, addressed to the licensee at his or her last known mailing address furnished to the department, or, if the licensee has provided an e-mail address to the department, by e-mail. Such mailing by the department constitutes notice, and any failure by the licensee to receive such notice does not stay the effective date or term of the suspension or revocation. A request for hearing must be filed with the department within 21 days after

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notice is received by personal delivery, or within 26 days after the date the department deposits the notice in the United States mail (21 days plus 5 days for mailing). The department shall document its attempts to provide notice, and such documentation is admissible in the courts of this state and constitutes sufficient proof that notice was given.

(12) (a) A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or concealed firearm into:

1. Any place of nuisance as defined in s. 823.05;
2. Any police, sheriff, or highway patrol station;
3. Any detention facility, prison, or jail;
4. Any courthouse;
5. Any courtroom, except that nothing in this section precludes ~~would preclude~~ a judge from carrying a concealed weapon or concealed firearm or determining who will carry a concealed weapon or concealed firearm in his or her courtroom;
6. Any polling place;
7. Any meeting of the governing body of a county, public school district, municipality, or special district;
8. Any meeting of the Legislature or a committee thereof;
9. Any school, college, or professional athletic event not related to firearms;
10. Any elementary or secondary school facility or administration building;
11. Any career center;
12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such

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purpose;

13. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;

14. The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is 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

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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 concealed firearms ~~for self-defense~~ and finds it necessary to occupy the field of regulation of the bearing of concealed weapons or concealed firearms ~~for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this section is subjectively or arbitrarily denied his or her rights.~~

The Department of Agriculture and Consumer Services shall implement and administer ~~the provisions of~~ this section. The Legislature does not delegate to the Department of Agriculture and Consumer Services the authority to regulate or restrict the issuing of licenses provided for in this section, beyond those provisions contained in this section. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this section or which create restrictions beyond those specified in this section are in conflict with the intent of this section and are prohibited. This section shall be liberally construed to carry out the constitutional right to bear arms ~~for self-defense~~. This section is supplemental and additional to existing rights to bear arms, and nothing in this section shall impair or diminish such rights.

Section 11. Paragraph (a) of subsection (2) of section 790.0655, Florida Statutes, is amended to read:

790.0655 Purchase and delivery of firearms; mandatory

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waiting period; exceptions; penalties.—

(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 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,

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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 or nonpublic.

(b) Except as provided in paragraph (e), a person who willfully and knowingly possesses any 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, in violation of this subsection commits a felony of the third

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degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(e) A person who is authorized to carry a concealed weapon or concealed firearm under s. 790.01(1) and who willfully and knowingly violates paragraph (b) or subparagraph (c)1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 ~~The penalties of this subsection shall not apply to persons licensed under s. 790.06. Persons licensed under s. 790.06 shall be punished as provided in s. 790.06(12), except that a licenseholder who unlawfully discharges a weapon or firearm on school property as prohibited by this subsection~~

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~~commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 13. Section 790.145, Florida Statutes, is repealed.

Section 14. Subsections (2), (3), and (5) of section 790.25, Florida Statutes, are amended to read:

790.25 Lawful ownership, possession, and use of firearms and other weapons.—

~~(2) USES NOT AUTHORIZED.—~~

~~(a) This section does not authorize carrying a concealed weapon without a permit, as prohibited by ss. 790.01 and 790.02.~~

~~(b) The protections of this section do not apply to the following:~~

~~1. A person who has been adjudged mentally incompetent, who is addicted to the use of narcotics or any similar drug, or who is a habitual or chronic alcoholic, or a person using weapons or firearms in violation of ss. 790.07-790.115, 790.145-790.19, 790.22-790.24;~~

~~2. Vagrants and other undesirable persons as defined in s. 856.02;~~

~~3. A person in or about a place of nuisance as defined in s. 823.05, unless such person is there for law enforcement or some other lawful purpose.~~

(2)(3) LAWFUL USES.—Notwithstanding the provisions of ss. 790.01, 790.053, and 790.06, do not apply in the following instances, and, despite such sections, it is lawful for the following persons may to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes if they are not otherwise prohibited from owning or possessing a firearm under state or federal law:

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(a) Members of the Militia, National Guard, Florida State Defense Force, Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, organized reserves, and other armed forces of the state and of the United States, when on duty, when training or preparing themselves for military duty, or while subject to recall or mobilization;

(b) Citizens of this state subject to duty in the Armed Forces under s. 2, Art. X of the State Constitution, under chapters 250 and 251, and under federal laws, when on duty or when training or preparing themselves for military duty;

(c) Persons carrying out or training for emergency management duties under chapter 252;

(d) Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue officers, forest officials, special officers appointed under the provisions of chapter 354, and other peace and law enforcement officers and their deputies and assistants and full-time paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state;

(e) Officers or employees of the state or United States duly authorized to carry a concealed weapon or a concealed firearm;

(f) Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state;

(g) Regularly enrolled members of any organization duly authorized to purchase or receive weapons or firearms from the

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United States or from this state, or regularly enrolled members of clubs organized for target, skeet, or trap shooting, while at or going to or from shooting practice; or regularly enrolled members of clubs organized for modern or antique firearms collecting, while such members are at or going to or from their 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 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

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1074 firearm license ~~weapons permit~~ issued pursuant to s. 790.06.

1075 b. The tactical medical professional is appointed to a law
1076 enforcement tactical team of a law enforcement agency by the
1077 head of the law enforcement agency.

1078 c. The law enforcement agency has an established policy
1079 providing for the appointment, training, and deployment of the
1080 tactical medical professional.

1081 d. The tactical medical professional successfully completes
1082 a firearms safety training and tactical training as established
1083 or designated by the appointing law enforcement agency.

