

SB 180 by **Evers**; (Similar to CS/H 0019) School Safety

SB 352 by **Flores**; (Similar to H 0143) American Founders' Month

945556 A S WD ED, Clemens btw L.99 - 100: 03/31 02:17 PM

SB 344 by **Sobel**; (Similar to H 0811) Establishment of a Mental Health First Aid Training Program

411270 D S L RCS ED, Sobel Delete everything after 03/31 02:17 PM

SB 448 by **Flores (CO-INTRODUCERS) Margolis**; (Similar to CS/H 0181) Educational Facilities

SB 572 by **Montford**; School Support Organizations

SB 888 by **Detert**; (Compare to CS/CS/H 0587) Educator Professional Practices

SB 1474 by **Legg**; (Compare to CS/1ST ENG/H 7057) District School Boards

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K - 12
Senator Legg, Chair
Senator Detert, Vice Chair

MEETING DATE: Tuesday, March 31, 2015

TIME: 1:30 —3:30 p.m.

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Legg, Chair; Senator Detert, Vice Chair; Senators Benacquisto, Brandes, Bullard, Clemens, Gaetz, Galvano, Garcia, Montford, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 180 Evers (Similar CS/H 19)	School Safety; Permitting a school superintendent, with approval of the school board, to authorize a school safety designee to carry a concealed weapon or firearm on school property; requiring school boards to formulate policies and procedures for managing active-shooter and hostage situations; permitting district school boards to commission one or more school safety officers on each school campus, etc. CJ 03/23/2015 Favorable ED 03/31/2015 Temporarily Postponed AP	Temporarily Postponed
2	SB 352 Flores (Similar H 143)	American Founders' Month; Designating the month of September as "American Founders' Month"; authorizing the Governor to annually issue a proclamation designating the month and urging participation; requiring district school boards to celebrate the American Founders and the principles inherent in the country's founding documents by observing American Founders' Month, etc. ED 03/31/2015 Favorable AED FP	Favorable Yeas 8 Nays 2
3	SB 344 Sobel (Similar H 811)	Establishment of a Mental Health First Aid Training Program; Requiring the Department of Education to establish a mental health first aid training program; requiring the department to use a competitive procurement process to select a statewide association to develop, implement, and manage the program; providing for expiration of the program; providing an appropriation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature by a specified date, etc. ED 03/31/2015 Fav/CS CF AED AP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Tuesday, March 31, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 448 Flores (Similar CS/H 181)	Educational Facilities; Providing for school district construction flexibility; authorizing exceptions to educational facilities construction requirements under certain circumstances, etc. ED 03/31/2015 Favorable AED AP	Favorable Yeas 10 Nays 0
5	SB 572 Montford	School Support Organizations; Defining the term "school support organization"; authorizing such organizations to pay tax on specified items purchased for resale in lieu of collecting the tax upon resale, etc. ED 03/31/2015 Favorable FT FP	Favorable Yeas 9 Nays 0
6	SB 888 Detert (Compare CS/CS/H 587, S 1262)	Educator Professional Practices; Authorizing certain employees or agents of the Department of Education to have access to certain reports and records; revising the membership of the Education Practices Commission; authorizing the Commissioner of Education to appoint emeritus members to the commission; authorizing the commissioner to issue a letter of guidance in response to a complaint against a teacher or administrator in lieu of a probable cause determination, etc. ED 03/31/2015 Favorable AED FP	Favorable Yeas 9 Nays 0
7	SB 1474 Legg (Compare CS/H 7057)	District School Boards; Requiring district school boards to adopt a strategic plan; revising standards of ethical conduct for instructional personnel and school administrators to apply to certain administrative personnel and school officers, etc. ED 03/31/2015 Fav/CS AED FP	Fav/CS Yeas 8 Nays 1
TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION

Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

State Board of Education

8	Chartrand, Gary (Ponte Vedra Beach)	12/31/2018	Recommend Confirm Yeas 8 Nays 2
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COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K - 12

Tuesday, March 31, 2015, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 180

INTRODUCER: Senator Evers

SUBJECT: School Safety

DATE: March 30, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	Favorable
2.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

SB 180 authorizes district school boards to implement armed security measures on school property. It expands the definition of “school” within s. 790.115, F.S., to include adult education facilities and any combination of schools, facilities, or centers listed in the definition of school.

The bill creates restrictions and requirements related to persons who are authorized to provide armed security in the school setting.

The “school safety designees” must be licensed to carry a concealed weapon or firearm pursuant to the requirements of s. 790.06, F.S., and be:

- An honorably discharged military veteran with no firearm-related disciplinary infraction;
- An active-duty member of the military, National Guard, or reserves, with no firearm-related disciplinary infraction; or
- A law enforcement officer in good standing or a former officer who has retired or terminated employment in good standing and not during the course of an internal investigation.

The designee is required to carry the weapon or firearm, on his or her person, in a concealed manner at all times while performing official school or school safety designee duties.

School safety designees must undergo a Level 2 background screening. They must also complete a training program created by the Florida Department of Law Enforcement (FDLE).

An appropriation of nonrecurring funds from General Revenue in the amount of \$157,927 is made to FDLE for FY 2015-2016. The funds are designated for the Criminal Justice Standards and Training Commission to develop the school safety training curriculum required by the bill. The school safety program must be created by January 1, 2016.

The bill requires district school boards to include active-shooter and hostage situations in policies and procedures for emergency drills and emergencies, and develop such procedures in consultation with local law enforcement. The bill requires that both public and private schools allow campus tours by law enforcement first responders at least every three years.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

Gun Free School Zones

Federal Law

Federal law prohibits the knowing possession of a firearm that has been transported across state lines in interstate commerce or that otherwise affects interstate or foreign commerce in a school zone. The prohibition does not apply to possession of a firearm:

- On private property not part of school grounds;
- By individuals licensed to possess a firearm by the state or a political subdivision of the state in which the school zone is located if the licensing law requires law enforcement verification that the individual meets the law's qualifications to receive the license before issuance;
- That is not loaded and stored in a locked container in a motor vehicle;
- Authorized pursuant to a program approved by the school in the school zone;
- Pursuant to a contract entered into between a school and the individual or an employer of the individual;
- By a law enforcement officer acting in his or her official capacity; or
- That is unloaded and is possessed by an individual who is authorized by the school to cross school grounds for the purpose of gaining access to public or private lands open to hunting.¹

Federal law also prohibits the knowing or reckless discharge or attempted discharge of a firearm that has been transported across state lines in interstate commerce or that otherwise affects interstate or foreign commerce in a school zone. The prohibition does not apply to the discharge of a firearm:

- On private property not part of school grounds;
- Authorized pursuant to a program approved by the school in the school zone;
- Pursuant to a contract entered into between a school and the individual or an employer of the individual; or
- By a law enforcement officer acting in his or her official capacity.²

Federal law further provides that it is not Congress' intent to occupy the field of firearms regulation, unless there is a direct, positive, and irreconcilable conflict between a federal and state firearms law regulating the same subject matter. Thus, states may regulate firearms in a manner that is consistent with federal law.³

¹ 18 U.S.C. s. 922(q)(2)(A)-(B).

² 18 U.S.C. s. 922(q)(3)(A)-(B).

³ 18 U.S.C. s. 927.

Florida Law

Florida law prohibits, with exceptions, the possession or discharge of weapons or firearms at a preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.⁴ The law prohibits:

- Exhibition of a weapon⁵ or firearm in the presence of another in a rude, careless, angry, or threatening manner on school property or a school bus, at a school bus stop or school-sponsored event, or within 1,000 feet⁶ of a K-12 public or private school, during school hours or at the time of a school activity.⁷ Such exhibition is a third degree felony,⁸ unless it is made in lawful self-defense.⁹
- Possession of a weapon¹⁰ or firearm, “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.” Penalties for such possession vary, as follows:
 - A person who willfully and knowingly unlawfully possesses a firearm on school property or a school bus or at a school bus stop or school-sponsored activity or event commits a third degree felony.¹¹
 - A person who fails to securely store a firearm, enabling a minor to access it who then unlawfully possesses it on school property or a school bus or at a school bus stop or school-sponsored activity or event, commits a second degree misdemeanor.¹²
 - A person who discharges a firearm while unlawfully possessing it on school property or a school bus or at a school bus stop or school-sponsored activity or event, commits a second degree felony,¹³ unless discharged for lawful defense of self or others or for a lawful purpose.¹⁴

The law provides several exceptions allowing individuals to carry a firearm on school property or a school bus or at a school bus stop or school-sponsored activity or event without express approval by school officials. A firearm may be carried:

- To a school-approved firearms program;
- To a career center having a firearms training range; or

⁴ Section 790.115(2)(a), F.S. (flush left provision at end of paragraph).

⁵ “Weapon” means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife. s. 790.001(13), F.S. Exhibiting a sword, sword cane, electric weapon or device, destructive device, razor blade, box cutter, or common pocketknife is also prohibited. s. 790.115(1), F.S.

⁶ The prohibition on exhibition of a firearm or weapon on private real property within 1,000 feet of a school does not apply to the property owner or those whose presence is authorized by the owner. s. 790.115(1), F.S.

⁷ Section 790.115(1), F.S.

⁸ A third degree felony is punishable by a term of imprisonment not exceeding five years and a fine not exceeding \$5,000. ss. 775.082(3)(e) and 775.083(1)(c), F.S.

⁹ Section 790.115(1), F.S.

¹⁰ In addition to firearms and items defined as weapons, this provision also applies to possession of an electric weapon or device, destructive device, and a razor blade or box cutter. Section 790.115(2)(a), F.S.; *see footnote text, supra* note 4.

¹¹ Section 790.115(2)(e), F.S.

¹² Section 790.115(2)(c), F.S. This does not apply if the firearm was securely stored and the minor obtains the firearm as a result of an unlawful entry by any person. Also exempt from this section are members of the Armed Forces, National Guard, State Militia, or law enforcement officers, if the minor gains possession during or incidental to the performance of their official duties. *Id.*

¹³ A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine not exceeding \$10,000. ss. 775.082(4)(d) and 775.083(1)(b), F.S.

¹⁴ Section 790.115(2)(d), F.S.

- In a vehicle by a person who is at least 18 years of age and the firearm is securely encased or not readily accessible for immediate use.

School districts may adopt policies waiving the vehicle exception for purposes of student and campus parking privileges.¹⁵

Concealed Weapon and Firearm Permits

Florida law authorizes the Department of Agriculture and Consumer Services (DACS) to issue a concealed weapons and firearm license to individuals who meet statutory qualifications. Among other criteria, applicants must pass a fingerprint-based criminal background check and complete a firearm proficiency training class. The concealed carry license is a photo identification that enables the holder to carry a concealed weapon or firearm in public, except for specified locations, *e.g.*, school or college athletic events; elementary, secondary, and postsecondary schools; and career centers.¹⁶

The Florida Department of Law Enforcement (FDLE) Criminal Justice Standards and Training Commission certifies law enforcement officers and correctional probation officers after training curriculum has been successfully completed and other conditions are met.¹⁷ Officers who hold an active certification are not required to possess a concealed carry license in order to carry a concealed weapon or firearm while they are off-duty.¹⁸

Concealed Carry Licenses for Retired Law Enforcement, Active, and Discharged Military

With a passing score on the firing range testing component of the minimum firearms proficiency course for active law enforcement officers, a retired law enforcement officer is authorized under federal law to carry a concealed firearm with proper state identification.¹⁹

Military firearms training is recognized as evidence of competence with a firearm for purposes of the concealed carry license but all other requirements must be met for both active and retired military.²⁰ A person applying for a concealed carry license may show proficiency with a firearm by presenting evidence of experience with a firearm during military service.²¹

Safe Storage

Florida law requires persons to store loaded firearms securely to prevent minors from gaining access to them.²²

¹⁵ Section 790.115(2)(a)3., F.S.; *see, e.g.*, Policy 7217-Weapons (2012) Leon County School Board.

¹⁶ Section 790.06(12), F.S.

¹⁷ Section 943.13(9), F.S., and related provisions within chapter 943, F.S. The curriculum includes “high liability training” which requires the recruit to demonstrate safety and marksmanship with a firearm. s. 943.14(6)(a), F.S.

¹⁸ Section 790.052, F.S., applies to officers defined in ss. 943.10(1), (2), (3), (6), (7), (8) and (9), F.S.

¹⁹ Generally, retired in good standing after at least 15 years of service. s. 943.132, F.S.

²⁰ The 21 years of age requirement has been waived for active and honorably discharged veteran military. ss. 790.06(2)(b) and 790.062, F.S.

²¹ Section 790.06(2)(h)5., F.S.

²² Sections 790.115(2)(c)2. and 790.174, F.S.

School Safety

Emergency Policies

Florida law requires each district school board to formulate policies and procedures for emergency response drills and actual emergencies.²³ These policies must include procedures for responding to various emergencies, such as fires, natural disasters, and bomb threats.²⁴ Commonly used alarm system responses for specific types of emergencies must be incorporated into such policies.²⁵

The *Safety and Security Best Practices* (Best Practices) is a self-assessment tool that each school district must use to annually assess the effectiveness of district emergency response policies.²⁶ Among other “best practices,” the self-assessment suggests that school districts:²⁷

- Develop a district-wide plan for potential attacks against school sites.
- Develop a checklist with step-by-step emergency procedures for use in every classroom which includes, among other things, procedures for weapons and hostage situations.
- Share emergency plans and procedures with designated school and school district personnel, identify training for all types of school staff and staff that require specialized training, and incorporate such training into the Master Plan for In-Service Training.

Each district school superintendent must make recommendations to the school board for improving emergency response policies based upon the self-assessment results.²⁸ The self-assessment results and superintendent’s recommendations must be addressed in a publicly noticed school board meeting.²⁹ The results of the self-assessment and any school board action on the superintendent’s recommendations must be reported to the Commissioner of Education within 30 days after the school board meeting.³⁰

School Resource Officers

School resource officers are employed by a law enforcement agency.³¹ They are certified law enforcement officers who retain all the powers and duties of a law enforcement officer during their tenure as a school resource officer.³²

²³ Section 1006.07(4)(a), F.S. Additionally, district school boards must establish model emergency management and preparedness procedures for weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure resulting from manmade emergencies. s. 1006.07(4)(b), F.S.

²⁴ Section 1006.07(4)(a), F.S.

