

Tab 1 SB 70 by Book (CO-INTRODUCERS) Berman; (Identical to H 00023) Panic Alarms in Public Schools

925234	A	S	RS	IS, Book	Delete L.26 - 33:	01/14 04:29 PM
287754	SA	S	WD	IS, Book	Delete L.17 - 33:	01/13 10:59 AM
977336	SA	S	RCS	IS, Book	Delete L.17 - 33:	01/14 04:29 PM

Tab 2 SB 728 by Stargel; (Identical to H 00311) Threats

651314	A	S	RCS	IS, Stargel	Delete L.16 - 24:	01/14 04:29 PM
402684	AA	S	RCS	IS, Stargel	Delete L.14:	01/14 04:29 PM
728976	A	S	WD	IS, Stargel	Delete L.22:	01/14 04:29 PM

Tab 3 SB 788 by Book; Statewide Active Shooter Response Planning

560816	A	S	RCS	IS, Book	Delete L.18 - 46:	01/14 10:19 AM
108542	AA	S	RCS	IS, Book	btw L.61 - 62:	01/14 10:19 AM
827926	A	S	WD	IS, Book	Delete L.18 - 41:	01/14 10:20 AM
821326	A	S	WD	IS, Book	btw L.45 - 46:	01/14 10:20 AM

Tab 4 SB 834 by Simmons; Emergency Alerts

471926	A	S	RCS	IS, Simmons	Delete L.89 - 119:	01/14 10:20 AM
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Tab 6 SR 214 by Rodriguez (CO-INTRODUCERS) Cruz, Stewart; (Similar to H 00051) White Nationalism and White Supremacy

839518	PCS	S	FAV	IS		01/13 06:12 PM
678128	A	S	WD	IS, Rodriguez, Cruz	Delete L.27:	01/13 06:12 PM

Tab 7 SR 222 by Simpson (CO-INTRODUCERS) Benacquisto, Bradley, Hutson, Mayfield, Diaz, Wright, Perry, Harrell, Albritton, Hooper; White Nationalism and White Supremacy

Tab 8 SPB 7028 by IS; Public Safety

Tab 9 SPB 7030 by IS; Public Records/Active Threat Assessments and Threat Management Records

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

INFRASTRUCTURE AND SECURITY
Senator Lee, Chair
Senator Perry, Vice Chair

MEETING DATE: Monday, January 13, 2020
TIME: 3:30—5:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Lee, Chair; Senator Perry, Vice Chair; Senators Bean, Cruz, Hooper, Hutson, Stewart, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 70 Book (Identical H 23)	Panic Alarms in Public Schools; Citing this act as "Alyssa's Law"; requiring each public school building on the campus of a public elementary school, middle school, or high school to be equipped with at least one panic alarm, etc. IS 01/13/2020 Fav/CS AED AP	Fav/CS Yeas 7 Nays 0
2	SB 728 Stargel (Identical H 311)	Threats; Prohibiting threats to use a firearm or weapon with specified intent; providing criminal penalties, etc. IS 01/13/2020 Fav/CS CJ AP	Fav/CS Yeas 7 Nays 0
3	SB 788 Book	Statewide Active Shooter Response Planning; Requiring the Department of Law Enforcement, in consultation with law enforcement agencies throughout the state, to establish a uniform statewide rule on preparing for and responding to active shooters; requiring each law enforcement agency to adopt an active shooter policy or rule, as appropriate, by a specified date, etc. IS 01/13/2020 Fav/CS ACJ AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Monday, January 13, 2020, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 834 Simmons	Emergency Alerts; Authorizing a local law enforcement agency to activate the emergency alert system and issue a Lockdown Alert to public and private schools and child care facilities under certain circumstances; requiring local law enforcement agencies to create and maintain a list of all public schools, private schools, and child care facilities within their jurisdictions which must be included in the Lockdown Alert; requiring the Department of Law Enforcement, in cooperation with the Department of Highway Safety and Motor Vehicles and the Department of Transportation, to activate the emergency alert system and issue an Imminent Threat Alert to the public at the request of a local law enforcement agency under certain circumstances, etc. IS 01/13/2020 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
5	A proposed committee substitute combining the following bills is expected to be considered:		
6	SR 214 Rodriguez (Similar HR 51, Compare SR 222)	White Nationalism and White Supremacy; Rejecting and condemning white nationalism and white supremacy as hateful expressions of intolerance which contradict the values that define the people of Florida and the United States, etc. IS 01/13/2020 Fav/CS Combined - Lead JU RC	Fav/CS with SR 222 Yeas 7 Nays 0
7	SR 222 Simpson (Compare HR 51, SR 214)	White Nationalism and White Supremacy; Rejecting white nationalism and white supremacy as hateful, dangerous, and morally corrupt, and affirming that such philosophies are contradictory to the values that define the people of Florida, etc. IS 01/13/2020 Fav/CS Combined JU RC	See SR 214

Consideration of proposed bills:

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Monday, January 13, 2020, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SPB 7028	Public Safety; Requiring emergency medical technicians and paramedics to disclose certain confidential communications to law enforcement agencies to communicate a threat under certain circumstances; requiring specified licensees, rather than psychiatrists, to disclose certain confidential communications to law enforcement agencies to communicate a threat under certain circumstances; authorizing a person who is not a licensed importer, a licensed manufacturer, or a licensed dealer and who chooses to not use a licensed importer, a licensed manufacturer, or a licensed dealer to facilitate a private sale of his or her firearm to sell the firearm if he or she complies with specified requirements, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
9	SPB 7030	Public Records/Active Threat Assessments and Threat Management Records; Exempting from public records requirements active threat assessments and threat management records; providing circumstances under which such records are considered active; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0

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 Infrastructure and Security

BILL: CS/SB 70

INTRODUCER: Senators Book and Berman

SUBJECT: Panic Alarms in Public Schools

DATE: January 14, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	FAV/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 70 creates “Alyssa’s Law.”

The CS creates a new section of statute to:

- Define “panic alarm” to mean a security system signal generated by the manual activation of a device or an alternative mechanism intended to communicate a life-threatening or emergency situation that requires a response from law enforcement;
- Define “public school building” to include all buildings on a public elementary, middle, or high school campus where instruction takes place or where students are present during the school day; and
- Require each public school to be equipped with a panic alarm system for use in a school security emergency, including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation. The panic alarm system must be accessible to administrators, teachers, staff, and other designated personnel at all locations on the school grounds and provide permanently installed alert indicators located at indoor and outdoor locations. The panic alarm system must be directly linked to the main office at the school and to local law enforcement agencies that are designated as first responders to the school’s campus, and the system must immediately transmit a signal or message to those authorities upon activation.

The CS may have an indeterminate, likely significant, negative fiscal impact to school districts.

The CS has an effective date of July 1, 2020.

II. Present Situation:

Alyssa Alhadeff

Alyssa Alhadeff, was a former student at Marjory Stoneman Douglas High School in Parkland, Florida, who was among the 17 killed during a school shooting in February 2018.¹

School Shootings

School shootings have become frequent tragedies in the United States. There have been over 234 shootings at primary and secondary schools since the shooting at Columbine High in April 1999, resulting in the loss of 144 lives.² In 2018 alone, there were 25 shootings - the highest number during any year since at least 1999,³ and a Washington Post database of school shootings indicates that over 236,000 students have been exposed to gun violence.⁴ Although school shootings in America are rare compared to daily gun violence, the data indicates they are happening more frequently.

9-1-1 Calls

Calling 9-1-1 during an emergency is not difficult; however, calling the number, staying on the line, and trying to explain what is happening during a time of distress may be challenging for some.

While wireless phones can be an important public safety tool, they also create unique challenges for emergency response personnel and wireless service providers. Since wireless phones are mobile, they are not associated with one fixed location or address. While the location of the cell site closest to the 9-1-1 caller may provide a general indication of the caller's location, that information is not always specific enough for rescue personnel to deliver assistance to the caller quickly.⁵ In this situation, though the authorities might be aware of a disturbance in a general area, they will not know the nature of the threat or exact location unless the 9-1-1 caller is able to stay on the call and relay that information. Due to this, in some cases the police and paramedics may not know how many personnel should be involved, where to set up a safe location or rally point, where to relocate students (in the case of a school shooting incident), and of course, where a shooter is located (in the case of a shooting incident). All of these factors taken together may delay resolving a situation and getting people to safety.

In many cases of school shootings, there are already fatalities before a 9-1-1 call is placed because most people are not aware of the threat until after shots have been fired. The average

¹ Marjory Stoneman Douglas High School Public Safety Commission, *Second Report* (November 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf> (last visited December 27, 2019).

² Maya Rossin-Slater ET AL.(2019), Local Exposure to School Shootings and Youth Antidepressant Use (Working Paper 26563), available at <http://www.nber.org/papers/w26563> (last visited December 27, 2019).

³ John Woodrow Cox ET AL., *More than 236,000 students have experienced gun violence at school since Columbine*, available at <https://www.washingtonpost.com/graphics/2018/local/school-shootings-database/> (last visited December 27, 2019).

⁴ *Id.*

⁵ Federal Communications Commission, *911 Wireless Services*, available at <https://www.fcc.gov/consumers/guides/911-wireless-services> (last visited December 26, 2019).

shooting lasts 12 minutes,⁶ while the national average response time by authorities, taking into account all types of calls, to be on scene in response to a 9-1-1 call is approximately 15 minutes and 19 seconds after a 9-1-1 call is placed and the incident is reported.⁷

Marjory Stoneman Douglas High School Public Safety Commission

The Marjory Stoneman Douglas High School Public Safety Commission is entrusted with investigating system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, and developing recommendations for system improvements.⁸ The commission submitted its initial report to the Governor and the Legislature on January 2, 2019, and its second report to the Governor and Legislature on November 1, 2019.^{9,10} The commission is authorized to issue a report annually, by January 1, and is scheduled to sunset July 1, 2023.¹¹

The commission's second report includes numerous school safety and security recommendations, which includes language directing that, "some emergency drills should require movement and exercise all necessary aspects of the drill and emergency operations plan, including panic buttons ...", and "the timeliest way to communicate an on-campus emergency is direct reporting from a school staff member to everyone on campus and the 911 center simultaneously."¹² The last recommendation could be fulfilled with the installation of active shooter panic buttons in school buildings.

Panic Buttons

On average, there are 10 school shootings a year nationally since the shooting at Columbine High School.¹³ Since then, the U.S. Department of Homeland Security (DHS) has adapted their protocol for dealing with gun threats. When a shooting occurs, the official DHS guidance is to run if possible; quietly hide, ideally in a place that can be locked, if fleeing is not possible; and, fight only as an absolute last resort.¹⁴ This protocol may ensure that students can be reasonably safe, but it does not ensure that the authorities are able to be quickly informed of a threat, or know where a threat is coming from.

The DHS lists a number of evolving products and technologies for consideration in K-12 School Security which include: closed-circuit video (CCV), door blockers, gunshot detection systems, integrated application-based services, locks, mass notification systems, motion detectors, smoke

⁶ Ryan Sanchez, *How Columbine changed the way police respond to mass shootings*, available at <https://www.cnn.com/2018/02/15/us/florida-school-shooting-columbine-lessons/index.html> (last visited December 26, 2019).

⁷ Auto Insurance Center, *Emergency Response Times Across the U.S.*, available at <https://www.autoinsurancecenter.com/emergency-response-times.htm> (last visited December 26, 2019).

⁸ Section 943.687(3), F.S.

⁹ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> (last visited December 27, 2019).

¹⁰ *Supra*, note 2.

¹¹ Section 943.687(9), F.S.

¹² *Supra*, note 2.

¹³ John Woodrow Cox and Steven Rich, *Scarred by school shootings*, available at <https://www.washingtonpost.com/graphics/2018/local/us-school-shootings-history/> (last visited December 26, 2019).

¹⁴ Jonathan Allen and Joseph Ax, *Run? Hide? Fight? Lockdown? Two U.S. School Shootings Highlight Differing Responses*, available at <https://www.reuters.com/article/us-colorado-shooting-run-hide-fight/run-hide-fight-lockdown-two-us-school-shootings-highlight-differing-responses-idUSKCN1SE2LE> (last visited December 26, 2019).

cannons, tactical training and equipment for school resource officers, strobe lights, turnstiles, unmanned aircraft systems, and visitor management systems.¹⁵

New to the security market are integrated application based services that schools and local first responders and emergency managers can use. Some mobile phone applications act as panic buttons which any teacher can press to send an alert to the phone of police officers within a certain radius of a school. Other mobile phone applications focus on locking down a school by virtually securing doors. Some others integrate numerous protective measures such as locking doors, deploying smoke cannons, activating strobe lights, and monitoring CCV.¹⁶

In addition to integrated application based services, there are designated active shooter panic buttons that can be set up at a school and be monitored by the school administration, local law enforcement and first responders. By utilizing a designated active shooter panic button system, there is no question of what the threat is or where it is being reported, in addition, teaching staff, students, and the local police and first responders will be alerted to the disturbance. Having this sort of immediate alert system in place may mean the difference between life and death of a student or teacher by having all of the necessary parties on standby to allow anyone injured during an attack to potentially get faster extraction and medical attention.

III. Effect of Proposed Changes:

The CS names the act (newly created s. 1013.373, F.S.) “Alyssa’s Law.”

The CS creates s. 1013.373, F.S., to:

- Define “panic alarm” to mean a security system signal generated by the manual activation of a device or an alternative mechanism intended to communicate a life-threatening or emergency situation that requires a response from law enforcement;
- Define “public school building” to include all buildings on a public elementary, middle, or high school campus where instruction takes place or where students are present during the school day; and
- Require each public school to be equipped with a panic alarm system for use in a school security emergency, including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation. The panic alarm system must be accessible to administrators, teachers, staff, and other designated personnel at all locations on the school grounds and provide permanently installed alert indicators located at indoor and outdoor locations. The panic alarm system must be directly linked to the main office at the school and to local law enforcement agencies that are designated as first responders to the school’s campus, and the system must immediately transmit a signal or message to those authorities upon activation.

The CS has an effective date of July 1, 2020.

¹⁵ U.S. Department of Homeland Security, *K-12 School Security: A Guide for Preventing and Protecting Against Gun Violence* (2nd Edition: 2018), available at <https://www.dhs.gov/sites/default/files/publications/K12-School-Security-Guide-2nd-Edition-508.pdf> (last visited December 26, 2019).