1084 e. The law enforcement agency provides and the tactical
1085 medical professional participates in annual firearm training and
1086 tactical training.

1087 2. While actively operating in direct support of a tactical
1088 operation by a law enforcement agency, a tactical medical
1089 professional:

1090 a. May carry a firearm in the same manner as a law
1091 enforcement officer, as defined in s. 943.10 and,
1092 notwithstanding any other law, at any place a tactical law
1093 enforcement operation occurs.

1094 b. Has no duty to retreat and is justified in the use of
1095 any force which he or she reasonably believes is necessary to
1096 defend himself or herself or another from bodily harm.

1097 c. Has the same immunities and privileges as a law
1098 enforcement officer, as defined in s. 943.10, in a civil or
1099 criminal action arising out of a tactical law enforcement
1100 operation when acting within the scope of his or her official
1101 duties.

1102 3. This paragraph may not be construed to authorize a

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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.—

(a) Notwithstanding s. 790.01, a person 18 years of age or older who is in lawful possession of a handgun or other weapon may possess such a handgun or weapon within the interior of a private conveyance if the handgun or weapon is securely encased or otherwise not readily accessible for immediate use. A person who possesses a handgun or other weapon as authorized under this paragraph may not carry the handgun or weapon on his or her person.

(b) This subsection does not prohibit a person from carrying a:

1. Legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use;
or

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1132 2. Concealed weapon or concealed firearm on his or her
1133 person while in a private conveyance if he or she is authorized
1134 to carry a concealed weapon or concealed firearm under s.
1135 790.01(1) .

1136 (c) This subsection shall be liberally construed in favor
1137 of the lawful use, ownership, and possession of firearms and
1138 other weapons, including lawful self-defense as provided in s.
1139 776.012. Notwithstanding subsection (2), it is lawful and is not
1140 a violation of s. 790.01 for a person 18 years of age or older
1141 to possess a concealed firearm or other weapon for self-defense
1142 or other lawful purpose within the interior of a private
1143 conveyance, without a license, if the firearm or other weapon is
1144 securely encased or is otherwise not readily accessible for
1145 immediate use. Nothing herein contained prohibits the carrying
1146 of a legal firearm other than a handgun anywhere in a private
1147 conveyance when such firearm is being carried for a lawful use.
1148 Nothing herein contained shall be construed to authorize the
1149 carrying of a concealed firearm or other weapon on the person.
1150 This subsection shall be liberally construed in favor of the
1151 lawful use, ownership, and possession of firearms and other
1152 weapons, including lawful self-defense as provided in s.
1153 776.012.

1154 Section 15. Paragraph (c) of subsection (2) and paragraph
1155 (c) of subsection (4) of section 790.251, Florida Statutes, are
1156 amended to read:

1157 790.251 Protection of the right to keep and bear arms in
1158 motor vehicles for self-defense and other lawful purposes;
1159 prohibited acts; duty of public and private employers; immunity
1160 from liability; enforcement.—

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(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.

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.~~

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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 prohibited.—

(1) As used in this section, the term:

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

Section 17. Effective upon becoming a law, section 943.6873, Florida Statutes, is created to read:

943.6873 Active assailant response policy.—For the protection of all persons in this state, it is necessary and required that every law enforcement agency in this state be prepared to respond to an active assailant event. To be adequately prepared, each law enforcement agency must create and maintain an active assailant response policy.

(1) By October 1, 2023, each law enforcement agency in this state shall have a written active assailant response policy that:

(a) Is consistent with the agency's response capabilities; and

(b) Includes response procedures specifying the command protocol and coordination with other law enforcement agencies.

(2) (a) The department shall make the model active assailant response policy developed by the Marjory Stoneman Douglas High School Public Safety Commission available on its website. The department may also make available any other policies deemed appropriate by the executive director which may guide a law enforcement agency in developing its active assailant response

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1219 policy.

1220 (b) Each law enforcement agency must review the model
1221 active assailant response policy developed by the Marjory
1222 Stoneman Douglas High School Public Safety Commission when
1223 developing its active assailant response policy.

1224 (3) Each law enforcement agency shall ensure that all of
1225 its sworn personnel have been trained on the agency's existing
1226 active assailant response policy, or that sworn personnel are
1227 trained within 180 days after enacting a new or revised policy.
1228 Each law enforcement agency must ensure that all of its sworn
1229 personnel receive, at minimum, annual training on the active
1230 assailant response policy.

1231 (4) By October 1, 2023, each law enforcement agency shall
1232 provide written certification to the department from the head of
1233 the law enforcement agency verifying that the agency has
1234 officially adopted a written active assailant response policy.

1235 (5) By January 1, 2024, the department shall submit a
1236 report to the Governor, the President of the Senate, and the
1237 Speaker of the House of Representatives identifying each law
1238 enforcement agency that has not complied with the requirements
1239 of this section.

1240 Section 18. Effective upon becoming a law, subsections (12)
1241 and (13) of section 1001.212, Florida Statutes, are amended to
1242 read:

1243 1001.212 Office of Safe Schools.—There is created in the
1244 Department of Education the Office of Safe Schools. The office
1245 is fully accountable to the Commissioner of Education. The
1246 office shall serve as a central repository for best practices,
1247 training standards, and compliance oversight in all matters

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regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The office shall:

(12) Develop a statewide behavioral threat management operational process, a Florida-specific behavioral threat assessment instrument, and a threat management portal.