²⁵ *Id.*

²⁶ Section 1006.07(6), F.S. The self-assessment is developed by the Office of Program Policy Analysis and Government Accountability. *Id.*

²⁷ See Florida Department of Education, *District Safety and Security Best Practices* (2014) available at <http://www.fldoe.org/core/fileparse.php/3?url=2014bpi.pdf>.

²⁸ Section 1006.07(6), F.S.

²⁹ *Id.*

³⁰ *Id.*

³¹ Section 1006.12(1)(a), F.S.

³² *Id.*

School Safety Officers

School safety officers are certified law enforcement officers, who are employed by either a law enforcement agency or a district school board. A school safety officer has the authority to carry weapons when performing official duties. School boards are authorized, but not required, to commission and assign to schools school safety officers for the protection of school personnel, property, and students within the school district. School boards may enter into mutual aid agreements with one or more law enforcement agencies. A school safety officer's salary may be paid jointly by the school board and the law enforcement agency, if mutually agreed to.³³

Background Screening

Florida law requires school district employees to undergo a fingerprint-based background screening as a condition of employment.³⁴ Instructional and noninstructional personnel³⁵ and noninstructional school district employees and contracted personnel³⁶ must undergo a Level 2 background screening.³⁷ A Level 2 background screening requires individuals to be screened against a statutorily prescribed list of 51 criminal offenses.³⁸ Such employees must be rescreened every five years.³⁹

III. Effect of Proposed Changes:

SB 180 amends s. 790.115, F.S., authorizing certain public or nonpublic school employees or volunteers to carry a concealed weapon or firearm on school property. The bill provides legislative intent acknowledging that the safekeeping of students, teachers, and campuses is imperative.

The bill defines a "school" to include a preschool, elementary school, middle school, junior high school, secondary school, adult education facility, career center, or postsecondary institution, whether public or nonpublic, or any combination of such schools, facilities, or centers.

The bill authorizes a school principal to recommend, and a school superintendent to designate, with the approval of the district school board, individuals to serve as "school safety designees." Such persons must be licensed to carry a concealed weapon or firearm pursuant to the requirements of s. 790.06, F.S., and must be:

- An honorably discharged military veteran with no firearm-related disciplinary infraction;
- An active-duty member of the military, National Guard, or reserves with no firearm-related disciplinary infraction; or

³³ Sections 1006.12(2)(b) and (d), F.S.

³⁴ Sections 1012.32, 1012.465, and 1012.467, F.S. Private schools participating in educational choice scholarship programs must also submit fingerprints of employees and contracted personnel who have direct student contact to FDLE. *See* ss. 943.0542 and 1002.421(2)(i), F.S.

³⁵ Instructional and noninstructional personnel are individuals who are hired or contracted to fill positions that require direct contact with students in any public school. s. 1012.32(2), F.S.

³⁶ Noninstructional school district employees and contracted personnel are individuals who are permitted access to school grounds when students are present; who have direct contact with students; or who have access to, or control of, school funds. s. 1012.465(1), F.S.

³⁷ Sections 1012.32(1)-(2), 1012.465(2), and 1012.56(10), F.S.

³⁸ Sections 435.04, 1012.32(2), 1012.465(1), and 1012.56(10), F.S.

³⁹ Sections 1012.465(2) and 1012.56(10)(b), F.S.

- A law enforcement officer in good standing or a former officer who has retired or terminated employment in good standing and not during the course of an internal investigation.

School safety designees are specifically exempted from current law that prohibits possessing a firearm on school property, school buses, or at school bus stops. The designee is required to carry the weapon or firearm, on his or her person, in a concealed manner at all times while performing official school or school safety designee duties. A school safety designee who stores or leaves a firearm within the reach or easy access of a minor who obtains the firearm commits a second degree misdemeanor.

A school safety designee must undergo a Level 2 background screening as described above. He or she may be required to submit to additional screenings by the school superintendent at any time. The fingerprints of the school safety designee must be forwarded to the Florida Department of Law Enforcement (FDLE) for retention and future searches against state and federal arrest records. Any fingerprint search or retention fees are payable by the school safety designee or school.

The bill requires the school safety designee to submit proof of completion of a school safety program to the superintendent. The school safety program must be created and defined by the Criminal Justice Standards and Training Commission (commission). The commission will also develop the program curriculum. The bill requires state-operated criminal justice training centers to administer the program. The school safety program may include, but is not limited to:

- Active-shooter training;
- Firearm proficiency;
- School resource officer training;
- Crisis intervention training;
- Weapons retention training; and
- Continuing education and training.

The bill requires the school board to develop and incorporate policies related to the use of school safety designees within its overall safety plan if such designees are utilized by the school system. Likewise, best practices shall be coordinated with the local law enforcement responders so that a school safety designee can be quickly identified in an emergency situation.

If there is an emergency, the school safety designee must be under the direction of the school resource officer, if any. When local law enforcement responds, the school safety designee will be under that agency's direction.

The school property where school safety designees are utilized may contain signs that read: "Authorized Armed Defense Present and Permitted."

The bill requires that each school board's policies and procedures for emergencies and emergency drills include active-shooter and hostage situations. The bill also requires district school boards and private school principals or governing boards to provide for the first responder law enforcement agencies to tour the campuses every three years. Any changes recommended by the law enforcement agency must be documented by school officials.

An appropriation of nonrecurring funds from General Revenue in the amount of \$157,927 is made to FDLE for FY 2015-2016. The funds are designated for the Criminal Justice Standards and Training Commission to develop the school safety training curriculum required by the bill. The school safety program must be created by January 1, 2016.

The bill provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill specifies that either the school safety designee or the school will bear the cost of state and national fingerprint processing and retention fees. Current costs as reported by FDLE are \$40.50 for the background check, \$13 for lifetime federal retention of the fingerprints, and \$6 annually to FDLE for state retention. The cost of the background check is scheduled to decrease slightly in February 2015. Responsibility for the cost of completing the newly-created school safety designee program and any continuing education and training is not addressed in the bill. It is not known what the cost of the program will be. Persons who choose to become school safety designees may experience this fiscal impact.

C. Government Sector Impact:

An appropriation of nonrecurring funds from General Revenue in the amount of \$157,927 is made to Florida Department of Law Enforcement (FDLE) for FY 2015-2016. The funds are designated for the Criminal Justice Standards and Training Commission to develop the school safety training curriculum required by the bill.

FDLE reports that the appropriation in the bill is based on its analysis of HB 753 (2014) which provided for the development of three courses for the school safety designee

program, two of which already exist.⁴⁰ SB 180 does not require a specific curriculum for the school safety designee program, therefore FDLE's budget estimate from 2014 and the appropriation set forth in the bill will likely be adequate to create one course for the program.⁴¹

It appears that local school districts that choose to implement the school safety designee program may be responsible for the cost of background checks, fingerprint retention, and training related to the program unless the designee bears those costs.⁴²

VI. Technical Deficiencies:

It appears that line 300 of the bill should read (7) CAMPUS TOURS BY LAW ENFORCEMENT AGENCIES.—A district school. Deleting “SAFETY IN CONSTRUCTION AND PLANNING” and inserting “CAMPUS TOURS BY LAW ENFORCEMENT AGENCIES” will more accurately reflect the content of the newly-created subsection.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 790.115, 1006.07, 1006.12, 435.04, 790.251, 921.0022, and 1012.315.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁴⁰ Florida Department of Law Enforcement, *Legislative Bill Analysis* (January 13, 2015).

⁴¹ *Id.*

⁴² *Id.*

By Senator Evers

2-00311-15

2015180__

A bill to be entitled
An act relating to school safety; providing
legislative intent; amending s. 790.115, F.S.;
permitting a school superintendent, with approval of
the school board, to authorize a school safety
designee to carry a concealed weapon or firearm on
school property; providing requirements for school
safety designees; providing exceptions to the
prohibition on possession of firearms or other
specified devices on school property; providing for
fingerprint processing and retention; requiring that
fees shall be borne by the school safety designee or
school; requiring the Criminal Justice Standards and
Training Commission to develop a school safety
program; amending s. 1006.07, F.S.; requiring school
boards to formulate policies and procedures for
managing active-shooter and hostage situations;
requiring that active-shooter procedures for each
school be developed in consultation with local law
enforcement agencies; requiring that district school
boards and private schools allow campus tours by local
law enforcement agencies for specified purposes;
requiring that all recommendations be documented;
amending s. 1006.12, F.S.; permitting district school
boards to commission one or more school safety
officers on each school campus; amending ss. 435.04,
790.251, 921.0022, and 1012.315, F.S.; conforming
cross-references; providing an appropriation;
providing an effective date.

2-00311-15

2015180__

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

Section 1. It is the intent of the Legislature to prevent violent crimes from occurring on school grounds. The Legislature acknowledges that the safekeeping of our students, teachers, and campuses is imperative. In addition, the Legislature's intent is not to mandate that a school have one or more school safety designees as described in the amendments made by this act to s. 790.115, Florida Statutes; rather, the intent of the amendments is to allow a district school board to develop policies consistent with chapter 790, Florida Statutes.

Section 2. Section 790.115, Florida Statutes, is amended to read:

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

(1) As used in this section, the term "school" means a preschool, elementary school, middle school, junior high school, secondary school, adult education facility, career center, or postsecondary school, whether public or nonpublic, or any combination of such schools, facilities, or centers.

(2)~~(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(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

2-00311-15

2015180__

59 event or on the grounds or facilities of any school, school bus,
60 or school bus stop, or within 1,000 feet of the real property
61 that comprises a public or private elementary school, middle
62 school, or secondary school, during school hours or during the
63 time of a sanctioned school activity, commits a felony of the
64 third degree, punishable as provided in s. 775.082, s. 775.083,
65 or s. 775.084. This subsection does not apply to the exhibition
66 of a firearm or weapon on private real property within 1,000
67 feet of a school by the owner of such property or by a person
68 whose presence on such property has been authorized, licensed,
69 or invited by the owner.

70 (3) (a) A school superintendent, with approval of the school
71 board, may authorize a school safety designee to carry a
72 concealed weapon or firearm on school property. For purposes of
73 this subsection, a school safety designee is an individual who
74 is a school district employee or volunteer who is licensed to
75 carry a concealed weapon or firearm pursuant to s. 790.06 and
76 who is:

77 1. A military veteran who was honorably discharged and who
78 has not been found to have committed a firearms-related
79 disciplinary infraction during his or her service;

80 2. An active duty member of the military, the National
81 Guard, or military reserves who has not been found to have
82 committed a firearms-related disciplinary infraction during his
83 or her service; or

84 3. An active law enforcement officer in good standing or a
85 law enforcement officer who retired or terminated employment in
86 good standing and did not retire or terminate employment during
87 the course of an internal affairs investigation.

2-00311-15

2015180__

88 (b) A school safety designee authorized to carry a
89 concealed weapon or firearm on school property under this
90 subsection may only carry such weapon or firearm in a concealed
91 manner. The weapon or firearm must be carried on the school
92 safety designee's person at all times while the school safety
93 designee is performing his or her official school duties or, if
94 the school safety designee is a volunteer, while performing his
95 or her official school duties under this program.

96 (c) A school board that approves the use of a school safety
97 designee shall develop policies consistent with this section to
98 incorporate in its overall school safety plan. A school
99 principal may recommend school safety designees to the school
100 superintendent under this subsection. The school superintendent
101 may designate individuals to serve as school safety designees
102 who agree to accept the designation. If a superintendent
103 designates one or more individuals pursuant to this section, the
104 school district shall coordinate with each local law enforcement
105 agency that may potentially respond to an emergency at a school
106 in which a school safety designee is employed or volunteers to
107 develop best practices and to allow the responding law
108 enforcement agency to easily identify a school safety designee
109 in a case of emergency. In the case of an emergency, a school
110 safety designee shall be under the direction of the assigned
111 school resource officer, if any. Upon the arrival of the local
112 responding law enforcement agency, the school safety designee
113 shall be under the direction of the responding law enforcement
114 agency.

115 (d) Each school safety designee must submit to the school
116 superintendent proof of completion of a school safety program.

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117 The school safety program shall be created and defined by the
118 Criminal Justice Standards and Training Commission and may
119 include, but is not limited to, active-shooter training, firearm
120 proficiency, school resource officer training, crisis
121 intervention training, weapons retention training, and
122 continuing education and training. The school safety program
123 shall be developed and created by January 1, 2016. The school
124 safety program shall be administered by criminal justice
125 training centers operated by the State of Florida. Each state-
126 operated criminal justice training center that administers the
127 school safety program must certify and provide proof of
128 completion of the program in a manner prescribed by the Criminal
129 Justice Standards and Training Commission.

130 (e) School property at which a school safety designee may
131 carry a concealed weapon or firearm under this subsection may be
132 indicated with signage that reads: "Authorized Armed Defense
133 Present and Permitted."

134 (f) Subsection (4) does not apply to school safety
135 designees who are working or volunteering at the school to which
136 they are assigned as school safety designees. A school safety
137 designee who stores or leaves a weapon or firearm within the
138 reach or easy access of a minor who obtains the firearm commits
139 a misdemeanor of the second degree, punishable as provided in s.
140 775.082 or s. 775.083.

141 (g)1. If the school safety designee has not previously
142 undergone level 2 background screening pursuant to s. 435.04 by
143 the school board, the school superintendent must require the
144 school safety designee to undergo the level 2 background
145 screening pursuant to s. 435.04 at least once every 5 years. The

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146 school superintendent may require additional screenings at any
147 time.

148 2. If the school safety designee is screened pursuant to
149 subparagraph 1., the school safety designee's fingerprints must
150 be submitted by the school or an entity or vendor as authorized
151 by s. 943.053(13). The fingerprints shall be forwarded to the
152 Department of Law Enforcement for state processing, and the
153 Department of Law Enforcement shall forward the fingerprints to
154 the Federal Bureau of Investigation for national processing.

155 3. All fingerprints submitted to the Department of Law
156 Enforcement as required under this subsection shall be retained
157 by the Department of Law Enforcement as provided under s.
158 943.05(2)(g) and (h) and enrolled in the Federal Bureau of
159 Investigation's national retained print arrest notification
160 program. Fingerprints shall be enrolled in the national retained
161 print arrest notification program when the Department of Law
162 Enforcement begins participation with the Federal Bureau of
163 Investigation. Arrest fingerprints shall be searched against the
164 retained prints by the Department of Law Enforcement and the
165 Federal Bureau of Investigation, and any arrest record that is
166 identified shall be reported to the school by the Department of
167 Law Enforcement.