¹⁶ *Id.*

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

This CS does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Panic alarm systems for a public school would be sold and installed by private sector vendors, and would therefore have a positive impact on vendors selling or installing a panic alarm system.

C. Government Sector Impact:

The CS requires each public school to be equipped with a panic alarm system accessible to administrators, teachers, staff, and other designated personnel at all locations on the school grounds. The extent to which panic alarm systems are currently installed in public and charter school buildings is unknown. The CS may have an indeterminate, likely significant, negative fiscal impact to school districts.

VI. Technical Deficiencies:

The term “public school building” in the CS does not appear to be needed since the CS no longer provides that public school buildings should be equipped with panic buttons, and instead

provides that each public school be equipped with a panic alarm system accessible at all locations on the school grounds.

VII. Related Issues:

None.

VIII. Statutes Affected:

This CS creates the following section of the Florida Statutes: 1013.373

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Infrastructure and Security on January 13, 2020:

- Modified the definition of “panic alarm system” to remove the portion stating the security system signal be silent;
- Adds the panic alarm system must be accessible to administrators, teachers, staff, and other designated personnel;
- Expands installation locations from just buildings to all locations on the school grounds;
- Provides the panic alarm system must provide permanently installed alert indicators located at indoor and outdoor locations; and
- Adds that the panic alarm system must be directly linked to the main office at the school, in addition to local law enforcement agencies that are designated as first responders to the school’s campus, and the system must immediately transmit a signal or message to those authorities upon activation.

B. Amendments:

None.



925234

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
01/14/2020	.	
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	.	

The Committee on Infrastructure and Security (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 26 - 33

and insert:

(2) Each public school must be equipped with a panic alarm system for use in a school security emergency, including, but not limited to, a non-fire evacuation, a lockdown, or an active shooter situation. The panic alarm system must be accessible to administrators, teachers, staff, and other designated personnel at all locations on the school grounds. The panic alarm system



925234

11 must provide permanently installed audible and visual alert
12 indicators located at indoor and outdoor locations. The panic
13 alarm system must be directly linked to the main office at the
14 school and to local law enforcement agencies that are designated
15 as first responders to the school's campus, and the system must
16 immediately transmit a signal or message to those authorities
17 upon activation.

18
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete lines 4 - 7

22 and insert:

23 defining terms; requiring each public school on the
24 campus of a public elementary school, middle school,
25 or high school to be equipped with at least one panic
26 alarm system; providing panic alarm system
27 requirements;



287754

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/13/2020	.	
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	.	
	.	

The Committee on Infrastructure and Security (Book) recommended the following:

1 **Senate Substitute for Amendment (925234) (with title**
2 **amendment)**

3
4 Delete lines 17 - 33
5 and insert:

6 (a) "Panic alarm system" means a silent or audible security
7 system signal generated by the manual activation of a device or
8 an alternative mechanism intended to communicate a life-
9 threatening or emergency situation that requires a response from
10 law enforcement.



287754

11 (b) "Public school building" includes all buildings on a
12 public elementary, middle, or high school campus where
13 instruction takes place or where students are present during the
14 school day.

15 (2) Each public school must be equipped with a panic alarm
16 system for use in a school security emergency, including, but
17 not limited to, a non-fire evacuation, a lockdown, or an active
18 shooter situation. The panic alarm system must be accessible to
19 administrators, teachers, staff, and other designated personnel
20 at all locations on the school grounds. The panic alarm system
21 must provide permanently installed audible and visual alert
22 indicators located at indoor and outdoor locations. The panic
23 alarm system must be directly linked to the main office at the
24 school and to local law enforcement agencies that are designated
25 as first responders to the school's campus, and the system must
26 immediately transmit a signal or message to those authorities
27 upon activation.

28
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete lines 4 - 7

32 and insert:

33 defining terms; requiring each public school to be
34 equipped with at least one panic alarm system;
35 providing panic alarm system requirements;



977336

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Book) recommended the following:

1 **Senate Substitute for Amendment (925234) (with title**
2 **amendment)**

3
4 Delete lines 17 - 33
5 and insert:

6 (a) "Panic alarm system" means a security system signal
7 generated by the manual activation of a device or an alternative
8 mechanism intended to communicate a life-threatening or
9 emergency situation that requires a response from law
10 enforcement.



977336

11 (b) "Public school building" includes all buildings on a
12 public elementary, middle, or high school campus where
13 instruction takes place or where students are present during the
14 school day.

15 (2) Each public school must be equipped with a panic alarm
16 system for use in a school security emergency, including, but
17 not limited to, a non-fire evacuation, a lockdown, or an active
18 shooter situation. The panic alarm system must be accessible to
19 administrators, teachers, staff, and other designated personnel
20 at all locations on the school grounds. The panic alarm system
21 must provide permanently installed alert indicators located at
22 indoor and outdoor locations. The panic alarm system must be
23 directly linked to the main office at the school and to local
24 law enforcement agencies that are designated as first responders
25 to the school's campus, and the system must immediately transmit
26 a signal or message to those authorities upon activation.

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete lines 4 - 7

31 and insert:

32 defining terms; requiring each public school to be
33 equipped with a panic alarm system; providing
34 requirements for such systems;

By Senator Book

32-00128-20

202070__

1 A bill to be entitled
 2 An act relating to panic alarms in public schools;
 3 providing a short title; creating s. 1013.373, F.S.;
 4 defining terms; requiring each public school building
 5 on the campus of a public elementary school, middle
 6 school, or high school to be equipped with at least
 7 one panic alarm; providing panic alarm requirements;
 8 providing an effective date.

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

12 Section 1. This act may be cited as "Alyssa's Law."

13 Section 2. Section 1013.373, Florida Statutes, is created
 14 to read:

15 1013.373 Panic alarms in public schools.—

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

17 (a) "Panic alarm" means a silent security system signal
 18 generated by the manual activation of a device or an alternative
 19 mechanism intended to communicate a life-threatening or
 20 emergency situation that requires a response from law
 21 enforcement.

22 (b) "Public school building" includes all buildings on a
 23 public elementary, middle, or high school campus where
 24 instruction takes place or where students are present during the
 25 school day.

26 (2) Each public school building must be equipped with at
 27 least one panic alarm for use in a school security emergency,
 28 including, but not limited to, a non-fire evacuation, lockdown,
 29 or active shooter situation. The panic alarm must be directly

Page 1 of 2

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

32-00128-20

202070__

30 linked to the local law enforcement agencies that are designated
 31 as first responders to the school's campus and must immediately
 32 transmit a signal or message to those authorities upon
 33 activation.

34 Section 3. This act shall take effect July 1, 2020.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/13/2020

Meeting Date

70

Bill Number (if applicable)

Topic Panic Alarms in Public Schools

Amendment Barcode (if applicable)

Name Scott Jenkins

Job Title Senior Government Consultant

Address 215 S. Monroe St. Ste 500

Phone 850 661 0829

Street

TLH

FL

32301

Email sjenkins@earthlink.net

City

State

Zip

Speaking: For Against Information

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

Representing School Check IN

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)

1/13/20

Meeting Date

70

Bill Number (if applicable)

Topic Panic Alarms in Public Schools

Amendment Barcode (if applicable)

Name Andrew Goren

Job Title Volunteer for Make our Schools Safe

Address 8675 Watercrest Circle West

Phone 850-559-2403

Street

Parkland

FL

33076

Email agoren9797@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Make our Schools Safe

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)

1-13-2020

Meeting Date

70

Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Dawn Steward

Job Title _____

Address 2130 Blossom Lane

Phone 407-645-0223

Street

Winter Park FL 32789

Email stua2130@aol.com

City

State

Zip

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)

1/13/20

Meeting Date

70

Bill Number (if applicable)

Topic Panic Alarms

Amendment Barcode (if applicable)

Name John J. Sullivan

Job Title Director, Legislative

Address 600 S.E. 3rd Ave

Phone 754-321-2608

Street

Ft. Lauderdale, FL

33301

Email John.sullivan@browardschools.com

City

State

Zip

Speaking: For Against Information

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

Representing Broward 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)

1/13/20

Meeting Date

SB 70

Bill Number (if applicable)

Topic Panic alarms

Amendment Barcode (if applicable)

Name Christne Hunschofsky

Job Title Mayor City of Parkland

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City

State

Zip

Speaking: For Against Information

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

Representing City of Parkland

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 Infrastructure and Security

BILL: CS/SB 728

INTRODUCER: Infrastructure and Security Committee and Senator Stargel

SUBJECT: Threats

DATE: January 14, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			CJ	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 728 prohibits threats to use a firearm or weapon with intent to do bodily harm to any person or to do damage to any property of any person, and includes as a violation of law a threat of such *future* use if the threat is sufficient to cause alarm in a reasonable person. The bill also includes a threat of *future* throwing, projecting, placing, or discharging of any destructive device in the existing prohibition against such threats, but without the additional element of sufficiency to cause alarm in a reasonable person. A conviction for a current or future threat to use a firearm or weapon would be included in the same section of law currently applicable to a threat to throw, project, place, or discharge any destructive device, a second degree felony. Under the bill, a person is not in violation if he or she threatens to use a firearm or any other weapon in lawful self-defense, or in lawful defense of others or of property.

The bill also revises existing prohibitions against making a false report, with intent to deceive, mislead, or misinform any person, concerning the *current or future* placing or planting or any bomb, dynamite, other deadly explosive, or weapon of mass destruction, or concerning the *current or future* use of firearms in a violent manner against a person. The penalty for a violation remains as a second degree felony.

The result of application of the bill's revisions in a given criminal case appears to be unclear. See "Effect of Proposed Changes" for details.

The Criminal Justice Impact Conference has not yet reviewed the bill.
The bill takes effect October 1, 2020.

II. Present Situation:

Definitions

Chapter 790, Florida Statutes, relating to weapons and firearms, among others, defines the following terms for purposes of that chapter:

- Destructive device “means any bomb, grenade, mine, rocket, missile, pipebomb, or similar device containing an explosive, incendiary, or poison gas and includes any frangible container filled with an explosive, incendiary, explosive gas, or expanding gas, which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled; any device declared a destructive device by the Bureau of Alcohol, Tobacco, and Firearms;¹ any type of weapon which will, is designed to, or may readily be converted to expel a projectile by the action of any explosive and which has a barrel with a bore of one-half inch or more in diameter; and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device.”²
- Firearm “means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.”³
- 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.”⁴

¹ For the purposes of the National Firearms Act, the term “destructive device” means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 7684(2), 7685, or 7686 of title 10, United States Code; or any other device which the Secretary finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes. 26 U.S.C. 5845(f).

² The term under Florida law does not include “a device which is not designed, redesigned, used, or intended for use as a weapon; any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device; any shotgun other than a short-barreled shotgun; or any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.” Section 790.001(4), F.S.

³ The term does not include an antique firearm unless the antique firearm is used in the commission of a crime. Section 790.001(6), F.S.

⁴ Section 790.001(13), F.S.

Apparently, depending on the facts of a given criminal case, a “destructive device” may also be a “firearm” or a “weapon,” but a “weapon” is not a “firearm.” Further, *all* firearms may not meet the definition of “destructive device;” *e.g.*, many pistols do not have barrels with a bore of one-half inch or more in diameter. Additionally, the definition of “weapon” includes items that do not appear to meet the definition of “destructive device,” and the broad phrase “other deadly weapon,” may also not meet the definition of “destructive device,” depending on the item used in a given criminal case.

Making, Possessing, Throwing, Projecting, Placing or Discharging any Destructive Device

Section 790.161, F.S., prohibits willfully⁵ and unlawfully⁶ making, possessing,⁷ throwing, projecting, placing, or discharging any destructive device, or attempting to do so. A violation is a third degree felony, punishable by a term of imprisonment not exceeding five years.⁸ However, if the act:

- Is committed with intent to do bodily harm to any person or to do property damage, or if the result is a disruption of governmental operations, commerce, or the private affairs of another person, a violation is increased to a second degree felony, punishable by a term of imprisonment not exceeding 15 years.⁹
- Results in bodily harm to another person or in property damage, a violation is elevated to a first degree felony, punishable by a term of imprisonment not exceeding 30 years or, when provided by statute, an imprisonment term not exceeding life.¹⁰
- Results in the death of another person, a violation is a capital felony, punishable by death or by life imprisonment with no eligibility for parole.¹¹

A conviction under s. 790.161, F.S., requires the State to prove that a defendant acted intentionally, knowingly, and purposely.¹²

In contrast to the State’s burden of proving a defendant acted intentionally, knowingly, and purposely for a conviction under s. 790.161, F.S., a person who unlawfully throws, projects, places, or discharges a destructive device or bomb resulting in any bodily harm to another person, *regardless of intent or lack of intent to cause such harm*, violates s. 790.1615, F.S., and commits a first degree misdemeanor, punishable by a term of imprisonment not exceeding one

⁵ Meaning intentionally, knowingly, and purposely. See Florida Criminal Jury Instruction 10.7(a) available at <https://jury.flcourts.org/criminal-jury-instructions-home/criminal-jury-instructions/sji-criminal-chapter-10/> (last visited December 31, 2019).

⁶ For illustration, it is not unlawful for the governing body of any municipality or county or the Division of State Fire Marshal of the Department of Financial Services to authorize the manufacture, possession, and use of destructive devices. Section 790.1612, F.S.

⁷ To prove possession of a destructive device, the State must prove beyond a reasonable doubt that a defendant knew of the existence of the destructive device, and intentionally exercised control over that device. See Florida Criminal Jury Instruction 10.7(a) available at <https://jury.flcourts.org/criminal-jury-instructions-home/criminal-jury-instructions/sji-criminal-chapter-10/> (last visited December 31, 2019).

⁸ Section 775.082(3)(e), F.S. Unless prosecuted as an adult, juvenile violations are processed in accordance with the provisions of ch. 985, F.S.

⁹ Section 775.082(3)(d), F.S.

¹⁰ Section 775.082(3)(b), F.S.

¹¹ Section 775.082(1)(a), F.S.