(a)1. By December 1, 2023, the office shall develop a statewide behavioral threat management operational process to guide school districts, schools, charter school governing boards, and charter schools through the threat management process. The process must be designed to identify, assess, manage, and monitor potential and real threats to schools. This process must include, but is not limited to:

a. The establishment and duties of threat management teams.

b. Defining behavioral risks and threats.

c. The use of the Florida-specific behavioral threat assessment instrument developed pursuant to paragraph (b) to evaluate the behavior of students who may pose a threat to the school, school staff, or other students and to coordinate intervention and services for such students.

d. Upon the availability of the threat management portal developed pursuant to paragraph (c), the use, authorized user criteria, and access specifications of the portal.

e. Procedures for the implementation of interventions, school support, and community services.

f. Guidelines for appropriate law enforcement intervention.

g. Procedures for risk management.

h. Procedures for disciplinary actions.

i. Mechanisms for continued monitoring of potential and

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1277 real threats.

1278 j. Procedures for referrals to mental health services
1279 identified by the school district or charter school governing
1280 board pursuant to s. 1012.584(4).

1281 k. Procedures and requirements necessary for the creation
1282 of a threat assessment report, all corresponding documentation,
1283 and any other information required by the Florida-specific
1284 behavioral threat assessment instrument under paragraph (b).

1285 2. Upon availability, each school district, school, charter
1286 school governing board, and charter school must use the
1287 statewide behavioral threat management operational process.

1288 3. The office shall provide training to all school
1289 districts, schools, charter school governing boards, and charter
1290 schools on the statewide behavioral threat management
1291 operational process.

1292 4. The office shall coordinate the ongoing development,
1293 implementation, and operation of the statewide behavioral threat
1294 management operational process.

1295 (b)1. By August 1, 2023 ~~2019~~, the office shall develop a
1296 Florida-specific ~~standardized, statewide~~ behavioral threat
1297 assessment instrument for school districts, schools, charter
1298 school governing boards, and charter schools to use to evaluate
1299 the behavior of students who may pose a threat to the school,
1300 school staff, or students and to coordinate intervention and
1301 services for such students. The Florida-specific behavioral
1302 threat assessment instrument must include, but is not limited
1303 to: use by all public schools, including charter schools, which
1304 ~~addresses early identification, evaluation, early intervention,~~
1305 ~~and student support.~~

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~~(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 management portal under paragraph (c) is an education record and may not be retained, maintained, or transferred, except in accordance with State Board of Education rule.

3. Upon availability, each school district, school, charter school governing board, and charter school must use the Florida-specific behavioral threat assessment instrument.

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1335 ~~4.6-~~ The office shall provide training for members of
1336 threat management assessment teams established under s.
1337 1006.07(7) and for all school districts and charter school
1338 governing boards school administrators regarding the use of the
1339 Florida-specific behavioral threat assessment instrument.

1340 (c)1. By August 1, 2025, the office shall develop, host,
1341 maintain, and administer a threat management portal that will
1342 digitize the Florida-specific behavioral threat assessment
1343 instrument for use by each school district, school, charter
1344 school governing board, and charter school. The portal will also
1345 facilitate the electronic threat assessment reporting and
1346 documentation as required by the Florida-specific behavioral
1347 threat assessment instrument to evaluate the behavior of
1348 students who may pose a threat to the school, school staff, or
1349 students and to coordinate intervention and services for such
1350 students. The portal may not provide the office with access to
1351 the portal unless authorized in accordance with State Board of
1352 Education rule. The portal must include, but need not be limited
1353 to, the following functionalities:

1354 a. Workflow processes that align with the statewide
1355 behavioral threat management operational process.

1356 b. Direct data entry and file uploading as required by the
1357 Florida-specific behavioral threat assessment instrument.

1358 c. The ability to create a threat assessment report as
1359 required by the Florida-specific behavioral threat assessment
1360 instrument.

1361 d. The ability of authorized personnel to add to or update
1362 a threat assessment report, all corresponding documentation, or
1363 any other information required by the Florida-specific

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1364 behavioral threat assessment instrument.

1365 e. The ability to create and remove connections between
1366 education records in the portal and authorized personnel.

1367 f. The ability to grant access to and securely transfer any
1368 education records in the portal to other schools or charter
1369 schools in the district.

1370 g. The ability to grant access to and securely transfer any
1371 education records in the portal to schools and charter schools
1372 not in the originating district.

1373 h. The ability to retain, maintain, and transfer education
1374 records in the portal in accordance with State Board of
1375 Education rule.

1376 i. The ability to restrict access to, entry of,
1377 modification of, and transfer of education records in the portal
1378 to a school district, school, charter school governing board, or
1379 charter school and authorized personnel as specified by the
1380 statewide behavioral threat management operational process.

1381 j. The ability to designate school district or charter
1382 school governing board system administrators who may grant
1383 access to authorized school district and charter school
1384 governing board personnel and school and charter school system
1385 administrators.

1386 k. The ability to designate school or charter school system
1387 administrators who may grant access to authorized school or
1388 charter school personnel.

1389 l. The ability to notify the office's system administrators
1390 and school district or charter school governing board system
1391 administrators of attempts to access any education records by
1392 unauthorized personnel.

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1393 2. Upon availability, each school district, school, charter
1394 school governing board, and charter school shall use the portal.

1395 3. A threat assessment report, all corresponding
1396 documentation, and any other information required by the
1397 Florida-specific behavioral threat assessment instrument which
1398 is maintained in the portal is an education record and may not
1399 be retained, maintained, or transferred, except in accordance
1400 with State Board of Education rule.

1401 4. The office and the office system administrators may not
1402 have access to a threat assessment report, all corresponding
1403 documentation, and any other information required by the
1404 Florida-specific behavioral threat assessment instrument which
1405 is maintained in the portal.

1406 5. A school district or charter school governing board may
1407 not have access to the education records in the portal, except
1408 in accordance with State Board of Education rule.

1409 6. The parent of a student may access his or her student's
1410 education records in the portal in accordance with State Board
1411 of Education rule, but may not have access to the portal.