168 4. The fees for state and national fingerprint processing,
169 along with the fingerprint retention fees, shall be borne by the
170 school safety designee or school. The state shall pay the cost
171 for fingerprint processing as authorized in s. 943.053(3)(b) for
172 records provided to persons or entities other than those
173 specified as exceptions therein.

174 5. A school superintendent shall notify the Department of

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Law Enforcement regarding any person whose fingerprints have been retained but who is no longer a school safety designee.

(4)~~(2)~~(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon as defined in 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(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) A person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon as defined in 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 degree, punishable as provided in s. 775.082, s.

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775.083, or s. 775.084.

(c)1. 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.

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

(e) 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.

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

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

Section 3. Subsections (4) and (6) of section 1006.07, Florida Statutes, are amended, and subsection (7) is added to that section, 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.—

(a) Formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active shooters, hostage

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situations, and bomb threats, for all the public schools of the district which comprise grades K-12. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.

(b) Establish model emergency management and emergency preparedness procedures, including emergency notification procedures pursuant to paragraph (a), for the following life-threatening emergencies:

1. Weapon-use, and hostage, and active-shooter situations. The active-shooter situation procedures for each school shall be developed in consultation with a local law enforcement agency.

2. Hazardous materials or toxic chemical spills.

3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(6) SAFETY AND SECURITY BEST PRACTICES.—Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to conduct a self-assessment of the school districts' current safety and security practices. Based on these self-assessment findings, the district school superintendent shall provide recommendations to the district school board and local law enforcement agencies that are first responders to the district campuses which identify strategies and activities that the district school board should

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implement in order to improve school safety and security.
Annually each district school board must receive the self-assessment results at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the report findings. Each district school superintendent shall report the self-assessment results and school board action to the commissioner within 30 days after the district school board meeting.

(7) SAFETY IN CONSTRUCTION AND PLANNING.—A district school board or private school principal or governing board must allow local law enforcement agencies that are first responders to the schools to tour the school campuses at least once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board or the private school principal or governing board.

Section 4. Paragraph (b) of subsection (2) of section 1006.12, Florida Statutes, is amended to read:

1006.12 School resource officers and school safety officers.—

(2)

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

Section 5. Paragraphs (q) and (r) of subsection (2) of

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section 435.04, Florida Statutes, are amended to read:

435.04 Level 2 screening standards.—

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

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

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

Section 6. Paragraph (a) of subsection (7) of section 790.251, Florida Statutes, is amended to read:

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

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

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

Section 7. Paragraphs (d) and (f) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking

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chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
499.0051(2)	3rd	Failure to authenticate pedigree papers.
499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities

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to register.

360

784.07(2)(b)

3rd

Battery of law enforcement
officer, firefighter, etc.

361

784.074(1)(c)

3rd

Battery of sexually violent
predators facility staff.

362

784.075

3rd

Battery on detention or
commitment facility staff.

363

784.078

3rd

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

364

784.08(2)(c)

3rd

Battery on a person 65 years of
age or older.

365

784.081(3)

3rd

Battery on specified official
or employee.

366

784.082(3)

3rd

Battery by detained person on
visitor or other detainee.

367

784.083(3)

3rd

Battery on code inspector.

368

784.085

3rd

Battery of child by throwing,
tossing, projecting, or
expelling certain fluids or

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materials.

369

787.03 (1)

3rd

Interference with custody;
wrongly takes minor from
appointed guardian.

370

787.04 (2)

3rd

Take, entice, or remove child
beyond state limits with
criminal intent pending custody
proceedings.

371

787.04 (3)

3rd

Carrying child beyond state
lines with criminal intent to
avoid producing child at
custody hearing or delivering
to designated person.

372

787.07

3rd

Human smuggling.

373

790.115 (2)

3rd

Exhibiting firearm or weapon
within 1,000 feet of a school.

~~790.115 (1)~~

374

790.115 (4) (b)

3rd

Possessing electric weapon or
device, destructive device, or
other weapon on school
property.

~~790.115 (2) (b)~~

375

790.115 (4) (c)

3rd

Possessing firearm on school
property.

~~790.115 (2) (c)~~

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376

800.04 (7) (c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

377

810.02 (4) (a) 3rd Burglary, or attempted
burglary, of an unoccupied
structure; unarmed; no assault
or battery.

378

810.02 (4) (b) 3rd Burglary, or attempted
burglary, of an unoccupied
conveyance; unarmed; no assault
or battery.

379

810.06 3rd Burglary; possession of tools.

380

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

381

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

382

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

383

812.0195 (2) 3rd Dealing in stolen property by
use of the Internet; property

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stolen \$300 or more.

384

817.563(1)

3rd

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

385

817.568(2) (a)

3rd

Fraudulent use of personal
identification information.

386

817.625(2) (a)

3rd

Fraudulent use of scanning
device or reencoder.

387

828.125(1)

2nd

Kill, maim, or cause great
bodily harm or permanent
breeding disability to any
registered horse or cattle.

388

837.02(1)

3rd

Perjury in official
proceedings.

389

837.021(1)

3rd

Make contradictory statements
in official proceedings.

390

838.022

3rd

Official misconduct.

391

839.13(2) (a)

3rd

Falsifying records of an
individual in the care and
custody of a state agency.

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392

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

393

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

394

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

395

843.15(1)(a) 3rd Failure to appear while on bail
for felony (bond estreature or
bond jumping).

396

847.0135(5)(c) 3rd Lewd or lascivious exhibition
using computer; offender less
than 18 years.

397

874.05(1)(a) 3rd Encouraging or recruiting
another to join a criminal
gang.

398

893.13(2)(a)1. 2nd Purchase of cocaine (or other
s. 893.03(1)(a), (b), or (d),
(2)(a), (2)(b), or (2)(c)4.

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drugs).

399

914.14 (2) 3rd Witnesses accepting bribes.

400

914.22 (1) 3rd Force, threaten, etc., witness,
victim, or informant.

401

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

402

918.12 3rd Tampering with jurors.

403

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

404

(f) LEVEL 6

405

406

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

407

316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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408

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

409

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499.0051(3)

2nd

Knowing forgery of pedigree
papers.

410

499.0051(4)

2nd

Knowing purchase or receipt of
prescription drug from
unauthorized person.

411

499.0051(5)

2nd

Knowing sale or transfer of
prescription drug to
unauthorized person.

412

775.0875(1)

3rd

Taking firearm from law
enforcement officer.

413

784.021(1)(a)

3rd

Aggravated assault; deadly
weapon without intent to kill.

414

784.021(1)(b)

3rd

Aggravated assault; intent to
commit felony.

415

784.041

3rd

Felony battery; domestic
battery by strangulation.

416

784.048(3)

3rd

Aggravated stalking; credible
threat.

417

784.048(5)

3rd

Aggravated stalking of person
under 16.

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419	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
420	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
421	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
422	784.081 (2)	2nd	Aggravated assault on specified official or employee.
423	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
424	784.083 (2)	2nd	Aggravated assault on code inspector.
425	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
426	<u>790.115 (4) (d)</u> 790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent

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to do bodily harm or damage
property.

427

790.164 (1)

2nd

False report of deadly
explosive, weapon of mass
destruction, or act of arson or
violence to state property.

428

790.19

2nd

Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

429

794.011 (8) (a)

3rd

Solicitation of minor to
participate in sexual activity
by custodial adult.

430

794.05 (1)

2nd

Unlawful sexual activity with
specified minor.

431

800.04 (5) (d)

3rd

Lewd or lascivious molestation;
victim 12 years of age or older
but less than 16 years of age;
offender less than 18 years.

432

800.04 (6) (b)

2nd

Lewd or lascivious conduct;
offender 18 years of age or
older.

433

806.031 (2)

2nd

Arson resulting in great bodily

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harm to firefighter or any
other person.

434

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

435

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

436

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

437

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

438

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

439

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

440

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

441

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817.4821(5)

2nd

Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

825.102(1)

3rd

Abuse of an elderly person or
disabled adult.

825.102(3)(c)

3rd

Neglect of an elderly person or
disabled adult.

825.1025(3)

3rd

Lewd or lascivious molestation
of an elderly person or
disabled adult.

825.103(3)(c)

3rd

Exploiting an elderly person or
disabled adult and property is
valued at less than \$10,000.

827.03(2)(c)

3rd

Abuse of a child.

827.03(2)(d)

3rd

Neglect of a child.

827.071(2) & (3)

2nd

Use or induce a child in a
sexual performance, or promote
or direct such performance.

836.05

2nd

Threats; extortion.

836.10

2nd

Written threats to kill or do

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bodily injury.

451

843.12

3rd

Aids or assists person to
escape.

452

847.011

3rd

Distributing, offering to
distribute, or possessing with
intent to distribute obscene
materials depicting minors.

453

847.012

3rd

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

454

847.0135(2)

3rd

Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

455

914.23

2nd

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

456

944.35(3)(a)2.

3rd

Committing malicious battery
upon or inflicting cruel or
inhuman treatment on an inmate
or offender on community
supervision, resulting in great
bodily harm.

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944.40 2nd Escapes.

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

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

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

Section 8. Paragraphs (n) and (o) of subsection (1) of
section 1012.315, Florida Statutes, are amended to read:

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

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

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

(o) Section 790.115(4)(b) ~~790.115(2)(b)~~, relating to

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possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

Section 9. For the 2015-2016 fiscal year, the sum of \$157,927 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Law Enforcement for the Criminal Justice Standards and Training Commission to develop the training curriculum as required by this act.

Section 10. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/15

Meeting Date

180

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Laura Fellman

Job Title Florida PTA Legislative Committee Member

Address 7654 Solimar Cir.

Phone _____

Street

Boca Raton

FL

33433

City

State

Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/15
Meeting Date

180
Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Angela

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Address 36712 Jefferson Ave

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33523

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Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing USEP 3600 Pasco County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/15

Meeting Date

180

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Lisa O'Keefe

Job Title Teacher

Address 12625 5th Isle

Phone 727-858-5663

Street

Hudson

FL

34667

City

State

Zip

Email LOKeefe727@aol.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing USEP Pasco County 3600

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-31-15

Meeting Date

180

Bill Number (if applicable)

Topic

School Safety

Amendment Barcode (if applicable)

Name

Kimberly Cook

Job Title

First grade teacher

Address

10210 SW 38th PL

Phone 352 213-1295

Street

Gainesville

FL

32608

City

State

Zip

Email cook32607@yahoo.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-31-15

Meeting Date

180

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Sheryl Silcox

Job Title teacher

Address 500 SW Oleander Pl
Street

Phone 386-965-0591

lake City FL 32025
City State Zip

Email shillsilx@gmail

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/15
Meeting Date

180
Bill Number (if applicable)

Topic Mayhem in School

Amendment Barcode (if applicable)

Name Toni Davis

Job Title _____

Address 11280 Freedom Ct.
Street

Phone 727 391 8459

SEMINOLE FL 33772
City State Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing WEST FLORIDA NATIONAL ORGANIZATION FOR WOMEN

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/30/15
Meeting Date

180
Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Marian Capabianco

Job Title School Counselor

Address 940 Emerson Drive
Street

Phone (727) 410-2125

Dunedin FL 34698
City State Zip

Email jomocory@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing USFP

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3/31/2015

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

180

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name James Herzog

Job Title Associate Director for Education

Address 201 W Park Ave

Phone 205-6823

Street

Tallahassee FL 32301

Email jherzog@flacath
conf.org

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

08-31-15

Meeting Date

SB 0180

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Joe GALLAGHER

Job Title Lieutenant - VCSO

Address 123 W. Indiana Ave

Phone 386-527-1604

DeLand FL 32721
City State Zip

Email JGAGALLAGHER@VCSO.US

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Sheriff's Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-31-2015

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

138/80
Bill Number (if applicable)

Topic MAYHEM IN SCHOOLS PK-12

Amendment Barcode (if applicable)

Name DIANE B. GUTHRIE

Job Title RETIRED

Address 10200 122ND AVE #4201

Phone 727 587-0454

Street

LARGO FL 33773

City

State

Zip

Email DIANE 33770@

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing DEMOCRATIC WOMEN'S CLUB OF MID-PINELLAS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/2015

Meeting Date

SB 180

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Velma Rounselle

Rep Job Title Democratic Women's Club of Florida

Address 3238 Sedona Ter

Phone 904 766-6038

Street

Jacksonville FL 32208

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Democratic Women's Club of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/31/15
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 180
Bill Number (if applicable)

Topic GUNS IN SCHOOL

Amendment Barcode (if applicable)

Name EDNA NALLS

Job Title ADMIN. ASSISTANT

Address 5710 CENOX, #124
Street
SAF FL 32205
City State Zip

Phone _____

Email MZENNALLS@YAHOO

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing DWCF & DWIN

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE
APPEARANCE RECORD

3/31/2015

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB180

Bill Number (if applicable)

Topic SB180 / School Safety Bill

Amendment Barcode (if applicable)

Name Aaron Darr

Job Title Ready for Hillary

Address 609 15th Ave NW

Street

Phone 347.994.6365

LARGO

City

FL

State

33770

Zip

Email aaron@aarondarr.com

Speaking: ☐ For ☒ Against ☐ Information

NOT SPEAKING

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing The Democratic Women's Club of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

03/31/2015

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB180

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Ingrid Fluellem

Job Title Chair, Diversity Development

Address 829 Barnes Point Crossing Bv #5107

Phone _____

Street Jacksonville State FL Zip 32217

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Democratic Women's Information Network

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/31/2015

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 180

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Annette Boddie

Job Title Legislative Liaison DWIN/DWCF

Address 3851 Chackwood Ct

Phone 904 379-1935

Street

Jacksonville

State

FL

Zip

Email aboddie@aol.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-31-15

Meeting Date

180

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Susan Smith

Job Title _____

Address 16111 Vanderbilt Dr

Phone 813-926-2768

Street

Odessa

FL

33556

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/31/2015

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

180

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Gloria Moaw

Job Title Pasco Teacher

Address 36709 Jackson Ave

Street

Dade City

FL

33525

City

State

Zip

Phone 813-220-9528

Email pascoteacher@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 352

INTRODUCER: Senator Flores

SUBJECT: American Founders' Month

DATE: March 30, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Pre-meeting
2.			AED	
3.			FP	

I. Summary:

SB 352 designates the month of September as “American Founders’ Month;” authorizes the governor to issue a proclamation to recognize, observe, and celebrate the month; requires district school boards to celebrate and observe the month; authorizes the integration of instruction into existing school curriculum; and requires the distribution of specified information to school personnel by the superintendent at the beginning of each school year.