¹² See Florida Criminal Jury Instruction 10.7(a)-(d) available at <https://jury.flcourts.org/criminal-jury-instructions-home/criminal-jury-instructions/sji-criminal-chapter-10/> (last visited December 31, 2019).

year and up to \$1,000 fine.¹³ Under s. 790.1615, F.S., if the result is great bodily harm, permanent disability, or permanent disfigurement, *regardless of intent or lack of intent*, a violation is a second degree felony, punishable by an imprisonment term not exceeding 15 years and up to a \$10,000 fine.¹⁴

Further, a person found guilty may be sentenced separately for any violation of s. 790.1615, F.S., and for any unlawful throwing, projecting, placing, or discharging of a destructive device or bomb committed during the same criminal episode.¹⁵ However, a conviction for any unlawful throwing, projecting, placing, or discharging of a destructive device or bomb is not necessary for a conviction under s. 790.1615, F.S.¹⁶

Threat to Throw, Project, Place, or Discharge Any Destructive Device

Section 790.162, F.S. currently makes it unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person.¹⁷ A violation is a second degree felony, punishable by an imprisonment term not exceeding 15 years and up to a \$10,000 fine.¹⁸

Because the language of s. 790.162, F.S., references intent to do bodily harm or property damage, as also reflected in s. 790.161, F.S., and because the language of s. 790.1615, F.S., clearly excludes a defendant's intent as a required element of proof, a conclusion that a conviction under s. 790.162, F.S., also requires the State to prove that a defendant acted intentionally, knowingly, and purposely may be reasonable. However, no such proof is required for a conviction under s. 790.162, F.S.

To the contrary, currently applicable case law provides:

Section 790.161 provides that it is unlawful for any person to throw, place or discharge a destructive device with intent to do bodily harm or damage to property. Section 790.162, which essentially tracks the same language, was obviously intended to cover a *threat* to carry out the conduct proscribed by section 790.161. Viewed in this context, we think that section 790.162 requires only that the threat must convey an intent to do bodily harm or damage to property. Here, appellant's threat obviously conveyed this intent. Therefore, under our construction of the statute, *whether appellant intended to follow through with his threat was irrelevant*.¹⁹

¹³ Sections 775.082(4)(a) and 775.083(1)(d), F.S.

¹⁴ Sections 775.082(3)(d) and 775.083(1)(b), F.S.

¹⁵ Section 790.1615(3), F.S.

¹⁶ *Id.*

¹⁷ Written threats may be prosecuted under s. 836.10, F.S.

¹⁸ *Supra* note 14.

¹⁹ *Reid v. State*, 405 So.2d. 500 (Fla. 2d DCA 1981). (*Emphasis added.*)

In addition:

[T]he State need not prove the existence of an actual destructive device. It is sufficient that the State prove that the defendant *threatened* to throw, place, or discharge a destructive device with the stated intent to do bodily harm to any person or with the stated intent to do damage to any property of any person, *regardless of whether the defendant had the actual ability to carry out that threat.*²⁰

False Reports –Planting a Bomb, Explosive, or Weapon of Mass Destruction; Arson; Use of Firearms in a Violent Manner

Section 790.163, F.S. currently makes it unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction,²¹ or concerning the use of firearms in a violent manner against a person. Section 790.164, F.S., prohibits the same false reports, but also makes unlawful those concerning any act of arson or other violence to property owned by the state or any political subdivision.

For a conviction under s. 790.163, F.S., the State is required to prove three elements²² beyond a reasonable doubt:

- The defendant made a false report to any person concerning the placing or planting of a bomb, dynamite, other deadly explosive, or a weapon of mass destruction or the use of firearms in a violent manner against a person,
- The defendant knew the report was false, and
- The report was made with intent to deceive, mislead or otherwise misinform any person.²³

²⁰ *Valdes v. State*, 443 So.2d 221 (Fla. 1st DCA 1983). (*Emphasis added.*) See also Florida Criminal Jury Instruction 10.8 available at <https://jury.flcourts.org/criminal-jury-instructions-home/criminal-jury-instructions/sji-criminal-chapter-10/> (last visited January 1, 2020). “It is not necessary for the State to prove the defendant had the actual intent to cause [harm] [or] [damage], or that [he] [she] had the ability to carry out the threat, or that there was an actual destructive device.”

²¹ Defined in s. 790.166, F.S., to mean “any device or object that is designed or intended to cause death or serious bodily injury to any human or animal, or severe emotional or mental harm to any human, through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors; any device or object involving a biological agent; any device or object that is designed or intended to release radiation or radioactivity at a level dangerous to human or animal life; or any biological agent, toxin, vector, or delivery system.” The terms “bomb,” “dynamite,” or “deadly explosive” are not currently defined in the statutes or case law, but there is a definition of “explosive” in s. 790.001(5), F.S.: any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, and detonators; but not including: shotgun shells, cartridges, or ammunition for firearms; fireworks as defined in s. 791.01; smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported, or used in compliance with s. 552.241; and black powder in quantities not to exceed that authorized by chapter 552, or by any rules adopted thereunder by the Department of Financial Services, when used for, or intended to be used for, the manufacture of target and sporting ammunition or for use in muzzle-loading flint or percussion weapons. The exclusions do not apply to the term “explosive” as used in the definition of “firearm” for purposes of ch. 790, F.S.

²² See Florida Criminal Jury Instruction 10.9 available at <https://jury.flcourts.org/criminal-jury-instructions-home/criminal-jury-instructions/sji-criminal-chapter-10/> (last visited January 11, 2020).

²³ Under s. 790.163(3), F.S., proof that a person knowingly made a false report is prima facie evidence of that person’s intent to deceive, mislead, or otherwise misinform any person.

To prove a crime under s. 790.164, F.S., the State must prove four elements²⁴ beyond a reasonable doubt:

- The defendant made a false report to any person concerning the placing or planting of a bomb, dynamite, other deadly explosive, or a weapon of mass destruction or an act of arson or other violence to property,
- The property was owned by the State or any political subdivision,
- The defendant knew the report was false, and
- The report was made with intent to deceive, mislead, or otherwise misinform any person.

Under both sections of law, a violation is a second degree felony, punishable by an imprisonment term not exceeding 15 years and up to a \$10,000 fine.²⁵

In a recent case²⁶ involving a 12 year-old student who was charged with violating s. 790.163, F.S., by stating, “I’m going to shoot up the classroom, April Fools,” in the classroom while “swapping April Fools’ jokes,” the court reasoned:

In this case, the objectionable “false report” was an April Fools’ Day joke that “threatened” a future shooting at a school. We addressed a similar issue involving a juvenile’s threat of harm at a school in *D.B.*²⁷ And what we held in *D.B.* was that threats of future violence do not violate s. 790.163.(1) because they are not “false reports.” We said that while s. 790.163(1) applies to false reports about live threats, such as “when a person knowingly makes a false report that a bomb or other deadly explosive has been placed or planted,” it does not apply to threats of future action, for example, to “‘blow up’ or ‘burn down’ [a] school at some time in the future.” [*Citations omitted.*]

As a matter of plain English, there is a distinction between a statement that “there is a bomb in the building” and a statement, such as [the defendant’s], that ‘I’m going to blow up the building.’” [*Citations omitted.*]

Applying *D.B.* here, the firearms-related prohibition in s. 790.163(1) plainly prohibits knowingly false and misleading reports about active shooting-type situations. But the statute does not reach future-oriented threats like the one uttered [in the subject case]. Because [the] April Fools’ Day joke threatened future shooting, it was not a “false report” made with

²⁴ See Florida Criminal Jury Instruction 10.10 available at <https://jury.flcourts.org/criminal-jury-instructions-home/criminal-jury-instructions/sji-criminal-chapter-10/> (last visited January 11, 2020). According to the instruction, “Although the crime set forth in § 790.164(1), Fla. Stat., includes language covering a false report concerning the use of firearms in a violent manner against a person, that part of the statute does not pertain to a threat against property owned by the state or a political subdivision. For an allegation involving a false report concerning the use of firearms in a violent manner against a person, the trial judge should refer to Instruction 10.9.”

²⁵ *Supra* note 14.

²⁶ *J.A.W., A Child v. State*, No. 1D19-1974, Nov. 6, 2019 (Fla. 1st DCA).

²⁷ *D.B. v. State*, 825 So.2d 1042 (Fla. 1st DCA 2002).

intent to deceive, mislead, or otherwise misinform for purposes of s. 790.163(1). [*Citations omitted.*]²⁸

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 790.162, F.S., to expand that section's applicability to also include threats involving a firearm or any weapon, as defined under current law. Under the bill, it is unlawful for any person to threaten:

- The use of a firearm or any weapon, including the future use if the threat is sufficient to cause alarm in a reasonable person, or
- To throw, project, place, or discharge any destructive device, including the future throwing, etc., of any destructive device.

Under the current case law applicable to s. 790.162, F.S., at least as to an apparently current or immediate threat to use a firearm or any weapon, the State would presumably need only to prove that a defendant threatened to use a firearm or any weapon, and that the defendant's threat conveyed an intent to do bodily harm or property damage. The State would apparently not be required to prove the existence of an actual firearm or weapon, not be required to prove a defendant had actual intent to carry out the threat, and not be required to prove a defendant had the actual ability to carry out the threat.

Future threats to use a firearm or any weapon, once any firearm or any weapon not currently included in the definition of "destructive device" is incorporated into the current statute, would presumably already be covered by s. 790.162, F.S., but the bill appears to add an additional element of required proof; *i.e.*, that the threat of future use is sufficient to cause alarm in a reasonable person. Whether, for example, the existence of an actual firearm or weapon, or the defendant's actual intent or ability to carry out a threat, would be deemed necessary or relevant to that element of proof is unknown. The outcome of application of the bill's revisions with respect to a future threat of use of a firearm or any weapon is unclear.

As drafted in the bill, sufficiency of alarm would not appear to be a required element of proof with respect to a current or future threat to throw, etc., any destructive device. Therefore, the State would presumably need only to prove that a defendant threatened to throw, etc., a destructive device, including in the future, and that the defendant's threat conveyed an intent to do bodily harm or property damage.

Additionally, the bill provides a person does not violate the prohibition against threats if the person uses or threatens to use a "firearm or any other weapon" in lawful self-defense, lawful defense of others, or lawful defense of property. This revision does not expressly include a "destructive device." Thus, for example, because the definition of "destructive device" may include items that do not appear to meet the definition of "firearm" or "weapon," the exception from violation for lawful defense of self, others, or property may not apply, depending on the item used in a given criminal case.

²⁸ *Supra* note 26 at pp. 2-3.

Sections 2 and 3 amend s. 790.163 and s. 790.164, F.S., respectively, to make it unlawful for any person to make a false report, with intent to deceive, mislead, or misinform any person, concerning the *current* placing or planting of any bomb, etc., or concerning the *current* use of firearms in a violent manner against a person. Assuming that *current* would be construed to mean “active” situations as under the recent case law, and therefore already covered under the existing statutes, the bill appears to have little or no effect.

The bill also makes unlawful false reports concerning *future* placing or planting of any bomb, etc., or concerning *future* use of firearms in a violent manner against a person, and appears intended to overrule the recent court holding that s. 790.163, F.S., does not reach future-oriented *threats*.²⁹ Assuming the State establishes all other required elements of proof under either section,³⁰ a defendant presumably commits a violation if the defendant knew the report he or she was making was false, as is the case under current law. The result of application of the bill’s revisions in this regard is again unclear.

Section 4 of the bill amends s. 921.0222, F.S., the offense severity ranking chart of the Criminal Punishment Code to revise the description of the existing second degree felony for a violation of s. 790.162, F.S., from “Threat to throw or discharge destructive device,” to “Threat involving firearm, weapon, or destructive device.”

The bill takes effect October 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

²⁹ *Emphasis added.* This holding would presumably apply to violations under the almost identical s. 790.164, F.S.

³⁰ *See supra* note 24. The bill does *not* amend s. 790.164, F.S., to insert *current or future* false reports with respect to those concerning any act of arson or other violence to property owned by the state or any political subdivision.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference has not yet reviewed this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 790.162, 790.163, 790.164, and 921.0022.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

The committee substitute:

- Includes as a violation of law a threat of *future* use of a firearm or any weapon if the threat is sufficient to cause alarm in a reasonable person;
- Includes the *future* throwing, projecting, placing, or discharging of any destructive device in the existing prohibition against such threats;
- Provides a person is not in violation if he or she threatens to use a firearm or any other weapon in lawful self-defense, or in lawful defense of others or of property; and
- Revises existing prohibitions against making a false report, with intent to deceive, mislead, or misinform any person, to apply to those reports concerning the *current or future* placing or planting or any bomb, dynamite, other deadly explosive, or weapon of mass destruction, or concerning the *current or future* use of firearms in a violent manner against a person.

B. Amendments:

None.

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



651314

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2020	.	
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The Committee on Infrastructure and Security (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete lines 16 - 24

and insert:

(a) The use of a firearm or any weapon, including the future use of a firearm or any weapon if the threat is sufficient to cause alarm in a reasonable person; or

(b) To ~~threaten to~~ throw, project, place, or discharge any destructive device, including the future throwing, projecting, placing, or discharging of any destructive device,



651314

11
12 with intent to do bodily harm to any person or with intent to do
13 damage to any property of any person.

14 (2) A, and any person who violates subsection (1) convicted
15 ~~thereof~~ commits a felony of the second degree, punishable as
16 provided in s. 775.082, s. 775.083, or s. 775.084.

17 Section 2. Subsection (1) of section 790.163, Florida
18 Statutes, is amended to read:

19 790.163 False report concerning planting a bomb, an
20 explosive, or a weapon of mass destruction, or concerning the
21 use of firearms in a violent manner; penalty.—

22 (1) It is unlawful for any person to make a false report,
23 with intent to deceive, mislead, or otherwise misinform any
24 person, concerning the current or future placing or planting of
25 any bomb, dynamite, other deadly explosive, or weapon of mass
26 destruction as defined in s. 790.166, or concerning the current
27 or future use of firearms in a violent manner against a person
28 or persons. A person who violates this subsection commits a
29 felony of the second degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084.