1412 7. The office shall develop and implement a quarterly
1413 portal access review audit process.

1414 8. Upon availability, each school district, school, charter
1415 school governing board, and charter school shall comply with the
1416 quarterly portal access review audit process developed by the
1417 office.

1418 9. By August 1, 2025, and annually thereafter, the office
1419 shall provide role-based training to all authorized school
1420 district, school, charter school governing board, and charter
1421 school personnel.

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1422 10. Any individual who accesses, uses, or releases any
1423 education record contained in the portal for a purpose not
1424 specifically authorized by law commits a noncriminal infraction,
1425 punishable by a fine not exceeding \$2,000.

1426 (d) ~~(b)~~ The office shall:

1427 1. by August 1 of each year: ~~2020,~~

1428 1. Evaluate each school district's and charter school
1429 governing board's use of the statewide behavioral threat
1430 management operational process, the Florida-specific behavioral
1431 threat assessment instrument, and the threat management portal
1432 procedures for compliance with this subsection.

1433 2. Notify the district school superintendent or charter
1434 school governing board, as applicable, if the use of the
1435 statewide behavioral threat management operational process, the
1436 Florida-specific behavioral threat assessment instrument, and
1437 the threat management portal is not in compliance with this
1438 subsection.

1439 3. Report any issues of ongoing noncompliance with this
1440 subsection to the commissioner and the district school
1441 superintendent or the charter school governing board, as
1442 applicable.

1443 ~~(13) Establish the Statewide Threat Assessment Database~~
1444 ~~Workgroup, composed of members appointed by the department, to~~
1445 ~~complement the work of the department and the Department of Law~~
1446 ~~Enforcement associated with the centralized integrated data~~
1447 ~~repository and data analytics resources initiative and make~~
1448 ~~recommendations regarding the development of a statewide threat~~
1449 ~~assessment database. The database must allow authorized public~~
1450 ~~school personnel to enter information related to any threat~~

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~~assessment conducted at their respective schools using the instrument developed by the office pursuant to subsection (12), and must provide such information to authorized personnel in each school district and public school and to appropriate stakeholders. By December 31, 2019, the workgroup shall provide a report to the office with recommendations that include, but need not be limited to:~~

~~(a) Threat assessment data that should be required to be entered into the database.~~

~~(b) School district and public school personnel who should be allowed to input student records to the database and view such records.~~

~~(c) Database design and functionality, to include data security.~~

~~(d) Restrictions and authorities on information sharing, including:~~

~~1. Section 1002.22 and other applicable state laws.~~

~~2. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, 42 C.F.R. part 2; the Health Insurance Portability and Accountability Act (HIPAA), 42 U.S.C. s. 1320d6, 45 C.F.R. part 164, subpart E; and other applicable federal laws.~~

~~3. The appropriateness of interagency agreements that will allow law enforcement to view database records.~~

~~(e) The cost to develop and maintain a statewide online database.~~

~~(f) An implementation plan and timeline for the workgroup recommendations.~~

Section 19. Effective upon becoming a law, the State Board

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of Education may, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the amendments made to s. 1001.212(12), Florida Statutes, by this act. Notwithstanding any other law, emergency rules adopted pursuant to this section 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. This section expires July 1, 2024.

Section 20. Subsection (18) is added to section 1002.42, Florida Statutes, to read:

1002.42 Private schools.—

(18) SAFE SCHOOL OFFICERS.—

(a) A private school may partner with a law enforcement agency or a security agency to establish or assign one or more safe-school officers established in s. 1006.12(1)-(4). The private school is responsible for the full cost of implementing any such option, which includes all training costs under the Coach Aaron Feis Guardian Program under s. 30.15(1)(k).

(b) A private school that establishes a safe-school officer must comply with the requirements of s. 1006.12. References to a school district, district school board, or district school superintendent in s. 1006.12(1)-(5) shall also mean a private school governing board or private school head of school, as applicable. References to a school district employee in s. 1006.12(3) shall also mean a private school employee.

Section 21. Effective upon becoming a law, subsection (2) of section 1003.25, Florida Statutes, is amended to read:

1003.25 Procedures for maintenance and transfer of student

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records.—

(2) The procedure for transferring and maintaining records of students who transfer from school to school is ~~shall be~~ prescribed by rules of the State Board of Education. The transfer of records must ~~shall~~ occur within 3 school days. The records must ~~shall~~ include, if applicable:

(a) Verified reports of serious or recurrent behavior patterns, including any threat assessment report, all corresponding documentation, and any other information required by the Florida-specific behavioral threat assessment instrument pursuant to s. 1001.212(12) which contains the evaluation, evaluations and intervention, and management of the threat assessment evaluations and intervention services.

(b) Psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by school district or charter school staff, as appropriate.

Section 22. Effective upon becoming a law, paragraph (b) of subsection (4), paragraph (b) of subsection (6), and subsections (7) and (9) of section 1006.07, Florida Statutes, are amended to read:

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

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(b) Provide timely notification to parents of threats

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pursuant to policies adopted under subsection (7) and the following unlawful acts or significant emergencies that occur on school grounds, during school transportation, or during school-sponsored activities:

1. Weapons possession or use when there is intended harm toward another person, hostage, and active assailant situations. The active assailant situation training for each school must engage the participation of the district school safety specialist, threat management ~~assessment~~ team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.

2. Murder, homicide, or manslaughter.

3. Sex offenses, including rape, sexual assault, or sexual misconduct with a student by school personnel.

4. Natural emergencies, including hurricanes, tornadoes, and severe storms.

5. Exposure as a result of a manmade emergency.

(6) SAFETY AND SECURITY BEST PRACTICES.—Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.