The bill takes effect on July 1, 2015.

II. Present Situation:

Required Instruction

Florida law requires each district school board to provide instruction regarding the history, significance, and principles of the Declaration of Independence and the Constitution of the United States, flag education, including proper flag display and flag salute, and the arguments in support of adopting our republican form of government.¹

Patriotic Programs

School boards are authorized to adopt rules that require patriotic programs in district schools which encourage respect for the United States government, the national anthem, and the flag.² The law also specifies procedures for playing of the national anthem and recitation of the pledge of allegiance to the flag in public schools and at school-sponsored functions.³ The pledge must

¹ Section 1003.42(2)(a)-(d), F.S.

² Section 1003.44(1), F.S.

³ *Id.*

be recited at the beginning of the day in each public school in the state.⁴ Students must be excused from reciting the pledge if their parent submits a written request.⁵

District school boards are authorized to allow any teacher or school administrator to read or post specified historical documents (e.g., the national motto, the national anthem, the pledge of allegiance, the Constitution of the United States, and the Constitution of the State of Florida) in a public school building, classroom, or at any school-related event.⁶ Such documents may be presented only from a historical perspective and in a nonproselytizing manner.⁷ If an excerpt from a specified historical document is used, such selection must include as much material as is necessary to reflect the sentiment of the entire document.⁸ If such document refers to laws or judicial decisions that have been replaced or have expired, a statement must accompany the document highlighting that such law or decision is no longer the law of the land, no material may be selected to advance a particular religious, political, or sectarian purpose.⁹

The Department of Education must distribute a copy of the patriotic programs law to each district school board, and each district superintendent must distribute a copy to all teachers and administrators.¹⁰

Recitation of the Declaration of Independence

Public schools must annually observe Celebrate Freedom Week during the last full week of classes in September.¹¹ Such observance must include at least three hours of instruction involving an in-depth study of the intent, meaning, and importance of the Declaration of Independence in each social studies class, as determined by each school district.¹² Additionally, public school principals and teachers must conduct an oral recitation by students of the Declaration of Independence at the beginning of the school day or in homeroom to reaffirm the American ideals of individual liberty.¹³ Students must be excused from reciting the Declaration of Independence if their parent submits a written request.¹⁴

III. Effect of Proposed Changes:

SB 352 designates the month of September as “American Founders’ Month” and authorizes the Governor to issue a proclamation urging public and private educational institutions within the state to recognize, observe, and celebrate the month.

The bill requires district school boards to observe “American Founders’ Month” and authorizes instruction on celebrating the American founding fathers and the essential principles in the

⁴ *Id.*

⁵ *Id.*

⁶ Section 1003.44(2), F.S.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 1003.44, F.S.

¹¹ Section 1003.421(1), F.S.

¹² *Id.*

¹³ Section 1003.421, F.S.

¹⁴ Section 1003.421(4), F.S.

founding documents (e.g., the Declaration of Independence, the Constitution of the United States, the Bill of Rights, and the Federalist Papers). Celebrations during this month may be coordinated with Celebrate Freedom Week, which occurs the last full week of September.¹⁵

During “American Founders’ Month” students’ instruction may focus on:

- Leading figures present and instrumental at the country’s founding and in crafting documents;
- Founding fathers moral and civic virtue, self-sacrifice, intellectual genius, and patriotism;
- Importance and principles of the founding documents; and
- Historical and philosophical importance of the Declaration of Independence and its foundation in natural law.

The bill authorizes school boards to integrate instruction provided during “American Founders’ Month” into existing school curriculum by supplementing lesson plans, holding school assemblies, or providing school-related activities.

The bill requires the Department of Education, at the beginning of each school year, to distribute a copy of this law to each district school board, and each district superintendent to distribute a copy to all school administrators¹⁶ and instructional personnel.¹⁷

The bill takes effect on July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁵ Section 1003.421, F.S.

¹⁶ Administrative personnel includes K-12 personnel who perform management activities such as developing broad policies for the school district and executing those policies through the direction of personnel at all levels within the district. Section 1012.01(3), F.S.

¹⁷ Instructional personnel is any K-12 staff member whose function includes the provision of direct instructional services to students or whose functions provide direct support in the learning process of students. Section 1012.01(2), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.44 of the Florida Statutes.

This bill creates section 683.1455 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



945556

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/31/2015	.	
	.	
	.	
	.	

The Committee on Education Pre-K - 12 (Clemens) recommended the following:

Senate Amendment (with title amendment)

Between lines 99 and 100
insert:

Section 4. Section 1003.445, Florida Statutes, is created
to read:

1003.445 Veterans Day observance.—Each school district must
observe November 11 of each year as the Veterans Day holiday.
Classes may not be held on that holiday for any reason. If
November 11 falls on a Saturday or Sunday, a school holiday



945556

shall be observed on a weekday immediately before or after that weekend to correspond to the date on which Veterans Day is observed as a federal holiday.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 13

and insert:

An act relating to patriotic observances; creating s. 683.1455, F.S.; designating the month of September as "American Founders' Month"; authorizing the Governor to annually issue a proclamation designating the month and urging participation; amending s. 1003.44, F.S.; requiring district school boards to celebrate the American Founders and the principles inherent in the country's founding documents by observing American Founders' Month; providing guidelines for instruction; providing that instruction may be integrated into the existing school curriculum; creating s. 1003.445, F.S.; requiring school districts to observe Veterans Day; prohibiting holding classes on that day; requiring a school holiday immediately before or after a Veterans Day under certain circumstances to correspond to the federal holiday; providing an effective date.

By Senator Flores

37-00637-15

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A bill to be entitled
An act relating to American Founders' Month; providing
a short title; creating s. 683.1455, F.S.; designating
the month of September as "American Founders' Month";
authorizing the Governor to annually issue a
proclamation designating the month and urging
participation; amending s. 1003.44, F.S.; requiring
district school boards to celebrate the American
Founders and the principles inherent in the country's
founding documents by observing American Founders'
Month; providing guidelines for instruction; providing
that instruction may be integrated into the existing
school curriculum; providing an effective date.

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

Section 1. This act may be cited as the "American Founders'
Month Act."

Section 2. Section 683.1455, Florida Statutes, is created
to read:

683.1455 American Founders' Month.—

(1) The month of September of each year is designated as
"American Founders' Month."

(2) The Governor may annually issue a proclamation
designating the month of September as "American Founders' Month"
and urging all civic, fraternal, and religious organizations and
public and private educational institutions to recognize and
observe this occasion through appropriate programs, meetings,
services, or celebrations in which state, county, and local

37-00637-15

2015352__

governmental officials are invited to participate.

Section 3. Subsection (2) of section 1003.44, Florida Statutes, is amended, and subsections (3) and (4) are added to that section, to read:

1003.44 Patriotic programs; rules.—

(2) Each district school board may allow any teacher or administrator to read, or to post in a public school building or classroom or at any school-related event, any excerpt or portion of the following historic material: the national motto; the national anthem; the pledge of allegiance; the Constitution of the State of Florida, including the Preamble; the Constitution of the United States, including the Preamble; the Bill of Rights; the Declaration of Independence; the Mayflower Compact; the Emancipation Proclamation; the writings, speeches, documents, and proclamations of the presidents of the United States, the signers of the Constitution of the United States and the Declaration of Independence, and civil rights leaders; and decisions of the United States Supreme Court. However, any material that is read, posted, or taught pursuant to this provision may be presented only from a historical perspective and in a nonproselytizing manner. When less than an entire document is used, the excerpt or portion must include as much material as is reasonably necessary to reflect the sentiment of the entire document and avoid expressing statements out of the context in which they were originally made. If the material refers to laws or judicial decisions that have been superseded, the material must be accompanied by a statement indicating that such law or decision is no longer the law of the land. No material shall be selected to advance a particular religious,

37-00637-15

2015352__

political, or sectarian purpose. ~~The department shall distribute a copy of this section to each district school board, whereupon each district school superintendent shall distribute a copy to all teachers and administrators.~~

(3) (a) Each district school board shall celebrate the American Founders and the principles inherent in this country's founding documents by observing American Founders' Month in September of each year as provided in s. 683.1455. This month may be coordinated with Celebrate Freedom Week, which is observed pursuant to s. 1003.421.

(b) During American Founders' Month, students may be provided instruction that focuses on:

1. The leading figures present at the country's founding, including those who were instrumental in crafting the founding documents that institutionalized individual liberty and representative government that derives its power from the consent of the governed.

2. The moral and civic virtue, self-sacrifice, intellectual genius, and patriotism demonstrated by the country's founding fathers.

3. The founding documents, including, but not limited to, the Declaration of Independence, the Constitution of the United States, the Bill of Rights, and the Federalist Papers.

4. The historical and philosophical importance of the Declaration of Independence with its emphasis that all people "are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

5. The principles inherent in the founding documents,

37-00637-15

2015352__

88 including, but not limited to, individual freedom, equality,
89 representative government, a free market system, civic virtue,
90 natural law, and self-evident truth.

91 (c) The instruction may be integrated into the existing
92 school curriculum through methods including, but not limited to,
93 supplementing lesson plans, holding school assemblies, or
94 providing school-related activities.

95 (4) The department shall distribute a copy of this section
96 to each district school board, whereupon each district school
97 superintendent shall distribute a copy to all school
98 administrators and instructional personnel at the beginning of
99 each school year.

100 Section 4. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/15

Meeting Date

SB-0352

Bill Number (if applicable)

Topic American Founders Month

Amendment Barcode (if applicable)

Name Chris Stovall

Job Title _____

Address 7619 Ortega Bluff Parkway
Street

Phone 904-536-2547

Jacksonville FL 32210
City State Zip

Email wireman177@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/2015
Meeting Date

SB0352
Bill Number (if applicable)

Topic AMERICAN FOUNDERS MONTH

Amendment Barcode (if applicable)

Name ALICE-MARIE TUCKER

Job Title WDW VACATION PLANNER

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PORY ST JOHN, FL 32927
City State Zip

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 344

INTRODUCER: Senator Sobel

SUBJECT: Establishment of a Mental Health First Aid Training Program

DATE: March 30, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bailey	Klebacha	ED	Pre-meeting
2.			CF	
3.			AED	
4.			AP	

I. Summary:

SB 344 requires the Department of Education to establish a mental health first aid training program and requires a competitive procurement process to select a statewide association to develop, implement, and manage the program. The bill requires the department to submit a report on the implementation of the program to the Governor and Legislature; provides an appropriation of \$300,000 for the program; and requires the Office of Program Policy Analysis and Government Accountability to conduct a statewide study on mental health training programs and submit a report to the Legislature.

The bill takes effect on July 1, 2015.

II. Present Situation:

Untreated behavioral health disorders constitute major health problems, are an economic burden, and place demands on juvenile and adult criminal justice, child welfare, and health care systems.¹ One in four families has at least one member suffering from mental illness.² About 12 million children under the age of 18 suffer from mental disorders.³ In addition, suicide is the third leading cause of death for people between the ages of 15 and 24.⁴

¹ Section 394.9082, F.S.

² *Mental Illness: The Invisible Menace: More impacts and facts*, <http://www.mentalmenace.com/impactsfacts.php> (last visited March 26, 2015).

³ *Id.*

⁴ *Id.*

Current Legislative Findings and Intent

The Legislature finds that behavioral health disorders respond to appropriate treatment, rehabilitation, and supportive intervention.⁵ It is the intent of the Legislature to recommend that mental health programs and services are available to help support and strengthen families so the family can more adequately meet the mental health needs of the family's child or adolescent.⁶ Current law provides for support services, that are integrated and linked with schools, residential child-caring agencies, and other child related agencies and programs, to be available for children and adolescents.⁷ Community-based networks work to educate people to recognize emotional disturbance in children and adolescents and provide information for obtaining access to appropriate treatment and support services.⁸

Mental Health Program

The state mental health program provides services to reduce the occurrence and disabling effects of mental health problems.⁹ State funded mental health services are provided through the Department of Children and Families and serve nearly 200,000 individuals in four client groups.¹⁰ The program serves:¹¹

- Adults with a mental illness who live in the community;
- Children with emotional disturbances;
- Adults served in mental health treatment facilities; and
- Sexually violent predators.

The Department of Children and Families (DCF) provides a comprehensive statewide service program of mental health, including community services, receiving and treatment facilities, child services, research, and training.¹² Private, non-profit mental health centers provide community-based mental health services through a contract with regional behavioral health managing entities.¹³ Institutional services are provided at six mental health treatment facilities, three of which are operated by DCF and three of which are operated under contract with providers.¹⁴

Children's Mental Health Program

Currently, the Children's Mental Health Program coordinates a network of community-based services and support that is youth-guided and family-driven to produce individualized, evidence-based, culturally, and linguistically competent outcomes for children and families.¹⁵

⁵ Section 394.9082, F.S.

⁶ Section 394.491(8), F.S.

⁷ Section 394.491(9), F.S.

⁸ Section 394.491(14), F.S.

⁹ Section 394.453, F.S.

¹⁰ OPPAGA, *FGAR, DCF Mental Health Services Program*, available at <http://www.oppaga.state.fl.us/profiles/5045/>.

¹¹ *Id.*

¹² Section 394.457(2)(a), F.S.

¹³ OPPAGA, *FGAR, DCF Mental Health Services Program*, available at <http://www.oppaga.state.fl.us/profiles/5045/>.

¹⁴ *Id.*

¹⁵ Florida Department of children and Families, *Children's Mental Health*, available at <http://www.myflfamilies.com/service-programs/mental-health/childrens-mental-health-services>.