31 Section 3. Subsection (1) of section 790.164, Florida
32 Statutes, is amended to read:

33 790.164 False reports concerning planting a bomb,
34 explosive, or weapon of mass destruction in, or committing arson
35 against, state-owned property, or concerning the use of firearms
36 in a violent manner; penalty; reward.—

37 (1) It is unlawful for any person to make a false report,
38 with intent to deceive, mislead, or otherwise misinform any
39 person, concerning the current or future placing or planting of



651314

40 any bomb, dynamite, other deadly explosive, or weapon of mass
41 destruction as defined in s. 790.166, concerning any act of
42 arson or other violence to property owned by the state or any
43 political subdivision, or concerning the current or future use
44 of firearms in a violent manner against a person or persons. A
45 person who violates this subsection commits a felony of the
46 second degree, punishable as provided in s. 775.082, s. 775.083,
47 or s. 775.084.

48
49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete lines 3 - 4

52 and insert:

53 prohibiting threats to use, including future threats
54 to use, a firearm or weapon with specified intent;
55 prohibiting a person from threatening the future
56 throwing, projecting, placing, or discharging of any
57 destructive device with specified intent; providing
58 criminal penalties; amending s. 790.163, F.S.;

59 prohibiting a person from making a false report with
60 specified intent concerning the current or future
61 placing or planting of any bomb, dynamite, other
62 deadly explosive, or weapon of mass destruction or
63 concerning the current or future use of a firearm in a
64 violent manner against a person or persons; providing
65 criminal penalties; amending s. 790.164, F.S.;

66 prohibiting a person from making a false report with
67 specified intent concerning the current or future
68 placing or planting of any bomb, dynamite, other



651314

69 deadly explosive, or weapon of mass destruction
70 concerning any act of arson or other violence to
71 property owned by the state or a political
72 subdivision, or concerning the current or future use
73 of firearms in a violent manner against a person or
74 persons; providing criminal penalties;



402684

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2020	.	
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	.	

The Committee on Infrastructure and Security (Stargel)
recommended the following:

1 **Senate Amendment to Amendment (651314) (with title**
2 **amendment)**

3
4 Delete line 14
5 and insert:

6 (2) A person does not violate subsection (1) if he or she
7 uses or threatens to use a firearm or any other weapon in lawful
8 self-defense, lawful defense of others, or lawful defense of
9 property.

10 (3) A, and any person who violates subsection (1) convicted



402684

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

And the title is amended as follows:

Delete line 57

and insert:

destructive device with specified intent; providing
applicability; providing



728976

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/14/2020	.	
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	.	

The Committee on Infrastructure and Security (Stargel)
recommended the following:

Senate Amendment (with title amendment)

Delete line 22

and insert:

(2) A person does not violate subsection (1) if he or she
uses or threatens to use a firearm or any other weapon in lawful
self-defense, lawful defense of others, or lawful defense of
property.

(3) ~~A, and any person~~ who violates subsection (1) ~~convicted~~



728976

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

12 And the title is amended as follows:

13 Delete line 4

14 and insert:

15 specified intent; providing applicability; providing
16 criminal penalties;

By Senator Stargel

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1 A bill to be entitled
 2 An act relating to threats; amending s. 790.162, F.S.;
 3 prohibiting threats to use a firearm or weapon with
 4 specified intent; providing criminal penalties;
 5 amending s. 921.0022, F.S.; conforming a provision to
 6 changes made by the act; providing an effective date.

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

10 Section 1. Section 790.162, Florida Statutes, is amended to
 11 read:

12 790.162 Threats involving a firearm, weapon, or Threat to
 13 throw, project, place, or discharge any destructive device,
 14 felony; penalty.-

15 (1) It is unlawful for any person to threaten:

16 (a) The use of a firearm or any weapon; or

17 (b) To threaten to throw, project, place, or discharge any
 18 destructive device,

20 with intent to do bodily harm to any person or with intent to do
 21 damage to any property of any person.

22 (2) ~~A, and any person who violates subsection (1) convicted~~
 23 ~~thereof~~ commits a felony of the second degree, punishable as
 24 provided in s. 775.082, s. 775.083, or s. 775.084.

25 Section 2. Paragraph (e) of subsection (3) of section
 26 921.0022, Florida Statutes, is amended to read:

27 921.0022 Criminal Punishment Code; offense severity ranking
 28 chart.-

29 (3) OFFENSE SEVERITY RANKING CHART

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30 (e) LEVEL 5

31 Florida Statute	Felony Degree	Description
32 316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
33 316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
34 316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
35 322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
36 327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
37 379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or

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supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

38

379.367(4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

39

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

40

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

41

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

42

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

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43

440.381(2) 3rd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

44

624.401(4)(b)2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

45

626.902(1)(c) 2nd Representing an unauthorized insurer; repeat offender.

46

790.01(2) 3rd Carrying a concealed firearm.

47

790.162 2nd Threat involving firearm, weapon, or to throw or discharge destructive device.

48

790.163(1) 2nd False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

49

790.221(1) 2nd Possession of short-barreled shotgun or machine gun.

50

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	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
51			
	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
52			
	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
53			
	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
54			
	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
55			
	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
56			
	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
57			
	812.019(1)	2nd	Stolen property; dealing in or

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			trafficking in.
58			
	812.131(2)(b)	3rd	Robbery by sudden snatching.
59			
	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
60			
	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
61			
	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
62			
	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
63			
	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more

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persons.

64

817.611(2)(a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

65

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

66

825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

67

827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

68

827.071(5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

69

828.12(2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or

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

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death.

70

839.13(2)(b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

71

843.01 3rd Resist officer with violence to person; resist arrest with violence.

72

847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

73

847.0137
(2) & (3) 3rd Transmission of pornography by electronic device or equipment.

74

847.0138
(2) & (3) 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.

75

874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

76

874.05(2)(a) 2nd Encouraging or recruiting

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

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person under 13 years of age to
join a criminal gang.

77

893.13(1)(a)1. 2nd Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.
drugs).

78

893.13(1)(c)2. 2nd Sell, manufacture, or deliver
cannabis (or other s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4) drugs)
within 1,000 feet of a child
care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

79

893.13(1)(d)1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.
drugs) within 1,000 feet of
university.

80

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893.13(1)(e)2. 2nd Sell, manufacture, or deliver
cannabis or other drug
prohibited under s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9.,
(2)(c)10., (3), or (4) within
1,000 feet of property used for
religious services or a
specified business site.

81

893.13(1)(f)1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
or (2)(a), (2)(b), or (2)(c)5.
drugs) within 1,000 feet of
public housing facility.

82

893.13(4)(b) 2nd Use or hire of minor; deliver
to minor other controlled
substance.

83

893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

84

85

Section 3. This act shall take effect October 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

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

January 13, 2020

Meeting Date

SB-728

Bill Number (if applicable)

728976

Amendment Barcode (if applicable)

Topic THREATS WITH A FIREARM

Name Marion Hammer

Job Title _____

Address P.O. Box 1387

Street

Phone 850-222-9518

Tallahassee

Florida

32302

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing National Rifle Association & Unified Sportsmen of Florida

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)

January 13, 2020

SB-728

Meeting Date

Bill Number (if applicable)

AA 402684

Amendment Barcode (if applicable)

Topic THREATS WITH A FIREARM -- Sen. Stargel

Name Marion Hammer

Job Title _____

Address P.O. Box 1387

Phone 850-222-9518

Street

Tallahassee

Florida

32302

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing National Rifle Association & Unified Sportsmen of Florida

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)

01-13-20
Meeting Date

728
Bill Number (if applicable)

Topic THREATS

Amendment Barcode (if applicable)

Name MATT BUTLER

Job Title CAPTAIN ORANGE COUNTY S.O.

Address 2500 W. COLONIAL DR.

Phone 407-254-7000

ORLANDO, FL 32804
City State Zip

Email MATT.BUTLER@OCFL.NET

Speaking: For Against Information

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

Representing ORANGE COUNTY SHERIFF'S OFFICE + FSA

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

January 13, 2020

SB-728

Meeting Date

Bill Number (if applicable)

Topic THREATS WITH A FIREARM

Amendment Barcode (if applicable)

Name Marion Hammer

Job Title _____

Address P.O. Box 1387

Phone 850-222-9518

Street

Tallahassee

Florida

32302

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing National Rifle Association & Unified Sportsmen of Florida

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)

1-13-2020

Meeting Date

SB 728

Bill Number (if applicable)

Topic SB 728 Threats

Amendment Barcode (if applicable)

Name Tim Stanfield

Job Title Lobbyist

Address 101 E College Ave

Phone 850-222-6891

Street

Tallahassee

Florida

32301

Email stanfieldt@gtlaw.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Police Chiefs

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)

1/13/20

Meeting Date

SB 728

Bill Number (if applicable)

Topic Verbal Threats

Amendment Barcode (if applicable)

Name David Shepp

Job Title Lobbyist

Address P.O. Box 3739

Phone 863 581-4250

Street

Lakeland FL 33802

City

State

Zip

Email shepp@thesoutherngrp.com

Speaking: For Against Information

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

Representing Polk County Sheriff's Office

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)

APPEARANCE RECORD

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

1/13/20
Meeting Date

728
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Greg Pound

Job Title _____

Address 9166 Sunrise Dr
Street

Phone _____

Largo Fl. 33773
City State Zip

Email _____

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.

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 Infrastructure and Security

BILL: CS/SB 788

INTRODUCER: Senator Book

SUBJECT: Statewide Active Shooter Response Planning

DATE: January 14, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	FAV/CS
2.			ACJ	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 788 requires the Florida Department of Law Enforcement (FDLE), in consultation with law enforcement agencies throughout the state, to establish a uniform statewide rule on preparing for and responding to an active assailant. The CS also requires each law enforcement agency to adopt an active shooter policy or rule, as appropriate, by July 1, 2021, and directs FDLE to adopt rules to administer the statewide active assailant response planning.

FDLE advised the estimated cost to work with law enforcement partners to develop the minimum standards will have a fiscal impact of approximately \$15,000, based on current estimates for multiple stakeholder workshops to develop the standards for incorporation into rule.¹

There is also an unknown fiscal impact to local governments to develop, implement and train personnel according to rules developed by FDLE.

The CS requires the district school board of any school district that has local law enforcement officers on school grounds under the safe-schools officers statute² to develop and execute certain interlocal agreements.

¹ Florida Department of Law Enforcement, *Senate Bill 788 Bill Analysis* (November 14, 2019) (on file with the Senate Committee on Infrastructure and Security).

² Section 1006.12, F.S.

The CS provides the State Board of Education, in consultation with the State Fire Marshal and the FDLE, must adopt rules to administer the development and execution of interlocal agreements and protocols for school district communications with first responders.

The CS provides a statement that the legislation fulfills an important state interest.

Section 2 of the CS related to school district communications with a first responder takes effect on July 1, 2020, the remainder of the CS takes effect upon becoming law.

II. Present Situation:

9-1-1 Calls

Calling 9-1-1 during an emergency is not difficult; however, calling the number, staying on the line, and trying to explain what is happening during a time of distress may be challenging for some.

While wireless phones can be an important public safety tool, they also create unique challenges for emergency first responders and wireless service providers. Since wireless phones are mobile, they are not associated with one fixed location or address. While the location of the cell site closest to the 9-1-1 caller may provide a general indication of the caller's location, that information is not always specific enough for first responder personnel to deliver assistance to the caller quickly.³ Although the authorities might be aware of a disturbance in a general area, they will not know exactly what the threat is, where it is coming from, and the level of the threat, unless the caller is able to stay on the call and relay that information to the operator.

In many cases of school shootings, there are already fatalities before a 9-1-1 call is placed. The average shooting lasts 12 minutes,⁴ while the national average response time by authorities to be on scene in response to a 9-1-1 call is approximately 15 minutes and 19 seconds after an incident is reported.⁵

Marjory Stoneman Douglas High School Public Safety Commission

The Marjory Stoneman Douglas High School (MSDHS) Public Safety Commission (MSD Commission) is entrusted with investigating system failures in the MSDHS shooting and prior mass violence incidents, and developing recommendations for system improvements.⁶ The MSD Commission submitted its initial report to the Governor and the Legislature on January 2, 2019,

³ Federal Communications Commission, *911 Wireless Services*, available at <https://www.fcc.gov/consumers/guides/911-wireless-services> (last visited December 26, 2019).

⁴ Ryan Sanchez, *How Columbine changed the way police respond to mass shootings*, available at <https://www.cnn.com/2018/02/15/us/florida-school-shooting-columbine-lessons/index.html> (last visited December 26, 2019).

⁵ Auto Insurance Center, *Emergency Response Times Across the U.S.*, available at <https://www.autoinsurancecenter.com/emergency-response-times.htm> (last visited December 26, 2019).

⁶ Section 943.687(3), F.S.

and its second report to the Governor and Legislature on November 1, 2019.^{7, 8} The MSD Commission is authorized to issue a report annually, by January 1, and is scheduled to sunset July 1, 2023.⁹

The MSD Commission's initial and second report includes numerous observations, which include the following:

“Deficiencies in the active assailant response policies and procedures for both the Broward County Sheriff's Office (BSO) and Broward County Public Schools (BCPS). Among the deficiencies identified for BSO were an ambiguous active shooter policy, inadequate active shooter training, and ineffective command and control. As for BCPS, they did not have a Code Red (lockdown) or hard corner (identification of the safest space in a classroom) policy; BCPS did not allow law enforcement direct access to school surveillance cameras; and MSDHS had not conducted a single active shooter drill in the year preceding the shooting. Each of these deficiencies manifested during and in response to the shooting and are highlighted in the Commission's initial report. The deficiencies had a negative effect on the school's and law enforcement's response to the shooting and some of these deficiencies resulted in unnecessary casualties.”¹⁰

Federal Planning and Response to an Active Shooter

The Interagency Security Committee (ISC), chaired by the U.S. Department of Homeland Security (DHS), and consisting of 54 Federal departments and agencies, had as its mission the development of security standards and best practices for nonmilitary Federal facilities in the United States titled *Planning and Response to an Active Shooter: An Interagency Security Committee Policy and Best Practices Guide*.¹¹ It streamlined existing ISC policy on active shooter incidents into one cohesive policy and guidance document to enhance preparedness, prevention, protection, mitigation, response, and recovery efforts related to an active shooter incident at Federal facilities.