(b) *Mental health coordinator*.—Each district school board shall identify a mental health coordinator for the district. The mental health coordinator shall serve as the district's primary point of contact regarding the district's coordination, communication, and implementation of student mental health policies, procedures, responsibilities, and reporting,

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including:

1. Coordinating with the Office of Safe Schools, established pursuant to s. 1001.212.

2. Maintaining records and reports regarding student mental health as it relates to school safety and the mental health assistance allocation under s. 1011.62(14).

3. Facilitating the implementation of school district policies relating to the respective duties and responsibilities 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~~

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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 threat assessments in compliance with the instrument developed pursuant to s. 1001.212(12).

(a) Upon the availability of a statewide behavioral threat management operational process developed pursuant to s. 1001.212(12), all threat management teams shall use the operational process.

(b) ~~(a)~~ A threat management assessment team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. All members of the threat management assessment team must be involved in the threat assessment and threat management process and final decisionmaking. At least one member of the threat management team must have personal familiarity with the individual who is the subject of the threat assessment. If no member of the threat management team has such familiarity, an instructional personnel or administrative personnel, as those terms are defined in s. 1012.01(2) and (3), who is personally familiar with the individual who is the subject of the threat assessment must consult with the threat management team for the purpose of assessing the threat. The instructional or administrative personnel who provides such consultation shall not participate in the decisionmaking process.

(c) The threat management team ~~assessment teams~~ shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students,

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1625 faculty, and staff regarding recognition of threatening or
1626 aberrant behavior that may represent a threat to the community,
1627 school, or self.

1628 (d) Upon the availability of the Florida-specific
1629 behavioral threat assessment instrument developed pursuant to s.
1630 1001.212(12), all the threat management teams ~~assessment team~~
1631 shall use that instrument when evaluating the behavior of
1632 students who may pose a threat to the school, school staff, or
1633 students and to coordinate intervention and services for such
1634 students.

1635 (e) ~~(b)~~ Upon a preliminary determination that a student
1636 poses a threat of violence or physical harm to himself or
1637 herself or others, a threat management ~~assessment~~ team shall
1638 immediately report its determination to the superintendent or
1639 his or her designee. The superintendent or his or her designee
1640 or the charter school administrator or his or her designee shall
1641 immediately attempt to notify the student's parent or legal
1642 guardian. Nothing in this subsection precludes ~~shall preclude~~
1643 school district or charter school governing board personnel from
1644 acting immediately to address an imminent threat.

1645 (f) ~~(e)~~ Upon a preliminary determination by the threat
1646 management ~~assessment~~ team that a student poses a threat of
1647 violence to himself or herself or others or exhibits
1648 significantly disruptive behavior or need for assistance,
1649 authorized members of the threat management ~~assessment~~ team may
1650 obtain criminal history record information pursuant to s.
1651 985.04(1). A member of a threat management ~~assessment~~ team may
1652 not disclose any criminal history record information obtained
1653 pursuant to this section or otherwise use any record of an

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individual beyond the purpose for which such disclosure was made to the threat management ~~assessment~~ team.

(g) ~~(d)~~ Notwithstanding any other provision of law, all state and local agencies and programs that provide services to students experiencing or at risk of an emotional disturbance or a mental illness, including the school districts, charter schools, school personnel, state and local law enforcement agencies, the Department of Juvenile Justice, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Education, the Statewide Guardian Ad Litem Office, and any service or support provider contracting with such agencies, may share with each other records or information that are confidential or exempt from disclosure under chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the student or to ensure the safety of the student or others. All such state and local agencies and programs shall communicate, collaborate, and coordinate efforts to serve such students.

(h) ~~(e)~~ If an immediate mental health or substance abuse crisis is suspected, school personnel shall follow steps ~~policies~~ established by the threat management ~~assessment~~ team to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel shall report all

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such situations and actions taken to the threat management
~~assessment~~ team, which shall contact the other agencies involved
with the student and any known service providers to share
information and coordinate any necessary followup actions. Upon
the student's transfer to a different school, the threat
management ~~assessment~~ team shall verify that any intervention
services provided to the student remain in place until the
threat management ~~assessment~~ team of the receiving school
independently determines the need for intervention services.

(i) The threat management team shall prepare a threat
assessment report required by the Florida-specific behavioral
threat assessment instrument developed pursuant to s.
1001.212(12). A threat assessment report, all corresponding
documentation, and any other information required by the
Florida-specific behavioral threat assessment instrument in the
threat management portal is an education record.

(j) ~~(f)~~ Each threat management ~~assessment~~ team ~~established
pursuant to this subsection~~ shall report quantitative data on
its activities to the Office of Safe Schools in accordance with
guidance from the office ~~and shall utilize the threat assessment
database developed pursuant to s. 1001.212(13) upon the
availability of the database.~~

(9) SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING.—Each
district school board shall adopt policies to ensure the
accurate and timely reporting of incidents related to school
safety and discipline. The district school superintendent is
responsible for school environmental safety incident reporting.
A district school superintendent who fails to comply with this
subsection is subject to the penalties specified in law,

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including, but not limited to, s. 1001.42(13)(b) or s. 1001.51(12)(b), as applicable. The State Board of Education shall adopt rules establishing the requirements for the school environmental safety incident report, including those incidents that must be reported to a law enforcement agency. Annually, the department shall publish on its website the most recently available school environmental safety incident data along with other school accountability and performance data in a uniform, statewide format that is easy to read and understand.

Section 23. Effective upon becoming a law:

(1) The State Board of Education is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to 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

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1741 the emergency rules.