The program provides funding for in-home and community based services, and provides for the coordination and management of the Juvenile Incompetent to Proceed Program¹⁶ to help provide a smooth transition from the children's mental health to the adult mental health system for continued age-appropriate services and supports.¹⁷

Substance Abuse Program

The state substance abuse program is designed to support the prevention and remediation of substance abuse through the provision of a comprehensive system of prevention, detoxification, and treatment services to assist individuals at risk for or affected by substance abuse.¹⁸

Both the United States Congress and the Florida Legislature have recognized that substance abuse is a major health problem that leads to profoundly disturbing consequences, such as serious impairment, chronic addiction, criminal behavior, injury, and death, and contributes to spiraling health care costs.¹⁹ Substance abuse impairment is a disease which affects the whole family, as well as the community, and requires effective, specialized prevention, intervention, and treatment services.²⁰

The substance abuse program provides services to individuals to reduce the occurrence, severity, and disabling effects of substance abuse problems.²¹ Substance abuse prevention, treatment, and other services are provided through nonprofit managing entities²² to oversee networks of community-based providers.²³ Major functions of the substance abuse program are planning, policy development, implementation and administration, administration of funds, provision of a comprehensive and integrated system of care, and the regulation of substance abuse services and treatment facilities.²⁴

The substance abuse program services for adults and children include: ²⁵

- Prevention services;
- Intervention services;
- Assessment services;
- Residential treatment;
- Non-residential treatment; and
- Detoxification services.

¹⁶ Florida's Juvenile Incompetent to Proceed Program provides competency restoration services to juveniles who have been charged with a felony prior to their 18th birthday and do not have the ability to participate in legal proceedings due to their mental illness, mental retardation, or autism.

¹⁷ Florida Department of children and Families, *Children's Mental Health*, available at <http://www.myflfamilies.com/service-programs/mental-health/childrens-mental-health-services>.

¹⁸ Florida Department of Children and Families, *Program Information*, available at <http://www.myflfamilies.com/service-programs/substance-abuse/program-information>.

¹⁹ OPPAGA, *FGAR, DCF Substance Abuse Program* (May 2014), available at <http://www.oppaga.state.fl.us/profiles/5057/>.

²⁰ *Id.*

²¹ *Id.*

²² Section 394.9082, F.S.

²³ Florida Department of Children and Families, *Managing Entities*, available at <http://www.myflfamilies.com/service-programs/substance-abuse/managing-entities>.

²⁴ OPPAGA, *FGAR, DCF Substance Abuse Program* (May 2014), available at <http://www.oppaga.state.fl.us/profiles/5057/>.

²⁵ *Id.*

III. Effect of Proposed Changes:

Program Requirements

Mental Health Training Program

SB 344 requires the Department of Education to establish a mental health first aid training program to help the public identify and understand the signs of mental illness and substance use disorders and provide the public with the skills to help a person who is developing or experiencing a mental health or substance use problem.

The training program must include, but is not limited to:

- Overview on mental illnesses and substance use disorders, and the need to reduce the stigma of mental illness;
- Information on the potential risk factors, warning signs,²⁶ and common treatments;
- An action plan that encompasses skills, resources, and knowledge needed to assess, select, and implement appropriate interventions; and
- Help for an individual to receive the appropriate professional, peer, social, or self-help care.

Competitive Procurement Process

The Department of Education is required to use a competitive procurement process to select a statewide association for mental health or substance abuse awareness or treatment to develop, implement, and manage the program.

Contractor Responsibilities

The contractor is responsible for administering the program in a way that maximizes the availability of mental health first aid training throughout the state, which may include, but is not limited to, contracting with trained instructors or training additional instructors.

In addition, the contractor must ensure that instructors have current certification by a national authority on mental health first aid programs, prioritize training for staff in educational institutions K-20,²⁷ and prioritize training for first responders and other individuals.

Department of Education Report

The Department of Education is responsible for submitting a report on the implementation and effectiveness of a mental health first aid training program.

The report must include, but not be limited to:

- Description of the implementation of the program;
- Number of individuals trained by geographic area;
- Areas of employment or affiliation;
- Impact of the training; and

²⁶ Warning signs of mental illness or substance use disorders may include, but not limited to: depression, anxiety, psychosis, eating disorders, and self-injury.

²⁷ The prioritized training must include all components of the K-20 educational system as defined in s. 1000.04, F.S., private schools as defined in s. 1002.42, F.S., and colleges and universities as defined in s. 1005.02, F.S.

- Recommendations regarding continued implementation.

The Department of Education is required to submit a report to the Governor, President of the Senate and the Speaker of the House of Representatives by February 1, 2018.

Office of Program Policy Analysis and Government Accountability

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study on mental health training programs in Florida that help the public to identify and understand the signs of mental illness and substance use disorders and provide the public with skills to help a person who is developing or experiencing a mental health or substance use problem.

The OPPAGA study will be responsible for:

- Identifying major providers of mental health training programs;
- Identifying the cost of the programs to recipients;
- Determining the availability of programs;²⁸
- Surveying organizations;²⁹
- Collecting data and information from all state agencies and contractors receiving state funds; and
- Including recommendations for enhancing availability of mental health training programs in the state.

OPPAGA is required to report the findings to the President of the Senate and the Speaker of the House of Representatives by February 1, 2016.

Funding and Expiration Date

Nonrecurring funds in the sum of \$300,000, for fiscal year 2015-2016, is appropriated from the Federal Grants Trust Fund to the Department of Education for implementation.

The mental health first aid training program expires on June 30, 2018.

The bill takes effect on July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁸ The OPPAGA study will assess the availability of programs to the general public and specified groups, including employees of educational institutions, which comprise all components of the K-20 education system, private schools, colleges and universities, first responders, and other personnel who are likely to have contact with individuals with mental health and substance use disorders who are in need of assistance.

²⁹ The organizations may include, but are not limited to, managing entities, not-for-profit organizations providing mental health training.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



411270

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2015	.	
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	.	

The Committee on Education Pre-K - 12 (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The Department of Education shall provide each public school district with comprehensive information to maximize federal and private grants for mental health education, awareness, and training, or similar programs no later than September 30, 2015, and annually thereafter. The Department of Education shall post this information on the front page of its



411270

website and provide annual notification of available grants to
school districts electronically. The department shall be
available for further assistance upon request. School districts
are encouraged to do research and apply for these grants to
enhance and improve the well-being of students throughout
Florida's public education system.

Section 2. This act shall take effect July 1, 2015.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to mental health education; requiring
the Department of Education to provide public school
districts with information to maximize grants for
mental health education, awareness, and training;
requiring the department to post such information on
its website and to provide annual electronic
notification of such grants to school districts;
providing an effective date.

By Senator Sobel

33-00493A-15

2015344__

A bill to be entitled
An act relating to the establishment of a mental health first aid training program; requiring the Department of Education to establish a mental health first aid training program; requiring the department to use a competitive procurement process to select a statewide association to develop, implement, and manage the program; providing course requirements; requiring instructors to be certified; requiring the department to submit a report to the Governor and the Legislature by a specified date; providing for expiration of the program; providing an appropriation; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature by a specified date; providing an effective date.

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

Section 1. Mental health first aid training program.—

(1) The Department of Education shall establish a mental health first aid training program to help the public identify and understand the signs of mental illness and substance use disorders and provide the public with skills to help a person who is developing or experiencing a mental health or substance use problem.

(2) The department shall use a competitive procurement process to select a statewide association for mental health or substance abuse awareness or treatment to develop, implement,

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and manage the program.

(3) The training program shall include, but is not limited to:

(a) An overview of mental illnesses and substance use disorders and the need to reduce the stigma of mental illness.

(b) Information on the potential risk factors and warning signs of mental illness or substance use disorders, including, but not limited to, depression, anxiety, psychosis, eating disorders, and self-injury, and common treatments for those conditions.

(c) An action plan that encompasses the skills, resources, and knowledge required to assess the situation, select and implement appropriate interventions, and help an individual with appropriate professional, peer, social, or self-help care.

(4) The contractor shall administer the program in a way that maximizes the availability of mental health first aid training throughout the state, which may include, but is not limited to, contracting with trained instructors or training additional instructors. However, the contractor shall ensure that all instructors in the training program have current certification by a national authority on mental health first aid programs.

(5) The contractor shall prioritize training for staff in educational institutions, including all components of the K-20 education system as defined in s. 1000.04, Florida Statutes, private schools as defined in s. 1002.42, Florida Statutes, and colleges and universities as defined in s. 1005.02, Florida Statutes. After training staff in educational institutions, the contractor shall prioritize training for first responders. The

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contractor may provide training to additional individuals.

(6) The department shall submit a report on the implementation and effectiveness of the mental health first aid training program provided pursuant to this act. The report shall describe the implementation of this program and include, but not be limited to, the number of individuals trained by geographic area, their employment or affiliation, the impact of the training, and recommendations regarding continued implementation of the program. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2018.

(7) This section expires June 30, 2018.

Section 2. For fiscal year 2015-2016, the sum of \$300,000 in nonrecurring funds is appropriated from the Federal Grants Trust Fund to the Department of Education to implement the provisions of this act.

Section 3. The Office of Program Policy Analysis and Government Accountability shall conduct a study on mental health training programs in the state that help the public identify and understand the signs of mental illness and substance use disorders and provide the public with skills to help a person who is developing or experiencing a mental health or substance use problem. The study shall identify major providers of such mental health training programs, the cost of such programs to recipients, and the availability of such programs to the general public and specified groups, including employees of educational institutions, which comprise all components of the K-20 education system as defined in s. 1000.04, Florida Statutes, private schools as defined in s. 1002.42, Florida Statutes, and

33-00493A-15

2015344__

88 colleges and universities as defined in s. 1005.02, Florida
89 Statutes; first responders; and other personnel who are likely
90 to have contact with individuals with mental health and
91 substance use disorders who are in need of assistance. The
92 Office of Program Policy Analysis and Government Accountability
93 shall survey organizations, including, but not limited to,
94 managing entities and not-for-profit organizations providing
95 mental health training, in conducting its research. All state
96 agencies and contractors receiving state funds shall comply with
97 each request for data and information from the Office of Program
98 Policy Analysis and Government Accountability. The study shall
99 include recommendations for enhancing availability of such
100 mental health training programs in the state. The Office of
101 Program Policy Analysis and Government Accountability shall
102 report its findings to the President of the Senate and the
103 Speaker of the House of Representatives by February 1, 2016.

104 Section 4. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

3/31/15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

344

Bill Number (if applicable)

Topic Establishment of a Mental Health First Aid

Amendment Barcode (if applicable)

Name Laura Fellman

Training

Job Title Florida PTA Legislative Committee Member

Address 7654 Solimar Cir

Phone _____

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Boca Raton

State

FL 33433

Zip

Email _____

City

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/15

Meeting Date

344

Bill Number (if applicable)

Topic Mental Health 1st Aid

Amendment Barcode (if applicable)

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Job Title legislative liaison vol

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Tallahassee

Fl

32301

Email danbhendrickson@comcast.net

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing NAMI-Tallahassee

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 448

INTRODUCER: Senators Flores and Margolis

SUBJECT: Educational Facilities

DATE: March 30, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebarcha	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 448 authorizes a district school board to adopt, by supermajority vote, a resolution to implement exceptions to the State Requirements for Educational Facilities (SREF). The bill requires that the district school board adopt the resolution at a public meeting that begins no earlier than 5 p.m., and conduct a cost-benefit analysis using a professionally accepted methodology for each exception selected by the district school board.

Specifically, the bill authorizes implementation of the following exceptions to the SREF:

- Interior nonload-bearing walls.
- Walkways, roadways, driveways, and parking areas.
- Standards for relocatables used as classroom space.
- Site lighting.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

State Requirements for Educational Facilities

The Florida Building Commission (commission) adopts the State Requirements for Educational Facilities (SREF) within the Florida Building Code (FBC), which governs the planning and construction of public educational and ancillary plants.¹ The State Fire Marshal adopts standards for public school fire safety within the Florida Fire Prevention Code (FFPC).²

¹ Sections 553.73 and 1013.37(1), F.S.; rule 6A-2.0010, F.A.C.; and section 423, FBC. The 2014 *State Requirements for Educational Facilities* (effective November 1, 2014) are available at <http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf>. See Florida Department of Education, Office of Educational Facilities, *2015 Agency Bill Analysis* (March 5, 2015) at 3; on file with the Committee on Education Pre-K – 12.

² Sections 381.006(16), 1013.03(6), and 1013.37(1) and (4), F.S. and section 443, FBC.

The construction of public educational facilities³ and ancillary plants by a district school board must conform to the FBC, FFPC, and the Florida Accessibility Code for Building Construction⁴ (FACBC).⁵ Collectively, the FBC, FFPC, and FACBC form the uniform building code for public educational facilities construction and ensure that such facilities are a safe, secure, sanitary, and accessible learning environment for all students, and that the structures will perform efficiently over their expected life cycles.⁶ The requirements preempt local codes and local amendments to the FBC.⁷

The SREF specifies standards including, but not limited to:⁸

- Interior walls;⁹
- Walks, roads, drives, and parking areas;¹⁰
- Covered walks;¹¹ and
- Site lighting.¹²

³ Educational facilities” is defined as the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards. Section 1013.01(6), F.S.

⁴ The federal Americans with Disabilities Act Standards for Accessible Design, and related regulations in 28 C.F.R. parts 35 and 36 and 49 C.F.R. part 37, are adopted by the Florida Building Commission. Sections 553.503 and 553.73(1)(b), F.S.

⁵ The ancillary plants are exempt from other state building codes; county, municipal, or other local amendments to the FBC and local amendments to the FFPC; building permits, and assessments of fees for building permits; ordinances; road closures; and impact fees or service availability fees. Section 1013.371(1)(a), F.S. *See also* Florida Department of Education, Office of Educational Facilities, *2015 Agency Bill Analysis* (March 5, 2015) at 3; on file with the Committee on Education Pre-K – 12.

⁶ Florida Department of Education, Office of Educational Facilities, *2015 Agency Bill Analysis* (March 5, 2015) at 3; on file with the Committee on Education Pre-K – 12.

⁷ The enforcement of construction regulations governing public schools districts is conducted by personnel and contract providers who are certified to perform plan reviews and inspections. Section 553.80(1)(e) and (6), F.S. *See also* Florida Department of Education, Office of Educational Facilities, *2015 Agency Bill Analysis* (March 5, 2015) at 3; on file with the Committee on Education Pre-K – 12.

⁸ Section 423 of the FBC contains the State Requirements for Educational Facilities (SREF). However, the Florida Building Code has been redrafted and section 423 will be renumbered as section 453. *The Florida Building Code, Draft Building Chapters*, 5th Edition (2014) is available at http://ecodes.biz/ecodes_support/free_resources/14FloridaDraft/Building/14FL_Building_Draft.html (last visited March 24, 2015).

⁹ Interior nonload-bearing wood studs or partitions may not be used in permanent educational and auxiliary facilities or relocatable buildings. Section 423.8.3.1.1, FBC.