The ISC guidance is designed to be applicable to all buildings and facilities in the United States occupied by Federal employees. These include existing buildings, new construction, or major modernizations; facilities owned, or being purchased, or leased; stand-alone facilities; Federal campuses; where appropriate, individual facilities on Federal campuses; and special-use facilities.¹²

⁷ Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> (last visited December 27, 2019).

⁸ Marjory Stoneman Douglas High School Public Safety Commission, *Second Report* (November 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf> (last visited December 27, 2019).

⁹ Section 943.687(9), F.S.

¹⁰ *Supra*, note 7 at page 77.

¹¹ U.S. Department of Homeland Security, *Planning and Response to an Active Shooter: An Interagency Security Committee Policy and Best Practices Guide* (November 2015), available at <https://www.dhs.gov/sites/default/files/publications/isc-planning-response-active-shooter-guide-non-fouo-nov-2015-508.pdf> (last visited December 27, 2019).

¹² *Id.*

Due to the nature of an active shooter event, the ISC guide contains guidance for all who might be involved, including law enforcement agencies, facility tenants, and the public. Certain responsibilities outlined within the guide are specific to designated law enforcement officers or personnel possessing the authority and training to take immediate action to contain, apprehend, or neutralize an active threat. Other sections of the guide are meant to educate facility tenants regarding actions they can take to save themselves or others.¹³

Statewide Active Shooter Response Plan

Currently, there is no Florida Statute requiring law enforcement agencies to create and adopt a uniform statewide rule on preparing for and responding to active shooter situations.¹⁴ Although the Criminal Justice Standards & Training Commission does list a Specialized Instructor Course entitled Single Officer Response to Active Threat and Shooter Incidents Instructor, and a Specialized Course entitled Single Officer Response to Active Threat and Shooter Incidents.¹⁵

Florida Highway Patrol

The Florida Highway Patrol (FHP) has a policy that generally addresses active shooter situations. The current FHP policy empowers responding troopers with the authority and responsibility to take immediate action, consistent with their training and experience, to contain and, if necessary, to neutralize active threats, including active shooters. It is the goal of the FHP to intervene in active threat situations to neutralize the threat by preventing access to potential victims and to rescue injured persons and potential victims.¹⁶

School District Communications with First Responders

In Florida, there are currently seven school districts (Seminole, Brevard, Lake, Osceola, Orange, Sumter and Walton County)¹⁷ and four higher education institutions (Florida State University, Seminole State College, University of Central Florida, Valencia College)¹⁸ that have established instant emergency communications coordination platforms in order to enhance safety, readiness and response. These platforms ensure, “schools are instantly connected to public safety the moment a crisis starts, providing emergency voice communications between school personnel and police as well as real-time video sharing from school CCTV [closed circuit television]. Additionally, other responding agencies can be linked together to communicate and see information even if they have different radio and video systems. The ability to instantly communicate, see what is happening and allow for coordinated collaboration eliminates many of

¹³ *Id.*

¹⁴ Florida Department of Law Enforcement, *Senate Bill 788 Bill Analysis* (November 14, 2019) (on file with the Senate Committee on Infrastructure and Security).

¹⁵ Florida Department of Law Enforcement, *Active Courses*, available at <http://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses> (last visited December 27, 2019).

¹⁶ *Supra*, note 13.

¹⁷ Gabriela Lechin and Valerie Christopherson, *Brevard Public Schools Implement Instant Emergency Communications System with First Responders* (January 2, 2019), BusinessWire available at <https://www.businesswire.com/news/home/20190102005170/en/> (last visited January 15, 2020).

¹⁸ *Id.*

the problems identified in school shooting after action reports that cite delayed and ineffective response efforts.”¹⁹

In Florida both, “Orange and Seminole Counties led this school safety communications initiative when they assessed school emergency response readiness, deficiency reports from other incidents and recognized the necessity of enabling instant communications and coordination between the Sheriff’s Office and their schools.”²⁰

III. Effect of Proposed Changes:

CS/SB 788 creates s. 943.688, F.S., requiring the FDLE, in consultation with law enforcement agencies throughout the state and considering the unique needs of different geographic regions where those agencies are located, to establish a uniform statewide rule on minimum standards and requirements for how each law enforcement agency in the state must prepare and respond to active shooter situations within their jurisdictions. At a minimum, the uniform statewide rule must address the following:

- Detailed procedures for how to respond to a report of an alleged active shooter;
- Detailed procedures for how communications and notifications will be handled with all affected parties and the media;
- Detailed procedures indicating who from the appropriate law enforcement agency will respond and how they will do so, including having a designated person and an alternate person who have been trained or certified on how to handle active shooter situations; and
- Primary and alternate routes to potential targets within each law enforcement agency’s jurisdiction.

Each law enforcement agency in the state will be required to enact a policy or rule on active shooter preparedness and response no later than January 1, 2021. At a minimum, each such policy or rule must include the uniform statewide rule adopted by FDLE.

The CS also requires the FDLE to adopt rules to administer statewide active shooter response planning.

Having a statewide active shooter response plan may help to improve response times to emergency calls reporting shooting incidents, and may help to further provide guidance on how to best respond to emergency calls with limited resources and limited information on an active shooter incident.

The creation and adoption of a uniform statewide rule on preparing for and responding to active shooter situations by law enforcement may address some of the deficiencies observed by the MSD Commission.

The CS creates s. 1006.121, F.S., related to school district communication with first responders to require the district school board of any school district that has local law enforcement officers

¹⁹ *Id.*

²⁰ *Id.*

on school grounds under the safe-schools officers statute²¹ to develop and execute an interlocal agreement with the local sheriff office or other local law enforcement agency (LEA), the local fire department (FD), and the local emergency medical services (EMS) organization to create, at a minimum:

- Protocols to connect the school district to the appropriate dispatch centers;
- Protocols for proper communication between LEA's, the local FD, and the local EMS organization and the school district;
- Protocols to share resources relating to mental health services;
- Protocols and requirements for joint recurrent training of local LEA officers assigned to a school and the local LEA, the local FD, and the local EMS organization; and
- Protocols and requirements for interoperable communication between the school district and the local LEA, the local FD, and the local EMS organization.

The CS requires the State Board of Education, in consultation with the State Fire Marshal and the FDLE, to adopt rules to administer the development and execution of interlocal agreements and protocols for school district communications with first responders.

The CS also contains an undesignated section of law stating that the Legislature finds and declares that the act fulfills an important state interest.

Section 2 of the CS related to school district communications with first a responder takes effect on July 1, 2020, the remainder of the CS takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the Florida Constitution provides, in pertinent part, that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless:

- The law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; or
- The expenditure is required to comply with a law that applies to all persons similarly situated, including state and local governments.

The bill expressly finds that the law fulfills an important state interest. The bill applies to all state and local law enforcement agencies in this state by requiring each agency to enact a policy or rule on active shooter preparedness and response by no later than January 1, 2021.

B. Public Records/Open Meetings Issues:

None.

²¹ Section 1006.12, F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Interoperable communication systems for school districts would be sold and installed by private sector vendors, and would therefore have a positive impact on those vendors.

C. Government Sector Impact:

The CS requires the FDLE to develop uniform minimum standards and requirements for preparing and responding to active shooter situations in consultation with law enforcement agencies throughout the state. The estimated cost to coordinate with law enforcement partners to develop the minimum standards is approximately \$15,000, based on current estimates for multiple stakeholder workshops to develop the standards for incorporation into rule.²²

The CS may have an indeterminate negative fiscal impact to local government due to anticipated expenditures to develop, implement and train personnel according to local policies or rules required by the CS.

The CS may have an indeterminate negative fiscal impact to school districts that have local law enforcement officers on school grounds under the safe-schools officers statute, due to the requirements to enact protocols, joint recurring training with local law enforcement, and interoperable communication between school districts and first responders.

VI. Technical Deficiencies:

None.

²² Florida Department of Law Enforcement, *Senate Bill 788 Bill Analysis* (November 14, 2019) (on file with the Senate Committee on Infrastructure and Security).

VII. Related Issues:

The FDLE provided the following additional comments:²³

- Replace “active shooter” with “active assailant” since all events of mass violence do not involve a firearm;
- Not place detailed procedures in Florida Administrative Code, because individuals who may have ill intentions will have easy access to procedures and processes in place to prevent an active assailant situation, and this would also identify potential targets an assailant may not have considered and provide information that could be used to counter law enforcement response;
- Change the rules adoption date to July 1, 2021;
- Amend the CS from a mandatory rule-making posture to a best practices/guidance model similar to the approach utilized in the implementation of best practices and guidelines pertaining to eyewitness identification and Rachel’s law to address a uniform approach to active assailant(s). The unique needs and available resources of different geographical areas and urban/rural composition of the state make it impractical for one rule or policy to meet the needs of Florida’s diverse law enforcement community; and
- While the CS requires law enforcement agencies to comply with its provisions and rules, it does not provide any ramifications for failure to comply, and as such, any rules created by the FDLE may not hold much practical authority.

VIII. Statutes Affected:

This CS creates the following sections of the Florida Statutes: 943.688

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Infrastructure and Security on January 13, 2020:

- Replaces “active shooter” with “active assailant”;
- Creates a new section of statute for school district communications with first responders;
- Requires that district school boards that have local law enforcement officers on school grounds under the safe-schools officers statute must develop and execute an interlocal agreement with the local sheriff office or other LEA, the local FD, and the local EMS organization to create, at a minimum:
 - Protocols to connect the school district to the appropriate dispatch centers;
 - Protocols for proper communication between LEA’s, the local FD, and the local EMS organization and the school district;
 - Protocols to share resources relating to mental health services;
 - Protocols and requirements for joint recurrent training of local LEA officers assigned to a school and the local LEA, the local FD, and the local EMS organization; and

²³ *Id.*

- Protocols and requirements for interoperable communication between the school district and the local LEA, the local FD, and the local EMS organization.
- Requires the State Board of Education, in consultation with the State Fire Marshal and the FDLE, to adopt rules to administer the development and execution of interlocal agreements and protocols for school district communications with first responders.
- Provides a statement that the legislation fulfills an important state interest.

B. Amendments:

None.



560816

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 18 - 46

and insert:

943.688 Statewide active assailant response planning.-

(1) The department, in consultation with law enforcement agencies throughout the state and considering the unique needs of different geographic regions where those agencies are located, shall establish a uniform statewide rule on minimum standards and requirements for how each law enforcement agency



560816

11 in the state must prepare and respond to active assailant
12 situations within their jurisdictions. At a minimum, the uniform
13 statewide rule must address all of the following:

14 (a) Detailed procedures for how to respond to a report of
15 an alleged active assailant.

16 (b) Detailed procedures for how communications and
17 notifications will be handled with all affected parties and the
18 media.

19 (c) Detailed procedures for who from the appropriate law
20 enforcement agency will respond and how they will do so. This
21 includes having a designated person and an alternate person who
22 have been trained or certified on how to handle active assailant
23 situations.

24 (d) Primary and alternate routes to potential targets
25 within each law enforcement agency's jurisdiction.

26 (2) Each law enforcement agency in this state shall enact a
27 policy or rule, as appropriate, on active assailant preparedness
28 and response by no later than July 1, 2021. The policy or rule
29 enacted must, at a minimum, include the uniform statewide rule
30 that the department adopts under subsection (1).

31 (3) The department shall adopt rules to administer this
32 section.

33 Section 2. Effective July 1, 2020, section 1006.121,
34 Florida Statutes, is created to read:

35 1006.121 School district communication with first
36 responders.—

37 (1) The district school board of any school district that
38 has local law enforcement officers on school grounds pursuant to
39 s. 1006.12 must develop and execute an interlocal agreement with



560816

40 the local sheriff's office or other local law enforcement
41 agency, the local fire department, and the local emergency
42 medical services organization to create, at a minimum, all of
43 the following:

44 (a) Protocols to connect the school district to the
45 appropriate dispatch centers pursuant to s. 365.179.

46 (b) Protocols for proper communication between law
47 enforcement agencies, the local fire department, and the local
48 emergency medical services organization and the school district.

49 (c) Protocols to share resources relating to mental health
50 services.

51 (d) Protocols and requirements for joint recurrent training
52 of local law enforcement officers assigned to a school and the
53 law enforcement agency, the local fire department, and the local
54 emergency medical services organization.

55 (e) Protocols and requirements for interoperable
56 communication between the school district and the law
57 enforcement agency, the local fire department, and the local
58 emergency medical services organization.

59 (2) The State Board of Education, in consultation with the
60 State Fire Marshal and the Department of Law Enforcement, shall
61 adopt rules to administer this section.

62 Section 3. Except as otherwise expressly provided in this
63 act, this act shall take effect upon becoming a law.

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete lines 2 - 12

68 and insert:



560816

69 An act relating to emergency preparedness; creating s.
70 943.688, F.S.; requiring the Department of Law
71 Enforcement, in consultation with law enforcement
72 agencies throughout the state, to establish a uniform
73 statewide rule on preparing for and responding to
74 active assailant situations; providing minimum rule
75 requirements; requiring each law enforcement agency to
76 adopt an active assailant policy or rule, as
77 appropriate, by a specified date; requiring the
78 department to adopt rules; creating s. 1006.121, F.S.;
79 requiring certain district school boards to develop
80 and execute specified interlocal agreements with
81 certain law enforcement agencies, local fire
82 departments, and local emergency medical services
83 organizations for specified purposes; requiring the
84 State Board of Education, in consultation with the
85 State Fire Marshal and the department, to establish
86 rules; providing effective dates.



108542

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Book) recommended the following:

1 **Senate Amendment to Amendment (560816) (with title**
2 **amendment)**

3
4 Between lines 61 and 62
5 insert:

6 Section 3. The Legislature finds and declares that this act
7 fulfills an important state interest.

8
9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:



108542

11 Delete line 86
12 and insert:
13 rules; providing a declaration of important state
14 interest; providing effective dates.



827926

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/14/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 18 - 41

and insert:

943.688 Statewide active assailant response planning.-

(1) The department, in consultation with law enforcement agencies throughout the state and considering the unique needs of different geographic regions where those agencies are located, shall establish a uniform statewide rule on minimum standards and requirements for how each law enforcement agency



827926

11 in the state must prepare and respond to active assailant
12 situations within their jurisdictions. At a minimum, the uniform
13 statewide rule must address all of the following:

14 (a) Detailed procedures for how to respond to a report of
15 an alleged active assailant.