1742 Section 24. Effective upon becoming a law, section
1743 1006.121, Florida Statutes, is created to read:

1744 1006.121 Florida Safe Schools Canine Program.—

1745 (1) CREATION AND PURPOSE.—

1746 (a) The Department of Education, through the Office of Safe
1747 Schools pursuant to s. 1001.212, shall establish the Florida
1748 Safe Schools Canine Program for the purpose of designating a
1749 person, school, or business entity as a Florida Safe Schools
1750 Canine Partner if the person, school, or business entity
1751 provides a monetary or in-kind donation to a law enforcement
1752 agency to purchase, train, or care for a firearm detection
1753 canine. The office shall consult with the Florida Police Chiefs
1754 Association and the Florida Sheriffs Association in creating the
1755 program.

1756 (b) The presence of firearm detection canines at K-12
1757 schools contributes to a safe school community, furthering a
1758 communitywide investment and engagement in school safety and
1759 public safety initiatives. The program seeks to foster
1760 relationships between schools, local businesses, and law
1761 enforcement, promoting trust and confidence in the ability of
1762 law enforcement to keep schools and communities safe. Firearm
1763 detection canines act as liaisons between students and law
1764 enforcement agencies and serve as ambassadors for a law
1765 enforcement agency to improve community engagement. K-12 schools
1766 and students are encouraged to partner with law enforcement to
1767 raise funds in the local community for the monetary or in-kind
1768 donations needed to purchase, train, or care for a firearm
1769 detection canine. This includes building relationships with

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1770 local businesses that support school safety by providing
1771 monetary or in-kind donations to help with the ongoing care and
1772 expenses of a firearm detection canine which include, but are
1773 not limited to, veterinary care such as wellness checks and
1774 medicine; food; interactive and training toys; grooming; and
1775 necessary equipment such as collars and leads.

1776 (2) DEFINITION.—As used in this section, the term “firearm
1777 detection canine” means any canine that is owned or the service
1778 of which is employed by a law enforcement agency for use in K-12
1779 schools for the primary purpose of aiding in the detection of
1780 firearms and ammunition.

1781 (3) CANINE REQUIREMENTS.—A firearm detection canine must be
1782 trained to interact with children and must complete behavior and
1783 temperament training. A firearm detection canine may also be
1784 trained as an animal-assisted therapy canine.

1785 (4) ELIGIBILITY.—

1786 (a) A law enforcement agency may nominate a person, school,
1787 or business entity to be designated as a Florida Safe Schools
1788 Canine Partner, or such person, school, or business entity may
1789 apply to the office to be designated as a Florida Safe Schools
1790 Canine Partner if a monetary or an in-kind donation is made to a
1791 law enforcement agency for the purchase, training, or care of a
1792 firearm detection canine.

1793 (b) The nomination or application to the office for
1794 designation as a Florida Safe Schools Canine Partner must, at
1795 minimum, include all of the following:

1796 1. The name, address, and contact information of the
1797 person, school, or business entity.

1798 2. The name, address, and contact information of the law

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1799 enforcement agency.

1800 3. Whether the donation was monetary or in kind.

1801 4. The amount of the donation or type of in-kind donation.

1802 5. Documentation from the law enforcement agency
1803 certifying:

1804 a. The date of receipt of the monetary or in-kind donation
1805 by the person, school, or business entity; and

1806 b. The monetary or in-kind donation by person, school, or
1807 business entity is for the purchase, training, or care of a
1808 firearm detection canine.

1809 (c) The office shall adopt procedures for the nomination
1810 and application processes for a Florida Safe Schools Canine
1811 Partner.

1812 (5) DESIGNATION AND AWARD.—

1813 (a) The office shall determine whether a person, school, or
1814 business entity, based on the information provided in the
1815 nomination or application, meets the requirements in subsection
1816 (4). The office may request additional information from the
1817 person, school, or business entity.

1818 (b)1. A nominated person, school, or business entity that
1819 meets the requirements shall be notified by the office regarding
1820 the nominee's eligibility to be awarded a designation as a
1821 Florida Safe Schools Canine Partner.

1822 2. The nominee shall have 30 days after receipt of the
1823 notice to certify that the information in the notice is true and
1824 accurate and accept the nomination, to provide corrected
1825 information for consideration by the office and indicate an
1826 intention to accept the nomination, or to decline the
1827 nomination. If the nominee accepts the nomination, the office

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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
meets the requirements shall be notified and awarded a
designation as a Florida Safe Schools Canine Partner.

(d) The office shall adopt procedures for the designation
process of a Florida Safe Schools Canine Partner. Designation as
a Florida Safe Schools Canine Partner does not establish or
involve licensure, does not affect the substantial interests of
a party, and does not constitute a final agency action. The
Florida Safe Schools Canine Program and designation are not
subject to chapter 120.

(6) LOGO DEVELOPMENT.—

(a) The office shall develop a logo that identifies a
person, school, or business entity that is designated as a
Florida Safe Schools Canine Partner.

(b) The office shall adopt guidelines and requirements for
the use of the logo, including how the logo may be used in
advertising. The office may allow a person, school, or business
entity to display a Florida Safe Schools Canine Partner logo
upon designation. A person, school, or business entity that has
not been designated as a Florida Safe Schools Canine Partner or
has elected to discontinue its designated status may not display
the logo.

(7) WEBSITE.—The office shall establish a page on the
department's website for the Florida Safe Schools Canine
Program. At a minimum, the page must provide a list, updated
quarterly, of persons, schools, or business entities, by county,

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which currently have the Florida Safe Schools Canine Partner designation and information regarding the eligibility requirements for the designation and the method of application or nomination.

(8) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 25. Effective upon becoming a law, subsections (1), (2), and (8) of section 1006.13, Florida Statutes, are amended to read:

1006.13 Policy of zero tolerance for crime and victimization.—

(1) District school boards shall promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a threat to school safety. A threat management ~~assessment~~ team may use alternatives to expulsion or referral to law enforcement agencies to address disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Zero-tolerance policies may not be rigorously applied to petty acts of misconduct. Zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.