¹⁰ Walks, roads, drives, and parking areas on educational and ancillary sites must be paved. Roads, drives, and parking areas shall be in compliance with Department of Transportation (DOT) road specifications and striped in compliance with DOT paint specifications. All paved areas must have positive drainage. Section 423.10.2, FBC.

¹¹ All buildings in K-12 educational facilities must be connected by paved walks and accessible under continuous roof cover. New relocatable classroom buildings must be connected to permanent buildings by paved covered walks where applicable. Section 423.10.2.1, FBC.

¹² Design, construction, and installation of exterior security lighting for educational and ancillary facilities must be provided for auto, bus, and service drives and loading areas; parking areas; building perimeter; and covered and connector walks between buildings and between buildings and parking. Section 423.10.3, FBC.

Proposed Construction, Renovation, or Remodeling Plans

Review by the District School Board

Before the commencement of the construction, renovation, or remodeling of any educational or ancillary plants, a district school board must review the construction plans, including any related documents.¹³ In reviewing the plans, the district school board must consider, including but not limited to:¹⁴

- The need for the new facility.
- The energy efficiency and conservation of design.
- Life-cycle cost considerations.
- The proposed construction cost per gross square foot.
- Plans for future expansion.
- The type of construction.
- Sanitary provisions.
- The design to accommodate physically handicapped persons.
- Conformity with the FBC and FFPC standards.

Approval by the District School Board

Before approving any construction plans, a district school board must ensure that the plans comply with the applicable standards of the FBC and the FFPC.¹⁵ For each proposed new facility and each proposed new addition, exceeding 2,500 square feet, the district school board must submit a copy of the plans¹⁶ to the county, municipality, or independent special fire control district providing fire protection services to the facility for review at no charge.¹⁷ Upon determining that the construction plans comply with the applicable standards, the district school board may approve the plans and construction may begin on the facilities.¹⁸

Waivers or Variances

The State Constitution prohibits the enactment of any special act or general law of local application that proposes to amend, alter, or contravene the provisions of the SREF.¹⁹ Legislative intent is that building officials, local enforcement agencies, and the commission interpret the FBC in a manner that protects the public safety, health, and welfare at the most reasonable cost.²⁰

¹³ Section 1013.37(2)(a) and (b), F.S.

¹⁴ Section 1013.37(2)(b), F.S.

¹⁵ Sections 1013.37(2), 1013.371(1)(c), and 1013.38(4)(a), F.S.

¹⁶ Such site plans are exempt from all other state building codes; local amendments to the FBC and FFPC; local ordinances; building permits, including related fees; road closures; and impact fees or service availability fees. Sections 1013.371(1)(a) and 1013.38(1)(b), F.S.

¹⁷ Section 1013.38(1)(a) and (b), F.S.

¹⁸ Sections 1013.37(2)(a) and 1013.38(4)(a), F.S.

¹⁹ Section 1013.37(5), F.S. The enactment of a special law or general law of local application is prohibited if pertaining to a subject prohibited by general law. Art. III, s. 11(a)(21), Fla. Const.

²⁰ Section 553.775(1), F.S.

The Florida Building Commission (commission) is not authorized to accept a petition for and may not grant any waiver²¹ or variance²² from the requirements of the FBC.²³ However, the commission is required to adopt criteria and procedures for granting alternative means of compliance with the FBC standards, or local amendments to the FBC, for enforcement by local governments, local enforcement districts, or other entities authorized by law to enforce the FBC.²⁴

Upon a determination by the commission of unnecessary, unreasonable, or extreme economic hardship, provided the waiver does not violate federal accessibility laws and regulations, the commission must grant an applicant's request for waiver.²⁵

If planned or actual construction of a facility deviates from the standards, a district school board must, at a public hearing, quantify and compare the costs of constructing the facility with the proposed deviations and in compliance with the adopted standards and the FBC, and explain the reason for the proposed deviations.²⁶

III. Effect of Proposed Changes:

SB 448 authorizes a district school board to adopt, by supermajority vote, a resolution to implement exceptions to the State Requirements for Educational Facilities (SREF). The bill requires that the district school board adopt the resolution at a public meeting that begins no earlier than 5 p.m., and conduct a cost-benefit analysis using a professionally accepted methodology for each exception selected by the district school board.

The bill authorizes implementation of the following exceptions to the SREF relating to:

- Interior nonload-bearing walls, by approving the use of fire-rated wood stud walls in new construction or remodeling for interior nonload-bearing wall assemblies that will not be exposed to water or located in wet areas.
- Walkways, roadways, driveways, and parking areas, by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- Standards for relocatables used as classroom space, by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.
- Site lighting, by approving construction specifications regarding site lighting that:

²¹ "Waiver" means a decision by an agency to apply all or part of a rule to a person who is subject to the rule. Any waiver must conform to the standards for waivers outlined in the Administrative Procedure Act and in the uniform rulemaking procedures. Section 120.52(22), F.S. (definition of "waiver"); Section 120.54, F.S. (rulemaking procedure).

²² "Variance" means a decision by an agency to grant a modification to all or part of the literal requirements of an agency rule to a person who is subject to the rule. Any variance must conform to the standards for variances outlined in the Administrative Procedure Act and in the uniform rulemaking procedures. Section 120.52(21), F.S. (definition of "variance"); Section 120.54, F.S. (rulemaking procedure).

²³ Sections 120.80(16)(a) and (b) and 553.512(1), F.S.

²⁴ Section 120.80(16)(b), F.S. Each local government and each code enforcement agency with statutory authority must regulate building construction and enforce the FBC standards. Section 553.513, F.S.

²⁵ Section 553.512(1), F.S. Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20 percent of the cost of the alteration to the primary function area. 28 C.F.R. s. 36.403(f)(1)

²⁶ Section 1013.371(2), F.S.

- Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
- Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.
- Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than 1 footcandle.²⁷

Before voting on a resolution, the district school board must conduct a cost-benefit analysis using a professionally accepted methodology that describes how each proposed exception:

- Achieves cost savings;
- Improves the efficient use of school district resources; and
- Impacts the life-cycle costs and life span for each educational facility to be constructed.
- Preserves student safety or the quality of student instruction.

The bill requires that the district school board hold at least one public workshop, beginning no earlier than 5 p.m., to discuss and receive public comment on the proposed resolution and cost-benefit analysis, and authorizes the district school board to vote on the resolution at the same meeting. Otherwise, the vote on the resolution must be made during a public meeting beginning no earlier than 5 p.m.

The bill provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁷ A “footcandle” is defined as a unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot. See Merriam-Webster: Dictionary and Thesaurus available at <http://www.merriam-webster.com/dictionary/foot-candle> (last visited March 26, 2015).

B. Private Sector Impact:

None.

C. Government Sector Impact:

If a district school board elects to use one of the exceptions authorized in the bill, the fiscal impact to the district school board would be insignificant.²⁸

VI. Technical Deficiencies:

The Florida Building Code (2010), currently in effect, has been redrafted and the Fifth Edition (2014) will become effective on July 1, 2015.²⁹ At that time, section 423 of the Florida Building Code, which includes the State Requirements for Educational Facilities, will be renumbered as section 453; however, there will be no changes to the standards.³⁰

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1013.385 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁸ Florida Department of Education, Office of Educational Facilities, *2015 Agency Bill Analysis* (March 5, 2015; on file with the Committee on Education Pre-K – 12).

²⁹ *Id.* at 4.

³⁰ *Id.*

By Senator Flores

37-00568-15

2015448__

A bill to be entitled
An act relating to educational facilities; creating s.
1013.385, F.S.; providing for school district
construction flexibility; authorizing exceptions to
educational facilities construction requirements under
certain circumstances; providing an effective date.

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

Section 1. Section 1013.385, Florida Statutes, is created
to read:

1013.385 School district construction flexibility.—

(1) A district school board may, with a supermajority vote
at a public meeting that begins no earlier than 5 p.m., adopt a
resolution to implement one or more of the exceptions to the
educational facilities construction requirements provided in
this section. Before voting on the resolution, a district school
board must conduct a cost-benefit analysis prepared according to
a professionally accepted methodology that describes how each
exception selected by the district school board achieves cost
savings, improves the efficient use of school district
resources, and impacts the life-cycle costs and life span for
each educational facility to be constructed, as applicable, and
demonstrates that implementation of the exception will not
compromise student safety or the quality of student instruction.
The district school board must conduct at least one public
workshop to discuss and receive public comment on the proposed
resolution and cost-benefit analysis, which must begin no
earlier than 5 p.m. and may occur at the same meeting at which

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the resolution will be voted upon.

(2) A resolution adopted under this section may propose implementation of exceptions to requirements relating to:

(a) Interior nonload-bearing walls, as specified in s. 423.8.3.1.1 of the Florida Building Code, by approving the use of fire-rated wood stud walls in new construction or remodeling for interior nonload-bearing wall assemblies that will not be exposed to water or located in wet areas.

(b) Walkways, roadways, driveways, and parking areas, as specified in s. 423.10.2 of the Florida Building Code, by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.

(c) Standards for relocatables used as classroom space, as specified in s. 1013.20, by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.

(d) Site lighting, as specified in s. 423.10.3 of the Florida Building Code, by approving construction specifications regarding site lighting which:

1. Do not provide for lighting of gravel or grassed auxiliary or student parking areas.

2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.

3. Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only

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2015448__

during periods in which the building is occupied. The minimum
illumination level at single-door exits may be reduced to no
less than 1 footcandle.

Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/15

Meeting Date

448

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Spencer Rylant

Job Title Communications + Government Relations Liaison

Address 7227 Land O' Lakes Blvd.
Street

Phone 813-794-2259

Land O' Lakes FL 34638
City State Zip

Email spy|ant@pasco.k12.fl.us

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Pasco County Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/15
Meeting Date

SB 448
Bill Number (if applicable)

Topic SREF

Amendment Barcode (if applicable)

Name Eva Regueira

Job Title Director, Intergovernmental Affairs

Address 1450 NE 2nd Ave, Suite 931
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Miami, FL 33132
City State Zip

Phone 305-995-1497

Email emregueira@
dadeschools.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Miami-Dade County Public Schools

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/15
Meeting Date

SB 448
Bill Number (if applicable)

Topic School Facilities

Amendment Barcode (if applicable)

Name Tom Cerra

Job Title Ex. Director

Address 4737 NW 41 St #359

Phone 305 513 9995

Street
MIAMI FL 33178
City State Zip

Email tomcerra@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing GREATER FL. CONSORTIUM OF SCHOOL BDS.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 572

INTRODUCER: Senator Montford

SUBJECT: School Support Organizations

DATE: March 30, 2015

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bailey	Klebacha	ED	Pre-meeting
2. _____	_____	FT	_____
3. _____	_____	FP	_____

I. Summary:

SB 572 creates and defines the term “school support organization” as an entity organized to raise funds to support extracurricular activities at public, parochial, or nonprofit schools teaching grades K-12. In addition, the bill authorizes school support organizations to pay tax directly to suppliers on the cost price of food, drink, and supplies, if purchased for resale, in lieu of collecting sales tax from the purchaser.

The bill takes effect on July 1, 2015.

II. Present Situation:

Current law authorizes schools, having grades K-12, parent-teacher organizations (PTOs), and parent-teacher associations (PTAs) to pay sales tax to their suppliers on school materials and supplies purchased, rented, or leased for resale or rental to students for fundraising purposes and on items sold through vending machines, in lieu of collecting sales tax from the purchaser.¹ This allowance also applies to food or beverages sold through vending machines located in student lunchrooms or school dining rooms.²

For schools teaching grades K-12, PTOs and PTAs are nonprofit organizations associated with schools for the primary purpose of raising funds.³ To alleviate the need for PTOs and PTAs to register as a dealer, obtain a Consumer’s Certificate of Exemption, or collect tax on the sales of taxable items, parent-teacher associations or organizations may pay tax to suppliers on the cost price of items.⁴

¹ Section 212.08(7)(II), F.S.

² *Id.*

³ Rule 12A-1.0011(2)(c), F.A.C.

⁴ *Id.*

III. Effect of Proposed Changes:

SB 572 adds an additional nonprofit organization associated with schools whose purpose is to raise funds for schools teaching grades K-12.

The bill creates and defines “school support organization” as an entity organized to raise funds to support extracurricular activities at public, parochial, or nonprofit schools that teach grades K-12.

In addition, the bill authorizes school support organizations to pay tax directly to suppliers on the cost price of food, drink, and supplies, if purchased for resale, in lieu of collecting sales tax from the purchaser.

The bill takes effect on July 1, 2015.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 212.08 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Montford

3-00208-15

2015572__

1 A bill to be entitled
2 An act relating to school support organizations;
3 amending s. 212.08, F.S.; defining the term "school
4 support organization"; authorizing such organizations
5 to pay tax on specified items purchased for resale in
6 lieu of collecting the tax upon resale; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (11) of subsection (7) of section
12 212.08, Florida Statutes, is amended to read:

13 212.08 Sales, rental, use, consumption, distribution, and
14 storage tax; specified exemptions.—The sale at retail, the
15 rental, the use, the consumption, the distribution, and the
16 storage to be used or consumed in this state of the following
17 are hereby specifically exempt from the tax imposed by this
18 chapter.

19 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
20 entity by this chapter do not inure to any transaction that is
21 otherwise taxable under this chapter when payment is made by a
22 representative or employee of the entity by any means,
23 including, but not limited to, cash, check, or credit card, even
24 when that representative or employee is subsequently reimbursed
25 by the entity. In addition, exemptions provided to any entity by
26 this subsection do not inure to any transaction that is
27 otherwise taxable under this chapter unless the entity has
28 obtained a sales tax exemption certificate from the department
29 or the entity obtains or provides other documentation as

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required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(11) *Parent-teacher organizations and, ~~parent teacher~~ associations, school support organizations, and schools having grades K through 12.*—

1. Sales or leases to parent-teacher organizations and associations the purpose of which is to raise funds for schools that teach grades K through 12 and that are associated with schools having grades K through 12 are exempt from the tax imposed by this chapter.

2. Parent-teacher organizations and associations described in subparagraph 1.~~7~~ and schools that teach ~~having~~ grades K through 12~~7~~ may pay tax to their suppliers on the cost price of school materials and supplies purchased, rented, or leased for resale or rental to students in grades K through 12, of items sold for fundraising purposes, and of items sold through vending machines located on the school premises, in lieu of collecting the tax imposed by this chapter from the purchaser. This subparagraph ~~paragraph~~ also applies to food or beverages sold through vending machines located in the student lunchroom or dining room of a school that teaches grades K ~~having~~ ~~kindergarten~~ through ~~grade~~ 12.