16 (b) Detailed procedures for how communications and
17 notifications will be handled with all affected parties and the
18 media.

19 (c) Detailed procedures for who from the appropriate law
20 enforcement agency will respond and how they will do so. This
21 includes having a designated person and an alternate person who
22 have been trained or certified on how to handle active assailant
23 situations.

24 (d) Primary and alternate routes to potential targets
25 within each law enforcement agency's jurisdiction.

26 (2) Each law enforcement agency in this state shall enact a
27 policy or rule, as appropriate, on active assailant preparedness
28 and response by no later than July 1, 2021. The policy or

29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete lines 2 - 9

33 and insert:

34 An act relating to statewide active assailant response
35 planning; creating s. 943.688, F.S.; requiring the
36 Department of Law Enforcement, in consultation with
37 law enforcement agencies throughout the state, to
38 establish a uniform statewide rule on preparing for
39 and responding to active assailant situations;



40 providing minimum rule requirements; requiring each
41 law enforcement agency to adopt an active assailant
42 policy or rule, as



821326

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/14/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Book) recommended the following:

Senate Amendment (with title amendment)

Between lines 45 and 46

insert:

Section 2. The Legislature finds and declares that this act fulfills an important state interest.

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

And the title is amended as follows:

Delete line 11



821326

11 and insert:
12 department to adopt rules; providing a declaration of
13 important state interest; providing an effective

By Senator Book

32-00094-20

2020788__

1 A bill to be entitled
 2 An act relating to statewide active shooter response
 3 planning; creating s. 943.688, F.S.; requiring the
 4 Department of Law Enforcement, in consultation with
 5 law enforcement agencies throughout the state, to
 6 establish a uniform statewide rule on preparing for
 7 and responding to active shooters; providing minimum
 8 rule requirements; requiring each law enforcement
 9 agency to adopt an active shooter policy or rule, as
 10 appropriate, by a specified date; requiring the
 11 department to adopt rules; providing an effective
 12 date.

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

15 Section 1. Section 943.688, Florida Statutes, is created to
 16 read:

17 943.688 Statewide active shooter response planning.-

18 (1) The department, in consultation with law enforcement
 19 agencies throughout the state and considering the unique needs
 20 of different geographic regions where those agencies are
 21 located, shall establish a uniform statewide rule on minimum
 22 standards and requirements for how each law enforcement agency
 23 in the state must prepare and respond to active shooter
 24 situations within their jurisdictions. At a minimum, the uniform
 25 statewide rule must address all of the following:

26 (a) Detailed procedures for how to respond to a report of
 27 an alleged active shooter.

28 (b) Detailed procedures for how communications and
 29

Page 1 of 2

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

32-00094-20

2020788__

30 notifications will be handled with all affected parties and the
 31 media.

32 (c) Detailed procedures for who from the appropriate law
 33 enforcement agency will respond and how they will do so. This
 34 includes having a designated person and an alternate person who
 35 have been trained or certified on how to handle active shooter
 36 situations.

37 (d) Primary and alternate routes to potential targets
 38 within each law enforcement agency's jurisdiction.

39 (2) Each law enforcement agency in this state shall enact a
 40 policy or rule, as appropriate, on active shooter preparedness
 41 and response by no later than January 1, 2021. The policy or
 42 rule enacted must, at a minimum, include the uniform statewide
 43 rule that the department adopts under subsection (1).

44 (3) The department shall adopt rules to administer this
 45 section.

46 Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

JAN 13, 2020

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

SB 788

Meeting Date

Bill Number (if applicable)

Topic statewide Active shooter Response

Amendment Barcode (if applicable)

Name Chief Ray Colburn

Job Title Executive Director

Address 5289 PALM Dr.

Phone 407-468-6622

Street

MELbourne BEACH, FL 32951

Email ray@ffca.org

City

State

Zip

Speaking: For Against Information

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

Representing FLORIDA Fire Chiefs' Association

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)

1-13-2020

Meeting Date

SB 788

Bill Number (if applicable)

Topic SB 788 Statewide Active Shooter Response Planning

Amendment Barcode (if applicable)

Name Tim Stanfield 

Job Title Lobbyist 

Address 101 E College Ave

Phone 850-222-6891

Street

Tallahassee

Florida

32301

Email stanfieldt@gtlaw.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Police Chiefs 

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 Infrastructure and Security

BILL: CS/SB 834

INTRODUCER: Infrastructure and Security Committee and Senator Simmons

SUBJECT: Emergency Alerts

DATE: January 14, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 834 establishes conditions and processes for activation of the Emergency Alert System and issuance of:

- Authorized Lockdown Alerts to public and private schools and child care facilities by local, jurisdictional law enforcement agencies; and
- Required Imminent Threat Alerts to the public by the Florida Department of Law Enforcement and display of such alerts on dynamic message signs along the State Highway System.

The fiscal impact to state and local government is indeterminate. See the “Fiscal Impact Statement” for additional details.

The bill takes effect October 1, 2020.

II. Present Situation:

The Emergency Alert System

Initiated in 1963, the Emergency Broadcast System’s purpose was to communicate to the nation using audible alerts, but the system did not make allowance for targeted messaging. In 1976, the system was upgraded to provide more efficient and accurate processing of alert receptions and expanded for state and local use during peacetime. In 2006, FEMA began modernization and

integration of the nation's alert system, the Integrated Public Alert Warning System (IPAWS),¹ providing a method for emergency alerts and warnings using the Emergency Alert System (EAS), wireless emergency alerts (WEAs), NOAA Weather Radio, and other public alerting systems from a single interface.²

The EAS requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service providers, and direct broadcast satellite providers to provide the President of the United States with the ability, within ten minutes, to address the nation's people during a national emergency. Responsibility for implementation, maintenance and operations of the EAS at the federal level rests with the Federal Emergency Management Agency (FEMA), in partnership with the Federal Communications Commission (FCC) and the National Oceanic and Atmospheric Administration (NOAA). State and local authorities, in cooperation with the broadcast community, may also use the EAS to distribute important information for events such as weather emergencies, abducted children alerts, and local incident information targeted to specific areas.³ While the only time the federal government can override broadcast programming is for national activation of the system, state and local emergency management officials, broadcasters, and cable operators may decide what messages should be aired to the public.⁴

The State Emergency Communications Committee, a committee assigned to implement the EAS in a specific state,⁵ in conjunction with the Florida Division of Emergency Management, prepares and updates the Florida Emergency Alert System Operational Plan based on recommendations from state and county emergency management officials, the National Weather service, and the broadcast industry and cable operators. The Florida EAS Operational Plan purpose is to put in place a system for emergency officials to use to announce or transmit an emergency alert to the potentially impacted population.⁶

¹ Enhancement of IPAWS continues, the most recent round of which “require more than just the update to IPAWS. They require updates to wireless providers’ nationwide networks and customer phones, and to software that alerting authorities use to send alerts. The IPAWS Program Management Office (PMO) has tested and confirmed that wireless providers can receive enhanced WEA messages from IPAWS, but the nationwide availability for customers to receive enhanced WEA on their phones across all cellular networks will take additional time. The majority of software used by alerting authorities has also been upgraded and tested by the IPAWS PMO. However, not all alerting authorities may be ready to write alerts to fully use all of the enhanced WEA message content over the coming weeks and months. During the update period, IPAWS will accommodate all versions of WEA to ensure that the public will receive alerts for which their providers and phones are compatible.” See FEMA, *Integrated Public Alert & Warning System*, available at <https://www.fema.gov/integrated-public-alert-warning-system> (last visited January 3, 2020.)

² U.S. Department of Homeland Security, FEMA Fact Sheet, *Emergency Alert System*, available at https://www.fema.gov/media-library-data/1568381535406-c09fd7eb5736d73d8a8ababd134f39b1/EAS_Fact_Sheet_2019.pdf (last visited January 3, 2020).

³ *Id.*

⁴ See *State of Florida Emergency Alert System Plan*, p. 5, Approved October 2019, available at <http://fab.org/media/2019/11/State-of-Florida-EAS-Plan-Revised-11-11.pdf> (last visited December 23, 2019).

⁵ See the CommLawBlog, “*EAS Report to SECCs Due Nov. 6*,” October 25, 2017, p. 6, available at <https://www.commlawblog.com/2017/10/articles/cable/eas-report-to-seccs-due-nov-6/> (last visited December 23, 2019).

⁶ *Supra* note 4.

EAS Participation

Participation in the IPAWS using the EAS is not mandatory,⁷ but participation does necessitate compliance with a variety of general and technical requirements. For example, a participating commercial mobile service (CMS) provider of wireless emergency alerts (WEAs) must have equipment capable of receiving and transmitting what is called Common Alerting Protocol-formatted (CAP)-formatted alerts, which allow dissemination of emergency messages over a wide variety of existing and emerging public alerting systems.⁸ A participating CMS provider is required by federal regulation to receive and transmit four classes of alert messages as follows:

- Presidential alerts issued by the President (or designee) of the United States.
- Imminent threat alerts that meet a minimum value for each of the three following CAP elements:
 - Urgency: Immediate (*i.e.*, responsive action should be taken immediately) or Expected (*i.e.*, responsive action should be taken soon, within the next hour).
 - Severity: Extreme (*i.e.*, an extraordinary threat to life or property) or Severe (*i.e.*, a significant threat to life or property).
 - Certainty: Observed (*i.e.*, determined to have occurred or to be ongoing) or Likely (*i.e.*, has a probability of greater than 50 percent).
- Child abduction emergency/AMBER alerts:
 - Family abduction.
 - Nonfamily abduction.
 - Lost, injured, or otherwise missing.
 - Endangered runaway.
- Public safety messages, which may only be issued in connection with one of the above alerts.⁹

As another example of compliance required for EAS participation, public safety officials must have authority to alert the public of emergencies, which is determined by federal, state, and local laws. Generally, however, the following are eligible participant organizations: federal agencies and state, local, territorial, and tribal governments. Depending on their public safety mission, other public or private sector organizations may be eligible.¹⁰ As of December 16, 2019, FEMA lists 65 entities in Florida with completed alerting authority, and another 16 Florida organizations with alerting authority approval in process.¹¹

Dynamic Message Signs

The Florida Department of Transportation (FDOT) defines the term, “dynamic message signs,” also known as changeable or variable message signs, as “programmable traffic control devices

⁷ According to FEMA, the IPAWS also does not replace existing methods of alerting; rather, it “complements existing systems and offers new capabilities.” FEMA, *Alerting Authorities*, available at <https://www.fema.gov/alerting-authorities> (last visited January 3, 2020).

⁸ U.S. Department of Homeland Security, FEMA Fact Sheet, *Common Alerting Protocol (CAP) Implementation*, available at https://www.fema.gov/media-library-data/1568380949642-579c9da8ea408d112a223f72d167129a/CAP_Implementation_Fact_Sheet_2019.pdf (last visited January 3, 2020).

⁹ 47 CFR s. 10.400, available at <https://www.law.cornell.edu/cfr/text/47/10.400> (last visited January 3, 2020).

¹⁰ FEMA, *Alerting Authorities*, available at <https://www.fema.gov/alerting-authorities> (last visited January 3, 2020).

¹¹ U.S. Department of Homeland Security, FEMA, *Organizations with Alerting Authority Complete and In Process*, available at <https://www.fema.gov/media-library/assets/documents/117152> (last visited January 3, 2020).

that display messages composed of letters, symbols/graphics, or both.”¹² These signs “are used to convey timely and important en route and roadside information to motorists and travelers about changing highway conditions to improve operations and reduce crashes” and “may inform drivers of a need to change travel speed, change lanes, divert to a different route, or to be aware of a change in current or future traffic conditions.”¹³ However, Florida law also currently authorizes Missing Child Alerts, AMBER Alerts, Silver Alerts, and Blue Alerts to be displayed on dynamic message signs.

Existing Florida Statutory Alerts

Section 937.021, F.S., requires law enforcement agencies (LEAs) in this state to adopt written policies that specify the procedures to be used to investigate reports of missing children and missing adults. Section 784.071, F.S., authorizes Blue Alerts with respect to a law enforcement officer who has been killed or assaulted with a deadly weapon, has suffered serious bodily injury, or is missing while in the line of duty under circumstances evidencing concern for the officer’s safety. Section 937.022, F.S., creates the Missing Endangered Persons Information Clearinghouse (MEPIC) within the FDLE “to serve as a central repository of information regarding missing endangered persons.” That section requires every state, county, or municipal LEA to submit to the clearinghouse information on missing endangered persons, which information must be “collected and disseminated to assist in the location of missing endangered persons.”

A Missing Child Alert is intended to enable law enforcement to quickly communicate information on a missing child believed to be in life-threatening danger, but there is no indication that the child has been abducted.¹⁴ A Missing Child Alert may result in an AMBER Alert if investigation produces an indication that the child has been abducted.¹⁵ A state Silver Alert is intended to aid law enforcement in the rescue or recovery of a missing elderly person who suffers from irreversible deterioration of intellectual faculties¹⁶ and becomes lost while driving a vehicle.¹⁷

Generally, in each case, the local LEA with jurisdiction contacts the FDLE’s MEPIC. The FDLE works with the local LEA to determine whether information will be broadcast on a regional or statewide basis and prepares information for public distribution through the EAS, WEAs, the FDOT’s 511 traveler information system¹⁸ and dynamic message signs, lottery machines, and email, as appropriate.¹⁹

¹² FDOT, *Traffic Engineering Manual*, Chapter 2, Section 2.40.2, available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/traffic/trafficservices/studies/tem/tem-2020/traffic-engineering-manual-2020_chapter-2.pdf?sfvrsn=b7c6e687_2 (last visited December 23, 2019).

¹³ *Id.*

¹⁴ FDLE Missing Endangered Persons Information Clearinghouse, *Florida’s Missing Child Alert*, available at <http://www.fdle.state.fl.us/mcicsearch/MCApage.asp> (last visited January 3, 2020).

¹⁵ FDLE Missing Endangered Persons Information Clearinghouse, *AMBER Alerts*, available at <http://www.fdle.state.fl.us/mcicsearch/Amber.asp> (last visited January 3, 2020).

¹⁶ FDLE Missing Endangered Persons Information Clearinghouse, *Florida’s Silver Alert Plan*, available at <http://www.fdle.state.fl.us/mcicsearch/SilverAlerts.asp> (last visited January 5, 2020).