(2) Each district school board shall adopt a policy of zero tolerance that:

(a) Identifies acts that are required to be reported under the school environmental safety incident reporting pursuant to s. 1006.07(9) ~~Defines criteria for reporting to a law enforcement agency any act that poses a threat to school safety that occurs whenever or wherever students are within the~~

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~~jurisdiction of the district school board.~~

(b) Defines acts that pose a threat to school safety.

(c) Defines petty acts of misconduct which are not a threat to school safety and do not require consultation with law enforcement.

(d) Minimizes the victimization of students, staff, or volunteers, including taking all steps necessary to protect the victim of any violent crime from any further victimization.

(e) Establishes a procedure that provides each student with the opportunity for a review of the disciplinary action imposed pursuant to s. 1006.07.

(f) Requires the threat management ~~assessment~~ team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.

(8) A threat management ~~assessment~~ team may use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety.

Section 26. Section 790.1612, Florida Statutes, is amended to read:

790.1612 Authorization for governmental manufacture, possession, and use of destructive devices.—The governing body of any municipality or county and the Division of State Fire Marshal of the Department of Financial Services have the power to authorize the manufacture, possession, and use of destructive devices as defined in s. 790.001 ~~s. 790.001(4)~~.

Section 27. Subsection (1) of section 810.095, Florida Statutes, is amended to read:

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810.095 Trespass on school property with firearm or other weapon prohibited.—

(1) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for a person who is trespassing upon school property to bring onto, or to possess on, such school property any weapon as defined in s. 790.001 ~~s. 790.001(13)~~ or any firearm.

Section 28. Paragraph (e) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4) (a)	2nd	Aggravated fleeing or eluding.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended

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license, resulting in death or
serious bodily injury.

1933

327.30(5)

3rd

Vessel accidents involving
personal injury; leaving
scene.

1934

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, 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.

1935

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1936	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
1937	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
1938	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1939	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
1940	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1941	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1942	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

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1943	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
	<u>790.01 (3)</u>	3rd	<u>Unlawful</u> carrying <u>of</u> a
1944	790.01 (2)		concealed firearm.
	790.162	2nd	Threat to throw or discharge destructive device.
1945			
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
1946			
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
1947			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1948			
	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
1949			
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
1950			
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition;

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			offender 18 years of age or older.
1951	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1952	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1953	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
1954	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
1955	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
1956	812.081 (3)	2nd	Trafficking in trade secrets.
1957	812.131 (2) (b)	3rd	Robbery by sudden snatching.
1958	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
1959			

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1960	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.	
1961	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.	
1962	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.	
1963	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.	
1964	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.	

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1965	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device , or reencoder.
1966	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
1967	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
1968	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
1969	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
	836.14 (4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without

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1970			consent.
	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.
1971	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
1972	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
1973	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1974	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1975	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

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1976

874.05 (2) (a) 2nd Encouraging or recruiting
person under 13 years of age
to join a criminal gang.

1977

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).

1978

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
state, county, or municipal
park or publicly owned
recreational facility or
community center.

1979

893.13 (1) (d) 1. 1st 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

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1980

university.

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver
cannabis or other drug
prohibited under 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) within
1,000 feet of property used
for religious services or a
specified business site.

1981

893.13(1)(f)1.

1st

Sell, manufacture, or deliver
cocaine (or other s.

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.

1982

893.13(4)(b)

2nd

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

1983

893.1351(1)

3rd

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

1984

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Section 29. Paragraph (b) of subsection (1) of section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

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;

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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.

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

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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 contendere or guilty or has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his or her possession: a firearm as defined in s. 790.001 ~~s. 790.001(6)~~, an additional eighteen (18) sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his or her possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001 ~~s. 790.001(9)~~, an additional twenty-five (25) sentence points are assessed.

Sentencing multipliers:

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may move the sentencing court to reduce or suspend the sentence of a person convicted of 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 court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Domestic violence in the presence of a child: If the offender is

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convicted of the primary offense and the primary offense is a crime of domestic violence, as defined in s. 741.28, which was committed in the presence of a child under 16 years of age who is a family or household member as defined in s. 741.28(3) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Section 30. 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

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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. 790.22(5).
10. Petit theft, as defined in s. 812.014(3).
11. Cruelty to animals, as defined in s. 828.12(1).
12. Arson, 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 provided in s. 790.115.

Section 31. Paragraph (d) of subsection (1) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—

(1) ELIGIBILITY.—A person is eligible to petition a court

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to expunge a criminal history record if:

(d) The person has never, as of the date the application for a certificate of expunction is filed, been adjudicated guilty in this state of a criminal offense or been adjudicated delinquent in this state for committing any felony or any of the following misdemeanors, unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515:

1. Assault, as defined in s. 784.011;
 2. Battery, as defined in s. 784.03;
 3. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a);
 4. Carrying a concealed weapon, as defined in s. 790.01(2) ~~s. 790.01(1)~~;
 5. Open carrying of a weapon, as defined in s. 790.053;
 6. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as defined in s. 790.115;
 7. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1);
 8. Unlawful possession of a firearm, as defined in s. 790.22(5);
 9. Exposure of sexual organs, as defined in s. 800.03;
 10. Arson, as defined in s. 806.031(1);
 11. Petit theft, as defined in s. 812.014(3);
 12. Neglect of a child, as defined in s. 827.03(1)(e); or
 13. Cruelty to animals, as defined in s. 828.12(1).
- Section 32. Paragraph (b) of subsection (1) of section 943.059, Florida Statutes, is amended to read:
- 943.059 Court-ordered sealing of criminal history records.—