3. School support organizations may pay tax, as applicable under this chapter, to their suppliers on the cost price of

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59 food, drink, and supplies necessary to serve such food and
60 drink, if the items are purchased for resale, in lieu of
61 collecting the tax from the purchaser. For purposes of this
62 subparagraph, the term "school support organization" means an
63 entity organized solely to raise funds to support
64 extracurricular activities at public, parochial, or nonprofit
65 schools that teach grades K through 12.

66 Section 2. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 888

INTRODUCER: Senator Detert

SUBJECT: Educator Professional Practices

DATE: March 30, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Pre-meeting
2.			AED	
3.			FP	

I. Summary:

SB 888 modifies the membership of the Education Practices Commission.

Additionally, the bill:

- Adds Department of Education employees and agents, who investigate or prosecute educator misconduct, to the list of individuals authorized to access records relating to child abuse, abandonment, or neglect.
- Authorizes the Commissioner of Education to issue a letter of guidance to an educator in lieu of finding probable cause to prosecute misconduct.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

Florida law requires that each person¹ in a position who provides direct instruction to students meet the state's educator certification requirements and criteria.

Education Practices Commission

Membership

The Education Practices Commission (EPC) consists of 25 members including:²

- Eight teachers;
- Five administrators, at least one of whom must represent a private school;

¹ Such persons include instructional personnel (*e.g.*, classroom teachers, student advisors, or certified school counselors) or administrative personnel (*e.g.*, deputy superintendents, school principals, or assistance principals). Section 1012.01(2)-(3), F.S.

² Section 1012.79(1), F.S.

- Seven lay citizens, five of whom must be parents of public school students with no family relation to a public school employee and two of whom must be former district school board members; and
- Five sworn law enforcement officials.

The members are appointed by the State Board of Education (state board) based upon nominations made by the Commissioner of Education (commissioner), subject to confirmation by the Florida Senate.³ Teachers, school administrators, and lay citizens who wish to serve on the EPC must be Florida residents to be appointed; however, law enforcement officials are not required to be Florida residents, but they must have background expertise in child safety.⁴

Duties and Responsibilities

The EPC interprets and applies the standards⁵ of professional practice established by the state board; revokes or suspends educator certificates, or takes other disciplinary action, for misconduct; reports to and meets with the state board; and adopts rules.⁶

The Department of Education (DOE) is required to investigate legally sufficient⁷ complaints of misconduct⁸ committed by certified educators and advise the commissioner on whether probable cause exists.⁹ Upon a finding of probable cause, the commissioner must file a formal complaint and prosecute the complaint pursuant to chapter 120, F.S.¹⁰ An administrative law judge assigned to hear the complaint makes recommendations to the EPC for review and final order issued by a panel of five members.¹¹ Unless the complaint involves a felony or crime of moral turpitude, the commissioner may enter into a deferred prosecution agreement with the certified educator in lieu of finding probable cause.¹² If the commissioner does not find probable cause, the complaint must be dismissed.¹³

³ *Id.* Before making nominations, the Commissioner must consult with teaching associations, parent organizations, law enforcement agencies, and other involved associations in the state. *Id.*

⁴ Section 1012.79(1)(a)-(d), F.S.

⁵ Code of Ethics of the Education Profession in Florida, Rule 6A-10.080, F.A.C., and Principles of Professional Conduct for the Education Profession in Florida, Rule 6A-10.081, F.A.C. available at <http://www.fldoe.org/teaching/professional-practices/code-of-ethics-principles-of-professio.stml> (last visited March 25, 2015).

⁶ Sections 1012.79(7) and 1012.795(1), F.S. A district school board retains its authority to discipline teachers and administrators. Section 1012.79(8)(b), F.S.

⁷ Section 1012.796(1)(a), F.S. The complaint is legally sufficient if it contains ultimate facts showing a violation has occurred. *Id.* and s. 1012.795, F.S.

⁸ Misconduct may include fraudulently obtaining an educator certificate, knowingly failing to report actual or suspected child abuse, or breach of contract. Section 1012.795(1), F.S.

⁹ Section 1012.796(3), F.S.

¹⁰ *Id.* at (6).

¹¹ Sections 1012.79(8)(a), 1012.795(6), and 1012.796(1), F.S. In 2014, 16 of the 19 hearings involved teacher misconduct. Florida Department of Education, Division of K-12 Educator Quality, *2015 Agency Legislative Bill Analysis* for HB 587 (March 16, 2015) at 2, on file with the Committee on Education Pre-K – 12.

¹² Section 1012.796(3), F.S. An educator may be directed to participate through a deferred prosecution agreement or final order of the EPC in the recovery network program for assistance in obtaining treatment and services for alcohol abuse, drug abuse, or a mental condition. Section 1012.798(1), F.S. Voluntary participation in the program may be considered as a mitigating factor or a condition of disciplinary action. *Id.* at (5).

¹³ *Id.*

Reports of Child Abuse, Abandonment, or Neglect

Any person who knows, or has reason to suspect, that a child is abused, abandoned, or neglected must report such knowledge or suspicion to the Department of Children and Families (DCF).¹⁴ School teachers and other school officials or personnel are required to make such reports and the failure to do so is a felony of the third degree.¹⁵

Records held by the DCF regarding such reports, including reports made to the Central Abuse Hotline, are confidential and exempt from public records requirements, unless specifically authorized in law.¹⁶ Access to records, excluding the name of the person reporting abuse, is granted to a limited list of persons, officials, and agencies (*e.g.*, Department of Health employees responsible for child protective investigations, criminal justice agencies, or school district employees designated as a liaison between the school district and DCF).¹⁷

III. Effect of Proposed Changes:

SB 888 modifies the membership of the Education Practices Commission (EPC); adds Department of Education (DOE) employees and agents, who investigate or prosecute educator misconduct, to the list of individuals authorized to access records relating to child abuse, abandonment, or neglect; and authorizes the Commissioner of Education (commission) to issue a letter of guidance to an educator in lieu of finding probable cause to prosecute misconduct.

EPC Membership

The bill diversifies the representation on the EPC by including virtual school administrators, former charter school governing board members, and public school officials, while also ensuring that members are citizens of the state. Specifically, the bill makes the following revisions to EPC membership:

- Redistributes the number of teacher, lay citizen, and sworn law enforcement members while retaining the existing number of members (25) as follows:
 - The number of teacher members is increased from 8 to 10.
 - The number of lay citizen members is reduced from 7 to 4, all of whom must be parents of public school students.
 - The number of sworn law enforcement officials is reduced from 5 to 4.
- Revises the membership to include:
 - Former charter governing board members or former superintendents, assistant superintendents, or deputy superintendents.
 - Virtual school administrators.
- Requires all members to be Florida residents.
- Authorizes the commissioner, upon request or recommendation from the EPC, to appoint up to 5 emeritus members from previous membership of the EPC to serve 1-year terms and who:
 - May serve up to five 1-year terms;
 - Are voting members for discipline hearings; and

¹⁴ Section 39.201(1), F.S.

¹⁵ Sections 39.201(1)(d) and 39.205(2), F.S.

¹⁶ Sections 39.202(1) and 39.2021(1), F.S.

¹⁷ Section 39.202(2), F.S.

- Are consulting, nonvoting members for business meetings.

Letter of Guidance

The bill authorizes the commissioner to issue a letter of guidance to a certified educator who has had a complaint of misconduct filed against him or her, rather than finding probable cause to prosecute. The bill may provide the commissioner with more flexibility in determining the course of action to take regarding complaints of educator misconduct by permitting him or her to issue a letter of guidance if deemed more appropriate under the circumstances.

Records of Child Abuse, Abandonment, or Neglect

In addition to other individuals and agencies authorized by law,¹⁸ the bill authorizes the Department of Children and Families to release records pertaining to child abuse, abandonment, or neglect, which are otherwise confidential and exempt from public records requirements, to DOE employees or agents who investigate or prosecute misconduct by certified educators. The bill may assist the DOE in its investigations of educator misconduct.

The bill provides for an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹⁸ Section 39.202(2), F.S.

C. Government Sector Impact:

According to the Department of Education, the Education Practices Commission would incur minimal operational expenses to cover the estimated costs for travel and training of emeritus members.¹⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.202, 1012.79, and 1012.796.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁹ Florida Department of Education, Division of K-12 Educator Quality, *2015 Agency Legislative Bill Analysis* for HB 587 (March 16, 2015; on file with the Committee on Education Pre-K – 12). As of the date of this committee staff analysis, an agency analysis has not been submitted for SB 888.

By Senator Detert

28-00850A-15

2015888__

A bill to be entitled
An act relating to educator professional practices;
amending s. 39.202, F.S.; authorizing certain
employees or agents of the Department of Education to
have access to certain reports and records; amending
s. 1012.79, F.S.; revising the membership of the
Education Practices Commission; authorizing the
Commissioner of Education to appoint emeritus members
to the commission; amending s. 1012.796, F.S.;
authorizing the commissioner to issue a letter of
guidance in response to a complaint against a teacher
or administrator in lieu of a probable cause
determination; providing an effective date.

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

Section 1. Present paragraphs (q) through (s) of subsection
(2) of section 39.202, Florida Statutes, are redesignated as
paragraphs (r) through (t), respectively, and a new paragraph
(q) is added to that subsection, to read:

39.202 Confidentiality of reports and records in cases of
child abuse or neglect.—

(2) Except as provided in subsection (4), access to such
records, excluding the name of the reporter which shall be
released only as provided in subsection (5), shall be granted
only to the following persons, officials, and agencies:

(q) An employee or agent of the Department of Education who
is responsible for the investigation or prosecution of
misconduct by a certified educator.

28-00850A-15

2015888__

Section 2. Subsection (1) of section 1012.79, Florida Statutes, is amended to read:

1012.79 Education Practices Commission; organization.—

(1) The Education Practices Commission is composed ~~consists~~ of the following 25 members: 10, ~~including 8~~ teachers; 5 administrators, at least one of whom represents ~~shall represent~~ a private or virtual school; 4 ~~7~~ lay citizens who are, ~~5 of whom shall be~~ parents of public school students and who are unrelated to public school employees; and 2 of whom shall be former charter school governing board or district school board members or former superintendents, assistant superintendents, or deputy superintendents; and 4 ~~5~~ sworn law enforcement officials, appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with teaching associations, parent organizations, law enforcement agencies, and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member, in order to be qualified for appointment:

1. Must be certified to teach in the state.
2. Must be a resident of the state.
3. Must have practiced the profession in this state for at least 5 years immediately preceding the appointment.

(b) A school administrator member, in order to be qualified for appointment:

1. Must have an endorsement on the educator certificate in

28-00850A-15

2015888__

the area of school administration or supervision.

2. Must be a resident of the state.

3. Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment.

(c) All ~~The lay~~ members must be residents of the state.

(d) The law enforcement official members must have served in the profession for at least 5 years immediately preceding appointment and have background expertise in child safety.

(e) The Commissioner of Education, upon request or recommendation from the commission, may also appoint up to 5 emeritus members from the commission's prior membership to serve 1-year terms. Notwithstanding any prior service on the commission, an emeritus member may serve up to five 1-year terms. An emeritus member serves as a voting member at a discipline hearing and as a consulting but nonvoting member during a business meeting.

Section 3. Subsection (3) of section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(3) The department staff shall advise the commissioner concerning the findings of the investigation. The department general counsel or members of that staff shall review the investigation and advise the commissioner concerning probable cause or lack thereof. The determination of probable cause shall be made by the commissioner. The commissioner shall provide an opportunity for a conference, if requested, prior to determining probable cause. The commissioner may enter into deferred prosecution agreements in lieu of finding probable cause if, in

28-00850A-15

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his or her judgment, such agreements are in the best interests of the department, the certificateholder, and the public. Such deferred prosecution agreements shall become effective when filed with the clerk of the Education Practices Commission. However, a deferred prosecution agreement may ~~shall~~ not be entered into if there is probable cause to believe that a felony or an act of moral turpitude, as defined by rule of the State Board of Education, has occurred. Upon finding no probable cause, the commissioner shall dismiss the complaint. In lieu of a finding of probable cause, the commissioner may also issue a letter of guidance to the educator.

Section 4. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/31/15

Meeting Date

SB 888

Bill Number (if applicable)

N/A

Amendment Barcode (if applicable)

Topic SB 888

Name Tanya Cooper

Job Title Director, Gov. Relations

Address 325 W. Gaines street

Street

Tallahassee FL 32399

City

State

Zip

Phone 850-245-9633

Email Tanya.Cooper@fldoe.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing DOE

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 1474

INTRODUCER: Senator Legg

SUBJECT: District School Boards

DATE: March 30, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Pre-meeting
2.			AED	
3.			FP	

I. Summary:

SB 1474 expands the powers and duties of a district school board by requiring the adoption of a strategic plan and makes a district school board's standards of ethical conduct applicable to administrative personnel and school officers.

The bill provides for an effective date of July 1, 2015.

II. Present Situation:

District School System

The operation and administration of schools within the district is delegated to the district's school officials.¹ The district school system is a part of the state system of public education.² District school officials must act in compliance with the state's laws and the State Board of Education's (state board) rules and standards.³

Each district school board is responsible for the operation, control, and supervision of the public schools located within its district and may exercise any power except as expressly prohibited by the State Constitution or general law.⁴ Each district school superintendent, acting as executive officer of the district school board, administers and manages the district's schools and supervises instruction within the schools.⁵ Likewise, at the school level, each principal administers the

¹ Section 1001.30, F.S.

² Section 1001.32(1), F.S.

³ *Id.*

⁴ Art. IX, s. 4(b), Fla. Const.; s. 1001.32(2), F.S.

⁵ Section 1001.32, F.S.

school and supervises instruction within the school and, develops or revises and implements a school improvement plan.⁶

General Powers & Duties of District School Boards

After considering recommendations from the district school superintendent, a district school board shall exercise the following general powers:⁷

- Determine policies and programs consistent with state law and rule deemed necessary for the efficient operation and general improvement of the district school system.
- Adopt rules to implement provisions of law conferring duties upon it.
- Adopt standards and policies to provide each student the opportunity to receive a complete education program.
- Contract, sue, and be sued.
- Perform duties and exercise responsibilities that are assigned by rule or rule.
- Assign students to schools.
- Enter into agreements for accepting credit care, charge card, and debit card payments as compensation for goods, services, tuition, and fees.