¹⁷ See *Florida Missing Persons and Blue Alert Plans*, Florida Department of Law Enforcement and Florida Department of Transportation, p. 1. (On file in the Senate Infrastructure and Security Committee.)

¹⁸ See s. 334.044(31) and s. 334.60, F.S. The 511 System is used only while dynamic message signs are displayed. *Id.* at p. 4.

¹⁹ *Supra* note 17 at pp. 1-5.

With respect to use of the FDOT's dynamic message signs, after contact from the FDLE, the appropriate FDOT Regional Transportation Management Center is ultimately responsible for displaying alert messages on those signs. If the alert message is:

- A Missing Child Alert or a Silver Alert, the message is displayed for a maximum of six hours and is re-activated if FDLE requests it, but only in the specific area the law enforcement believes the child may be located.
- An AMBER Alert, the message is displayed until the child is recovered or for a maximum of 24 hours, again re-activated upon FDLE's request only in the specific area law enforcement believes the child may be located.²⁰

Section 937.021(5), F.S., provides immunity from civil liability for complying in good faith with a request to record, report, transmit, display, or release Missing Child, AMBER, and Silver Alert information.

The FLDE, in conjunction with the Florida Highway Patrol, the FDOT, and the Department of Lottery, broadcasts information to the public through the EAS on television and radio when information about an offender would help avert further harm or assist in apprehending a suspect in connection with killing or harming a law enforcement officer.²¹ In such cases, dynamic message signs are also used to display Blue Alerts.²² These alerts use the technologies employed for Amber Alerts.²³ At the request of a local LEA, the FDLE Intelligence Watch and Warning Regional Special Agency Supervisor works with the investigating agency to prepare information for public release, include suspect and/or vehicle information. The FDLE will issue a Blue Alert if a law enforcement officer has been killed, suffered serious bodily injury, or been assaulted with a deadly weapon; or is missing while in the line of duty or under circumstances indicating concern for an officer's safety; and the suspect has fled the scene and poses an imminent threat to the public or to other law enforcement officers. The FDLE works with the FDOT's Regional Transportation Management Center, which is ultimately responsible for displaying Blue Alert messages on the dynamic message signs. Again, the alert is displayed for a maximum of six hours, with re-activation upon FDLE request in the specific area that law enforcement believes the person may be located.²⁴

The FDOT observes the following orders of priority with respect to these alert messages on dynamic message signs:

- If there are multiple alerts activated during the same time: AMBER, Missing Child, Blue, and Silver.
- If there are multiple AMBER, Missing Child, or Blue Alerts activated during the same time, each one is displayed on every other dynamic message sign.²⁵

²⁰ *Supra* note 17 at pp. 4-5.

²¹ *Supra* note 17.

²² Section 784.071, F.S.

²³ FDLE, *Florida Blue Alert Notification System*, available at <http://floridabluealert.com/> (last visited January 5, 2020.)

²⁴ *Supra* note 17 at pp. 4-5.

²⁵ *Id.* at p. 5.

III. Effect of Proposed Changes:

SB 834 creates s. 784.072, F.S., setting up a process to be followed for activation of the emergency alert system and issuance of “Lockdown Alerts” and “Imminent Threat Alerts” under certain conditions.

Definitions

The bill provides definitions for the following terms as used in the new section of law:

- “Child care facility” is defined to have the same meaning as in s. 402.302; *i.e.*, the term includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.²⁶
- “Imminent threat alert” means a notification issued pursuant to the bill’s provisions which informs the public that an imminent threat exists such that the lives and safety of people are endangered, including, but not limited to, instances in which a person suspected of killing or causing serious bodily injury to another person or assaulting another person with a deadly weapon has fled the scene of the offense.
- “Lockdown alert” means a notification issued pursuant to the bill’s provisions which informs public schools, private schools,²⁷ and child care facilities that an imminent threat exists, including, but not limited to, instances in which a person suspected of killing or causing serious bodily injury to another person or assaulting another person with a deadly weapon has fled the scene of the offense. The alert advises the schools and facilities to lock their doors and encourages persons in those schools and facilities to remain in lockdown and be vigilant in watching for and reporting any suspicious activity.
- “Private school” is defined to have the same meaning as in s. 1002.01, F.S.; *i.e.*, a nonpublic school defined as an individual, association, co-partnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides identified instructional services or that gives pre-employment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under ch. 1005, F.S.²⁸ A private school may be a parochial, religious, denominational, for-profit, or nonprofit school.²⁹

²⁶ The term “child care facility” does not include public schools and nonpublic schools and their integral programs, with certain exception; summer camps having children in full-time residence; summer day camps; bible schools normally conducted during vacation periods; and operators of defined transient establishments that provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment undergo the level 2 background screening requirements of ch. 435, F.S.

²⁷ Under s. 1002.33(1), F.S., charter schools are public schools.

²⁸ Chapter 1005, F.S., addresses nonpublic postsecondary education.

²⁹ This definition does not include identified home education programs.

Lockdown Alerts

The bill authorizes a local LEA with jurisdiction over the scene of an incident giving rise to an imminent threat to the public to activate the emergency alert system and issue a Lockdown Alert to all public and private schools and child care facilities the LEA determines are at risk, given their proximity to the incident, including an incident in which all of the following conditions are satisfied:

- A person has been killed or has suffered serious bodily injury or a person has been assaulted with a deadly weapon by another person.
- The person suspected of committing the offense has fled the scene of the offense.
- The LEA investigating the offense has determined that the suspect poses an imminent threat to the public safety.

The bill directs each local LEA to create and maintain a list of all public schools, private schools, and child care facilities within its jurisdiction, and such schools and facilities are authorized to contact local LEAs to verify that the school or facility is included on the list of those that will receive a Lockdown Alert or to register to be included on the list. A local LEA is required to take a private school or child care facility off the list if the school or facility requests to be taken off the list.

Apparently, in order to activate the EAS, the local LEA must, among other requirements for participation in the EAS, have authority to alert the public of emergencies using the EAS, which would include having software capable of transmitting CAP-formatted alert messages. Further, assuming a local LEA has alerting authority, the alert message apparently must fall within one of the four classes of alert messages authorized under the federal regulations, which of course would be dependent upon the facts of a given event. While FEMA's list of alerting authorities appears to include many local LEAs, all local LEAs may not have such authority. However, the bill only authorizes a local LEA to activate the EAS under the specified conditions; the bill does not *require* local LEAs to do so.

Imminent Threat Alerts

The bill requires the FDLE, in cooperation with the Department of Highway Safety and Motor Vehicles (DHSMV) and the FDOT, to activate the emergency alert system and issue an Imminent Threat Alert to the public, upon the request of a local LEA, when the local LEA confirms that an imminent threat to the public exists, including, *but not limited to*, circumstances in which all of the same conditions for Lockdown Alert issuance are met; *i.e.*:

- A person has been killed or has suffered serious bodily injury or a person has been assaulted with a deadly weapon by another person.
- The person suspected of committing the offense has fled the scene of the offense.
- The LEA has determined that the suspect poses an imminent threat to the public safety.

To the extent practicable, the bill requires an Imminent Threat Alert to provide a detailed description of a suspect's vehicle or other means of escape, the license plate number of the suspect's vehicle, or any other available information that may assist in averting further harm or in the apprehending of the suspect.

The bill requires immediate dissemination of an Imminent Threat Alert to the public through the EAS and through the use of dynamic message signs located along the State Highway System. If a traffic emergency arises requiring display of information pertaining to the traffic emergency on the signs in lieu of an Imminent Threat Alert, the agency responsible for posting the alert on the signs does not violate the new section of law.

As the FDLE is listed by FEMA as an entity with alerting authority, the only question appears to be whether the alert meets the conditions for such an alert using the EAS under the federal regulations. Even if a given message did not meet the requirements of the federal regulations for dissemination of an Imminent Threat Alert using the EAS (urgency, severity, and certainty), nothing appears to prevent display of the required messages using the FDOT's dynamic message signs.

For both types of alerts, the bill provides civil liability immunity from damages for local, jurisdictional law enforcement agencies, the FDLE, any state or local law enforcement agency and the personnel of these agencies; any radio or television network, broadcaster, or other media representative; any dealer³⁰ of communications services;³¹ or any agency, employee, individual, or entity for complying in good faith with the bill's requirements. The identified entities are presumed to have acted in good faith in recording, reporting, transmitting, displaying, or releasing information pertaining to the alerts, and the presumption is not overcome if information received from the local law enforcement agency is incomplete or incorrect. The bill provides that no duty is created with respect to the alerts, and the decision to record, report, transmit, display or release information is discretionary.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³⁰ Defined in s. 202.11(2), F.S., to mean "a person registered with the department as a provider of communications services in this state.

³¹ Defined in s. 202.11(1), F.S., to mean "the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added." The term does not include information services installation or maintenance of wiring or equipment on a customer's premises the sale or rental of tangible personal property; the sale of advertising, including, but not limited to, directory advertising; bad check charges; late payment charges; billing and collection services; or internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill authorizes but does not require local LEAs to activate the EAS and issue Lockdown Alerts. Private schools and child care facilities may incur indeterminate but likely insignificant expenses associated with verifying presence on or requesting removal from the local LEA's list of entities with respect to Lockdown Alerts.

The same schools and child care facilities, as well as the general public may benefit from improved communication of emergency information through Lockdown and Imminent Threat Alerts.

C. Government Sector Impact:

The bill authorizes but does not require local LEAs to activate the EAS and issue Lockdown Alerts. If the local LEA has EAS alerting authority, and the alert qualifies as an Imminent Threat Alert under the federal regulations, those LEAs already have processes and software in place and presumably would not incur significantly increased expenses. If a local LEA does not have alerting authority and chooses to undertake efforts to gain such authority, the local LEA would incur unknown expenses, including possible significant expenses associated with obtaining or upgrading necessary software. Local LEAs may incur unknown expenses associated with creating and maintaining the list of public schools, private schools, and child care facilities within the LEA's jurisdiction. Public schools may incur indeterminate but likely insignificant expenses associated with verifying presence on or requesting removal from the local LEA's list of entities with respect to Lockdown Alerts.

The bill requires the FDLE, in cooperation with the DHSMV and the FDOT, to activate the EAS and issue an Imminent Threat Alert under the specified conditions. Assuming the required alert meets the conditions for an Imminent Threat Alert under the federal regulations, it appears that policies and procedures are already in place, and no significant

increase in expenses would be expected. However, FDLE's analysis of the bill indicates that changes to technology will require an estimated \$170,000 in recurring funds.³² Similarly, because the potential increase in volume of alerts to be displayed on the dynamic message signs is indeterminate, the fiscal impact to the FDOT is indeterminate. The DHSMV expects minimal costs for training of FHP personnel.³³

If the bill requires updating the Florida Emergency Alert System Operational Plan, the State Emergency Communications Committee, the Division of Emergency Management, and entities making recommendations to the committee may incur indeterminate expenses.

The FDLE and FDOT may incur indeterminate expenses associated with updating the Florida Missing Persons and Blue Alert Plans.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 784.072 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on January 13, 2020:

The committee substitute incorporates civil liability immunity provisions for law enforcement agencies, broadcasters, and other entities acting in good faith when involved in issuing Lockdown or Imminent Threat Alerts, consistent with the immunity provided to the same entities under current law for Missing Child Alerts, AMBER Alerts, and Silver Alerts.

- B. **Amendments:**

None.

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

³² See the FDLE 2020 Legislative Bill Analysis for SB 834 available at <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=25194&yr=2020> (last visited January 14, 2020.)

³³ See the DHSMV 2020 Legislative Bill Analysis for SB 834 available at <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=29832> (last visited January 9, 2020).



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2020	.	
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	.	

The Committee on Infrastructure and Security (Simmons)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 89 - 119
and insert:

(d)1. Upon recording, reporting, transmitting, displaying,
or releasing information pertaining to a Lockdown Alert, the
local law enforcement agency with jurisdiction; the Department
of Law Enforcement; any state or local law enforcement agency
and the personnel of these agencies; any radio or television
network, broadcaster, or other media representative; any dealer



11 of communications services as defined in s. 202.11; or any
12 agency, employee, individual, or entity is immune from civil
13 liability for damages for complying in good faith with this
14 subsection and is presumed to have acted in good faith in
15 recording, reporting, transmitting, displaying, or releasing
16 information pertaining to a Lockdown Alert. The presumption of
17 good faith is not overcome if a technical or clerical error is
18 made by any agency, employee, individual, or entity acting at
19 the request of the local law enforcement agency having
20 jurisdiction, or if information pertaining to a Lockdown Alert
21 is incomplete or incorrect because the information received from
22 the local law enforcement agency was incomplete or incorrect.

23 2. Neither this subsection nor any other law creates a duty
24 of the agency, employee, individual, or entity to record,
25 report, transmit, display, or release the Lockdown Alert
26 information received from the local law enforcement agency
27 having jurisdiction. The decision to record, report, transmit,
28 display, or release information is discretionary with the
29 agency, employee, individual, or entity receiving the
30 information.

31 (3) At the request of a local law enforcement agency, the
32 Department of Law Enforcement, in cooperation with the
33 Department of Highway Safety and Motor Vehicles and the
34 Department of Transportation, must activate the emergency alert
35 system and issue an Imminent Threat Alert to the public when the
36 local law enforcement agency confirms that an imminent threat to
37 the public exists, including, but not limited to, circumstances
38 in which all of the following conditions have been satisfied:

39 (a) A person has been killed or has suffered serious bodily



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40 injury or a person has been assaulted with a deadly weapon by
41 another person.

42 (b) The person suspected of committing the offense has fled
43 the scene of the offense.

44 (c) The law enforcement agency has determined that the
45 suspect poses an imminent threat to the public safety.

46 (4) An Imminent Threat Alert must, to the extent
47 practicable, provide a detailed description of a suspect's
48 vehicle or other means of escape, the license plate number of
49 the suspect's vehicle, or any other available information that
50 may assist in averting further harm or in the apprehending of
51 the suspect.

52 (5) (a) An Imminent Threat Alert must be immediately
53 disseminated to the public through the emergency alert system
54 and through the use of the dynamic message signs that are
55 located along the State Highway System.