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(1) ELIGIBILITY.—A person is eligible to petition a court to seal a criminal history record when:

(b) The person has never, before the date the application for a certificate of eligibility is filed, been adjudicated guilty in this state of a criminal offense, or been adjudicated delinquent in this state for committing any felony or any of the following misdemeanor offenses, unless the record of such adjudication of delinquency has been expunged pursuant to s. 943.0515:

1. Assault, as defined in s. 784.011;

2. Battery, as defined in s. 784.03;

3. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a);

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

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

6. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as defined in s. 790.115;

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

8. Unlawful possession of a firearm by a minor, as defined in s. 790.22(5);

9. Exposure of sexual organs, as defined in s. 800.03;

10. Arson, as defined in s. 806.031(1);

11. Petit theft, as defined in s. 812.014(3);

12. Neglect of a child, as defined in s. 827.03(1)(e); or

13. Cruelty to animals, as defined in s. 828.12(1).

Section 33. Paragraph (b) of subsection (1) of section

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985.11, Florida Statutes, is amended to read:

985.11 Fingerprinting and photographing.—

(1)

(b) Unless the child is issued a civil citation or is 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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A law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems appropriate. Such fingerprint records and photographs shall be retained by the law enforcement agency in a separate file, and these records and all copies thereof must be marked "Juvenile Confidential." These records are not available for public disclosure and inspection under s. 119.07(1) except as provided in ss. 943.053 and 985.04(2), but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal custodians of the child, their attorneys, and any other person authorized by the court to have access to such records. In addition, such records may be submitted to the Department of Law Enforcement for inclusion in the state criminal history records and used by criminal justice agencies for criminal justice purposes. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

Section 34. Paragraph (b) of subsection (16) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall be in compliance

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with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.

4. Section 1012.22(1)(c), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

8. Section 1006.12, relating to safe-school officers.

9. Section 1006.07(7), relating to threat management ~~assessment~~ teams.

10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.

11. Section 1006.07(10), relating to reporting of involuntary examinations.

12. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.

13. Section 1006.07(6)(d), relating to adopting an active assailant response plan.

14. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

15. Section 1012.584, relating to youth mental health

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2304 awareness and assistance training.

2305 Section 35. For the 2023-2024 fiscal year, the sum of \$1.5
2306 million in recurring funds from the General Revenue Fund is
2307 appropriated to the Department of Law Enforcement to implement a
2308 grant program for local law enforcement agencies to provide
2309 firearm safety training. The department shall develop a process
2310 and guidelines for the disbursement of funds appropriated in
2311 this section. Local law enforcement grant recipients shall
2312 report documentation on the use of training funds, in a form and
2313 manner determined by the department.

2314 Section 36. For the 2023-2024 fiscal year, eight full-time
2315 equivalent positions, with associated salary rate of 582,000,
2316 are authorized and the sums of \$1,207,321 in recurring funds and
2317 \$70,525 in nonrecurring funds from the General Revenue Fund are
2318 appropriated to the Department of Education to fund new and
2319 existing positions and additional workload expenses within the
2320 Office of Safe Schools.

2321 Section 37. For the 2023-2024 fiscal year, the sum of
2322 \$400,000 in recurring funds from the General Revenue Fund is
2323 appropriated to the Department of Education to fund the Office
2324 of Safe Schools to update the existing school safety training
2325 infrastructure.

2326 Section 38. For the 2023-2024 fiscal year, the sums of \$5
2327 million in recurring funds and \$7 million in nonrecurring funds
2328 from the General Revenue Fund are appropriated to the Department
2329 of Education to competitively procure for the development or
2330 acquisition of a cloud-based secure statewide information
2331 sharing system that meets the requirements of the threat
2332 management portal as prescribed in this act.

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2333 Section 39. For the 2023-2024 fiscal year, the sums of \$1.5
2334 million in recurring funds and \$1.5 million in nonrecurring
2335 funds from the General Revenue Fund are appropriated to the
2336 Department of Education to competitively procure for the
2337 development or acquisition of a cloud-based secure School
2338 Environmental Safety Incident Reporting (SESIR) system.

2339 Section 40. For the 2023-2024 fiscal year, the sum of \$42
2340 million in nonrecurring funds from the General Revenue Fund is
2341 appropriated to the Department of Education for school hardening
2342 grant programs to improve the physical security of school
2343 buildings based on the security risk assessment required
2344 pursuant to s. 1006.1493, Florida Statutes. By December 31,
2345 2023, school districts and charter schools receiving school
2346 hardening grant program funds shall report to the Department of
2347 Education, in a format prescribed by the department, the total
2348 estimated costs of their unmet school campus hardening needs as
2349 identified by the Florida Safe Schools Assessment Tool (FSSAT)
2350 conducted pursuant to s. 1006.1493, Florida Statutes. The report
2351 should include a prioritized list of school hardening project
2352 needs by each school district or charter school and an expected
2353 timeframe for implementing those projects. In accordance with
2354 ss. 119.071(3)(a) and 281.301, Florida Statutes, data and
2355 information related to security risk assessments administered
2356 pursuant to s. 1006.1493, Florida Statutes, are confidential and
2357 exempt from public records requirements. Funds may be used only
2358 for capital expenditures. Funds shall be allocated initially
2359 based on each district's capital outlay full-time equivalent
2360 (FTE) and charter school FTE. A district shall not be allocated
2361 less than \$42,000. Funds shall be provided based on a district's

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2362 application, which must be submitted to the Department of
2363 Education by February 1, 2024.

2364 Section 41. Except as otherwise expressly provided in this
2365 act and except for this section, which shall take effect upon
2366 this act becoming a law, this act shall take effect July 1,
2367 2023.