Strategic Plans

District school boards must develop, with regional workforce boards, economic development agencies, and postsecondary institutions, a strategic 3-year plan to address and meet local and regional workforce demands.⁸ The strategic plan must be based on strategies to improve, sustain, and expand career and professional education.⁹

Standards of Ethical Conduct

District school boards must adopt policies that establish standards of ethical conduct for instructional personnel and school administrators.¹⁰ The policies must:¹¹

- Require training on the standards;
- Establish a duty to report, and procedures for reporting, alleged misconduct by other instructional personnel or school administrators which affects the health, safety, or welfare of a student; and
- Include an explanation of certain protections from liability for reporting in good faith any instance of child abuse, abandonment, or neglect to the Department of Children and Families or law enforcement¹² or for disclosing information reporting former or current employees upon the request of a prospective employer.

⁶ *Id.*

⁷ Section 1001.41, F.S. District school boards have additional powers and duties. Sections 1001.42 and 1001.43, F.S.

⁸ Section 1003.491(2), F.S.

⁹ *Id.* at (2) and (3), F.S.

¹⁰ Section 1001.42(6), F.S. “Instructional personnel” means any K-12 staff member whose function includes providing direct instructional services to students (e.g., classroom teachers, student advisors, or school counselors). Section 1012.01(2). “School administrators” is a subset of the classification of “administrative personnel”; school principals or assistant principals are considered school administrators. Section 1012.01(3)(c), F.S.

¹¹ Sections 1001.42(6), F.S. Section 768.095, F.S. (providing immunity from civil liability disclosing information about a former or current employee, unless it is proven by clear and convincing evidence that the information was knowingly false or violated a civil right)

¹² Section 39.203, F.S.

In addition, district school boards and their employees are prohibited from entering into a confidentiality agreement regarding terminated or dismissed instructional personnel or administrators who resign in lieu of termination based in part on misconduct affecting the health, safety, or welfare of a student.¹³ Districts may not provide instructional personnel or school administrators terminated for such conduct with employment references or discuss their performance with prospective employers.¹⁴ Further, any contract that has the purpose or effect of concealing such misconduct by instructional personnel or school administrators is void as contrary to public policy.¹⁵

School officers are classified separately from instructional personnel and administrative personnel.¹⁶ School officers for each district school system include district school board members and school superintendents who are subject to the Code of Ethics for Public Officers and Employees¹⁷ and are required to complete 4 hours of ethics training each calendar year.¹⁸

III. Effect of Proposed Changes:

SB 1474 expands the powers and duties of a district school board by requiring the adoption of a strategic plan and makes a district school board's standards of ethical conduct applicable to administrative personnel and school officers.

The bill adds an express requirement that district school boards must adopt strategic plans.

The bill broadens the applicability of the standards of ethical conduct by adding the classification of "administrative personnel,"¹⁹ which includes persons who have district-level administrative or policymaking duties, and replacing "school administrators" with the defined classification of "school officers,"²⁰ which includes district school superintendents and district school board members.

The bill provides for an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹³ Section 1001.42(6), F.S.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Section 1012.01(1), F.S.

¹⁷ Part III of ch. 112, F.S.

¹⁸ Art. II, s. 8, Fla. Const.; ss. 112.3142 and 1012.01(1), F.S. District school board members and school superintendents are constitutional officers. Section 112.3142(1), F.S.

¹⁹ Section 1012.01(3), F.S.

²⁰ *Id.* at (1), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.41 and 1001.42.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2015	.	
	.	
	.	
	.	

The Committee on Education Pre-K - 12 (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (8) is added to section 1001.41,
Florida Statutes, to read:

1001.41 General powers of district school board.—The
district school board, after considering recommendations
submitted by the district school superintendent, shall exercise
the following general powers:



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11 (8) Adopt a strategic plan consistent with the school
12 board's mission and long-term goals.

13 Section 2. Subsection (6) and paragraphs (a) and (b) of
14 subsection (18) of section 1001.42, Florida Statutes, are
15 amended to read:

16 1001.42 Powers and duties of district school board.—The
17 district school board, acting as a board, shall exercise all
18 powers and perform all duties listed below:

19 (6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
20 PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS
21 ~~ADMINISTRATORS~~.—Adopt policies establishing standards of ethical
22 conduct for instructional personnel and school administrators.
23 The policies must require all instructional personnel,
24 administrative personnel and school administrators, and school
25 officers, as defined in s. 1012.01, to complete training on the
26 standards; establish the duty of instructional personnel,
27 administrative personnel, and school officers administrators to
28 report, and procedures for reporting, alleged misconduct by
29 other instructional or administrative personnel and school
30 officers school administrators which affects the health, safety,
31 or welfare of a student; and include an explanation of the
32 liability protections provided under ss. 39.203 and 768.095. A
33 district school board, or any of its employees, may not enter
34 into a confidentiality agreement regarding terminated or
35 dismissed instructional or administrative personnel or school
36 officers administrators, or personnel, or administrators, or
37 school officers who resign in lieu of termination, based in
38 whole or in part on misconduct that affects the health, safety,
39 or welfare of a student, and may not provide instructional or



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administrative personnel or school officers ~~administrators~~ with employment references or discuss the personnel's or school officers' ~~administrators'~~ performance with prospective employers in another educational setting, without disclosing the personnel's or school officers' ~~administrators'~~ misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional or administrative personnel or school officers ~~administrators~~ which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall comply with the provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and include the following:

(a) *School improvement plans.*—

1. The district school board shall annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. If a school has a significant gap in achievement on statewide, standardized assessments administered pursuant to s. 1008.22 by one or more student subgroups, as defined in the federal Elementary and Secondary Education Act (ESEA), 20 U.S.C. s. 6311(b)(2)(C)(v)(II); has not significantly increased the



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percentage of students passing statewide, standardized assessments; has not significantly increased the percentage of students demonstrating Learning Gains, as defined in s. 1008.34 and as calculated under s. 1008.34(3)(b), who passed statewide, standardized assessments; or has significantly lower graduation rates for a subgroup when compared to the state's graduation rate, that school's improvement plan shall include strategies for improving these results. The state board shall adopt rules establishing thresholds and for determining compliance with this subparagraph.

2. A school that includes any of grades 6, 7, or 8 shall include annually in its school improvement plan information and data on the school's early warning system required under paragraph (b), including a list of the early warning indicators used in the system, the number of students identified by the system as exhibiting two or more early warning indicators, the number of students by grade level that exhibit each early warning indicator, and a description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system. In addition, a school that includes any of grades 6, 7, or 8 shall describe in its school improvement plan the strategies used by the school to implement and evaluate the instructional practices for middle grades emphasized by the district's professional development system pursuant to s. 1012.98(4)(b)9.

(b) *Early warning system.*—

1. A school that includes any of grades 6, 7, or 8 shall implement an early warning system to identify students in grades 6, 7, and 8 who need additional support to improve academic



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performance and stay engaged in school. The early warning system must include the following early warning indicators:

- a. Attendance below 90 percent, regardless of whether absence is excused or a result of out-of-school suspension.
- b. One or more suspensions, whether in school or out of school.
- c. Course failure in English Language Arts or mathematics.
- d. A Level 1 score on the statewide, standardized assessments in English Language Arts or mathematics.

A school district may identify additional early warning indicators for use in a school's early warning system.

2. A school-based team responsible for implementing the requirements of this paragraph shall monitor the data from the early warning system in subparagraph (a)2. When a student exhibits two or more early warning indicators, the team must ~~the school's child study team under s. 1003.02 or a school-based team formed for the purpose of implementing the requirements of this paragraph shall~~ convene to determine appropriate intervention strategies for the student unless the student is already being served by an intervention program. The school shall provide at least 10 days' written notice of the meeting to the student's parent, indicating the meeting's purpose, time, and location, and provide the parent the opportunity to participate. Data and information relating to the indicators must be used to inform any intervention strategies provided to a student identified under this paragraph.

Section 3. Paragraph (b) of subsection (1) of section 1001.43, Florida Statutes, is amended to read:



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1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(1) STUDENT MANAGEMENT.—The district school board may adopt programs and policies to ensure the safety and welfare of individuals, the student body, and school personnel, which programs and policies may:

(b) Require that the attire ~~uniforms~~ to be worn by the student body conform to a standard student attire policy that prohibits certain types or styles of clothing and requires solid colored clothing and fabrics for pants, skirts, shorts, or similar clothing and short or long sleeved shirts with collars. The policy may authorize a small logo but may not authorize a motto or slogan. The purpose of a standard student attire policy is to provide a safe environment that fosters learning and improves school safety and discipline by:

1. Encouraging students to express their individuality through personality and academic achievements, rather than outward appearance.

2. Enabling students to focus on academics, rather than fashion, because they are able to project a neat, serious, and studious image.

3. Minimizing disciplinary problems because students are not distracted by clothing.

4. Reducing the time needed to correct dress code violations through a readily available inventory of compliant attire.

5. Minimizing visible differences and eliminating social



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pressures to wear brand name clothing or "gang colors," thereby
easing financial pressures on parents and enhancing school
safety.

6. Creating a sense of school pride and belonging.

A district school board may implement a standard student attire
policy as part of an overall program to foster and promote
desirable school operating conditions and a safe and supportive
educational environment. A standard student attire policy must
allow a parent to opt his or her student out of the policy for
religious purposes or by reason of a disability. A district
school board that implements a districtwide standard student
attire policy for all students in at least kindergarten through
eighth grade is immune from civil liability resulting from
adoption of the policy in accordance with this paragraph,~~or~~
~~impose other dress-related requirements, if the district school~~
~~board finds that those requirements are necessary for the safety~~
~~or welfare of the student body or school personnel. However,~~
Students may wear sunglasses, hats, or other sun-protective wear
while outdoors during school hours, such as when students are at
recess.

Section 4. This act shall take effect July 1, 2015.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to district school boards; amending s.



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1001.41, F.S.; requiring district school boards to
adopt a strategic plan; amending s. 1001.42, F.S.;
revising provisions relating to standards of ethical
conduct to apply to administrative personnel and
school officers; requiring a school to monitor and
evaluate its instructional practices and intervention
strategies relating to the early warning system;
amending s. 1001.43, F.S.; authorizing district school
boards to adopt a standard student attire policy;
establishing criteria for and the purpose of the
policy; providing immunity from civil liability for
district school boards that implement a standard
student attire policy under certain conditions;
providing an effective date.

By Senator Legg

17-01180A-15

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A bill to be entitled
An act relating to district school boards; amending s.
1001.41, F.S.; requiring district school boards to
adopt a strategic plan; amending s. 1001.42, F.S.;
revising standards of ethical conduct for
instructional personnel and school administrators to
apply to certain administrative personnel and school
officers; providing an effective date.

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

Section 1. Subsection (8) is added to section 1001.41,
Florida Statutes, to read:

1001.41 General powers of district school board.—The
district school board, after considering recommendations
submitted by the district school superintendent, shall exercise
the following general powers:

(8) Adopt a strategic plan consistent with the school
board's mission and long-term goals.

Section 2. Subsection (6) of section 1001.42, Florida
Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The
district school board, acting as a board, shall exercise all
powers and perform all duties listed below:

(6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL
PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS
~~ADMINISTRATORS~~.—Adopt policies establishing standards of ethical
conduct for instructional personnel and school administrators.
The policies must require all instructional personnel,

17-01180A-15

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30 administrative personnel ~~and school administrators~~, and school
31 officers, as defined in s. 1012.01, to complete training on the
32 standards; establish the duty of instructional personnel,
33 administrative personnel, and school officers ~~administrators~~ to
34 report, and procedures for reporting, alleged misconduct by
35 other instructional or administrative personnel and school
36 officers ~~school administrators~~ which affects the health, safety,
37 or welfare of a student; and include an explanation of the
38 liability protections provided under ss. 39.203 and 768.095. A
39 district school board, or any of its employees, may not enter
40 into a confidentiality agreement regarding terminated or
41 dismissed instructional or administrative personnel or school
42 officers ~~administrators~~, or personnel, ~~or administrators~~, or
43 school officers who resign in lieu of termination, based in
44 whole or in part on misconduct that affects the health, safety,
45 or welfare of a student, and may not provide instructional or
46 administrative personnel or school officers ~~administrators~~ with
47 employment references or discuss the personnel's or school
48 officers' ~~administrators'~~ performance with prospective employers
49 in another educational setting, without disclosing the
50 personnel's or school officers' ~~administrators'~~ misconduct. Any
51 part of an agreement or contract that has the purpose or effect
52 of concealing misconduct by instructional or administrative
53 personnel or school officers ~~administrators~~ which affects the
54 health, safety, or welfare of a student is void, is contrary to
55 public policy, and may not be enforced.

56 Section 3. This act shall take effect July 1, 2015.



RICK SCOTT
GOVERNOR

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DEPARTMENT OF STATE

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DIVISION OF ELECTIONS
TALLAHASSEE, FL

February 27, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 1001.01, Florida Statutes:

Mr. Gary R. Chartrand
139 Ponte Vedra Blvd.
Ponte Vedra Beach, Florida 32082

as a member of the State Board of Education, subject to confirmation by the Senate.
This appointment is effective February 26, 2015, for a term ending December 31, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/pb

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Duval

RECEIVED
DEPARTMENT OF STATE
2015 MAR 12 AM 9:38

DIVISION OF ELECTIONS

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Chairman State Board of Education

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 4th day of March, 2015

Sherrie S. Stilley
Signature of Officer Administering Oath or of Notary Public

Sherrie S. Stilley
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced Drivers License

SHERRIE S STILLEY
MY COMMISSION # EE874317
EXPIRES February 12, 2017

FloridaNotaryService.com

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

139 Ponte Vedra Blvd

Street or Post Office Box

Ponte Vedra Beach, FL

City, State, Zip Code

32082

Gary Chartrand
Print name as you desire commission issued

[Signature]
Signature

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Duval

Before me, the undersigned Notary Public of Florida, personally appeared

Gary Chartrand,
who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 5th day of March, 2015.

Sherrie S. Stilley
Signature of Notary Public-State of Florida

Sherrie S. Stilley
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: Feb. 12, 2017

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



(seal)