56 (b) If a traffic emergency arises requiring that
57 information pertaining to the traffic emergency be displayed on
58 a dynamic message sign on a state highway in lieu of an Imminent
59 Threat Alert, the agency responsible for posting the Imminent
60 Threat Alert on the dynamic message sign does not violate this
61 section.

62 (c)1. Upon receiving a request to record, report, transmit,
63 display, or release Imminent Threat Alert information from the
64 law enforcement agency having jurisdiction, the Department of
65 Law Enforcement; any state or local law enforcement agency and
66 the personnel of these agencies; any radio or television
67 network, broadcaster, or other media representative; any dealer
68 of communications services as defined in s. 202.11; or any



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69 agency, employee, individual, or entity is immune from civil
70 liability for damages for complying in good faith with this
71 subsection and is presumed to have acted in good faith in
72 recording, reporting, transmitting, displaying, or releasing
73 information pertaining to an Imminent Threat Alert. The
74 presumption of good faith is not overcome if a technical or
75 clerical error is made by any agency, employee, individual, or
76 entity acting at the request of the local law enforcement agency
77 having jurisdiction, or if information pertaining to an Imminent
78 Threat Alert is incomplete or incorrect because the information
79 received from the local law enforcement agency was incomplete or
80 incorrect.

81 2. Neither this subsection nor any other law creates a duty
82 of the agency, employee, individual, or entity to record,
83 report, transmit, display, or release the Imminent Threat Alert
84 information received from the local law enforcement agency
85 having jurisdiction. The decision to record, report, transmit,
86 display, or release information is discretionary with the
87 agency, employee, individual, or entity receiving the
88 information.

89
90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 Delete lines 18 - 33

93 and insert:

94 taken off the list; providing immunity from civil
95 liability to certain persons for damages for complying
96 in good faith with specified provisions; providing a
97 presumption of good faith; providing construction;



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98 requiring the Department of Law Enforcement, in
99 cooperation with the Department of Highway Safety and
100 Motor Vehicles and the Department of Transportation,
101 to activate the emergency alert system and issue an
102 Imminent Threat Alert to the public at the request of
103 a local law enforcement agency under certain
104 circumstances; specifying information that must be
105 provided in Imminent Threat Alerts, if available;
106 requiring Imminent Threat Alerts to be disseminated to
107 the public through the emergency alert system and
108 through the use of certain dynamic message signs;
109 providing that the agency responsible for posting the
110 Imminent Threat Alert on the dynamic message sign does
111 not violate this section if certain traffic emergency
112 information is displayed on the sign in lieu of the
113 alert; providing immunity from civil liability to
114 certain persons for damages for complying in good
115 faith with specified provisions; providing a
116 presumption of good faith; providing construction;
117 providing an effective date.

By Senator Simmons

9-00501-20

2020834__

1 A bill to be entitled
 2 An act relating to emergency alerts; creating s.
 3 784.072, F.S.; defining terms; authorizing a local law
 4 enforcement agency to activate the emergency alert
 5 system and issue a Lockdown Alert to public and
 6 private schools and child care facilities under
 7 certain circumstances; requiring local law enforcement
 8 agencies to create and maintain a list of all public
 9 schools, private schools, and child care facilities
 10 within their jurisdictions which must be included in
 11 the Lockdown Alert; authorizing public or private
 12 schools or child care facilities to contact their
 13 local law enforcement agencies to verify that they are
 14 included on the list or to register for inclusion on
 15 the list; requiring a local law enforcement agency to
 16 take a private school or child care facility off the
 17 list if the school or facility requests that it be
 18 taken off the list; requiring the Department of Law
 19 Enforcement, in cooperation with the Department of
 20 Highway Safety and Motor Vehicles and the Department
 21 of Transportation, to activate the emergency alert
 22 system and issue an Imminent Threat Alert to the
 23 public at the request of a local law enforcement
 24 agency under certain circumstances; specifying
 25 information that must be provided in Imminent Threat
 26 Alerts, if available; requiring Imminent Threat Alerts
 27 to be disseminated to the public through the emergency
 28 alert system and through the use of certain dynamic
 29 message signs; providing that the agency responsible

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

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30 for posting the Imminent Threat Alert on the dynamic
 31 message sign does not violate this section if certain
 32 traffic emergency information is displayed on the sign
 33 in lieu of the alert; providing an effective date.
 34

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

36
 37 Section 1. Section 784.072, Florida Statutes, is created to
 38 read:

39 784.072 Notification of imminent threat to schools and
 40 child care facilities or the public; Lockdown Alert; Imminent
 41 Threat Alert.-

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

43 (a) "Child care facility" has the same meaning as in s.
 44 402.302.

45 (b) "Imminent Threat Alert" means a notification issued
 46 pursuant to subsection (3) which informs the public that an
 47 imminent threat exists such that the lives and safety of people
 48 are endangered, including, but not limited to, instances in
 49 which a person suspected of killing or causing serious bodily
 50 injury to another person or assaulting another person with a
 51 deadly weapon has fled the scene of the offense.

52 (c) "Lockdown Alert" means a notification issued pursuant
 53 to subsection (2) which informs public schools, private schools,
 54 and child care facilities that an imminent threat exists,
 55 including, but not limited to, instances in which a person
 56 suspected of killing or causing serious bodily injury to another
 57 person or assaulting another person with a deadly weapon has
 58 fled the scene of the offense. The alert advises the schools and

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

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59 facilities to lock their doors and encourages persons in those
 60 schools and facilities to remain in lockdown and be vigilant in
 61 watching for and reporting any suspicious activity.

62 (d) "Private school" has the same meaning as in s. 1002.01.

63 (2) (a) A local law enforcement agency that has jurisdiction
 64 over the scene of an incident giving rise to an imminent threat
 65 to the public may activate the emergency alert system and issue
 66 a Lockdown Alert to all public and private schools and child
 67 care facilities it determines are at risk, given their proximity
 68 to the incident, including an incident in which all of the
 69 following conditions are satisfied:

70 1. A person has been killed or has suffered serious bodily
 71 injury or a person has been assaulted with a deadly weapon by
 72 another person.

73 2. The person suspected of committing the offense has fled
 74 the scene of the offense.

75 3. The law enforcement agency investigating the offense has
 76 determined that the suspect poses an imminent threat to the
 77 public safety.

78 (b) For purposes of complying with this subsection, each
 79 local law enforcement agency shall create and maintain a list of
 80 all public schools, private schools, and child care facilities
 81 within its jurisdiction.

82 (c) A public or private school or child care facility may
 83 contact local law enforcement agencies to verify that it is
 84 included on the list of those that will receive a Lockdown Alert
 85 or to register to be included on the list. A local law
 86 enforcement agency must take a private school or child care
 87 facility off the list if the school or facility requests that it

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88 be taken off the list.

89 (3) At the request of a local law enforcement agency, the
 90 Department of Law Enforcement, in cooperation with the
 91 Department of Highway Safety and Motor Vehicles and the
 92 Department of Transportation, must activate the emergency alert
 93 system and issue an Imminent Threat Alert to the public when the
 94 local law enforcement agency confirms that an imminent threat to
 95 the public exists, including, but not limited to, circumstances
 96 in which all of the following conditions have been satisfied:

97 (a) A person has been killed or has suffered serious bodily
 98 injury or a person has been assaulted with a deadly weapon by
 99 another person.

100 (b) The person suspected of committing the offense has fled
 101 the scene of the offense.

102 (c) The law enforcement agency has determined that the
 103 suspect poses an imminent threat to the public safety.

104 (4) An Imminent Threat Alert must, to the extent
 105 practicable, provide a detailed description of a suspect's
 106 vehicle or other means of escape, the license plate number of
 107 the suspect's vehicle, or any other available information that
 108 may assist in averting further harm or in the apprehending of
 109 the suspect.

110 (5) (a) An Imminent Threat Alert must be immediately
 111 disseminated to the public through the emergency alert system
 112 and through the use of the dynamic message signs that are
 113 located along the State Highway System.

114 (b) If a traffic emergency arises requiring that
 115 information pertaining to the traffic emergency be displayed on
 116 a dynamic message sign on a state highway in lieu of an Imminent

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117 Threat Alert, the agency responsible for posting the Imminent
118 Threat Alert on the dynamic message sign does not violate this
119 section.

120 Section 2. This act shall take effect October 1, 2020.

Florida Missing Persons and Blue Alert Plans

Florida Department of Law Enforcement and Florida Department of Transportation

AMBER, Missing Child, and Silver Alert Plans

In 2000, the Florida Department of Law Enforcement (FDLE), along with our state, local, and private partners, developed a plan to establish the Florida AMBER Alert. The AMBER Alert provides law enforcement with a tool to quickly and effectively notify the general public of critical information regarding a child who has been abducted and is endangered. It is disseminated to the public through the Emergency Alert System (EAS) by broadcasting the alert on television and radio in addition to the Florida Department of Transportation's (FDOT) highway Dynamic Message Signs (DMS) and other highway advisory methods and/or Department of Lottery's (DOL) lottery machines.

In 2003, as part of the Florida AMBER Plan, FDLE also established the Missing Child Alert. This alert can be used when a child is missing and law enforcement has reason to believe that their life is in danger, but there is no indication that the child has been abducted.

Together these tools provide Florida's residents and visitors with information that can help to save the life of a child and keep their communities safe.

To sign up to receive email alerts when an AMBER or Missing Child Alert is activated, visit www.missingchildrenalert.com.

In 2008, FDLE established the Silver Alert Program Plan. The Silver Alert is a plan to help law enforcement officers rescue persons with Alzheimer's or dementia who become lost while driving in a vehicle.

To sign up to receive email alerts when a Silver Alert is activated, visit <https://lists.elderaffairs.org/listmanager/listinfo/silveralert>

For more information please visit <http://www.fdle.state.fl.us/MCICSearch/Index.asp> or contact us by phone at 1-888-356-4774.

Blue Alert Plan

In 2011, the Florida Legislature established the Florida Blue Alert Plan. The Blue Alert utilizes the technologies employed by the Amber Alert Plan to notify the public of critical information when a law enforcement officer is killed, suffered serious bodily injury, or is missing while in the line of duty and the suspect, who is considered to pose an imminent threat to the public, is still at large. In some of these cases, additional information is available for broadcast such as a detailed description of the suspect's vehicle or other means of escape, and/or the license plate of the suspect's vehicle.

Under the Blue Alert Plan, the FDLE in conjunction with the Florida Department of Highway Safety and Motor Vehicles' Florida Highway Patrol (FHP), FDOT and DOL would immediately broadcast important information about the offender when this information would help avert further harm or assist in the apprehension of the suspect. A Blue Alert is disseminated to the public through the EAS by broadcasting the alert on television, radio, and dynamic message signs located along the state's highways.

To sign up to receive email alerts when a Blue Alert is activated, visit <http://www.floridabluealert.com/register>

For more information please visit <http://www.floridabluealert.com/> or contact us by phone 850-410-7645.

AMBER Alert Criteria

To activate an AMBER alert the following five (5) criteria must be met:

- The child must be under 18 years of age.
- There must be a clear indication of an abduction.
- The law enforcement agency's preliminary investigation must conclude that the child's life is in danger.
- There must be a detailed description of child, abductor and/or vehicle to broadcast to the public.
- The activation must be recommended by the local law enforcement agency of jurisdiction.

Activation Process:

- The local law enforcement agency will contact the FDLE Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774.
- The FDLE works in conjunction with the local law enforcement agency of jurisdiction to determine if information is to be broadcast on a regional or statewide basis.
- The FDLE, working in conjunction with the local law enforcement agency of jurisdiction, prepares information for public distribution.
- The FDLE ensures, based on its content, that the information is broadcast through the EAS, DMS (requires license plate information), lottery machines, wireless emergency alert (WEA), email through www.missingchildrenalert.com and other appropriate resources.

Available MEPIC Resources:

- Local media outlets
- Local Crime Stoppers
- A Child is Missing, Inc. 1-888-875-2246
- FBI National Center for the Analysis of Violent Crime 1-800-634-4097
- National Center for Missing and Exploited Children 1-800-843-5678 (Florida Branch 1-561-848-1900)

The AMBER Review Process

All AMBER Alert activations are brought before a special committee of state agency partners, law enforcement representatives, and broadcasters to ensure that the program's goals are being met and that each activation meets the criteria and is conducted in a timely manner.

Missing Child Alert Criteria

To activate a Missing Child Alert, the following four (4) criteria must be met:

- The child must be under 18 years of age.
- The law enforcement agency's preliminary investigation must conclude that the child's life is in danger.
- Descriptive information and a photograph of the child must be available.
- The agency of jurisdiction must approve the issuance of the Missing Child Alert.

Activation Process:

- The local law enforcement agency will contact the FDLE MEPIC at 1-888-356-4774.
- The FDLE, working in conjunction with the local law enforcement agency of jurisdiction, prepares information for public distribution.
- The FDLE ensures, based on its content, that the information is broadcast through DMS (requires license plate information), lottery machines, email through www.missingchildrenalert.com and other appropriate resources.

Available MEPIC Resources:

- Local media outlets
- Local Crime Stoppers
- National Center for Missing and Exploited Children 1-800-843-5678 (Florida Branch 1-561-848-1900)
- A Child is Missing, Inc. 1-888-875-2246

State Silver Alert Criteria

- The person must be 60 years and older; or, the person must be 18-59 and law enforcement has determined the missing person lacks the capacity to consent and that the use of dynamic message signs may be the only possible way to rescue the missing person.
- The person suffers from an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia) that has been verified by law enforcement.
- The person is driving a motor vehicle with an identified tag.
- Local law enforcement has determined that the person's disappearance poses a credible threat to his/her welfare and safety.

Available MEPIC Resources

- Florida Department of Elder Affairs 850-414-2000
- Media Alert 813-282-8612
- A Child is Missing, Inc. 1-888-875-2246
- Florida Department of Highway Safety Motor Vehicles [Medical Reporting Form](#)

Activation Process:

- The local law enforcement agency will contact the FDLE Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774.
- The FDLE, working in conjunction with the local law enforcement agency of jurisdiction, prepares information for public distribution.
- The FDLE ensures, based on its content, that the information is broadcast through the DMS (requires license plate information), lottery machines, email through <https://lists.elderaffairs.org/listmanager/listinfo/silveralert> and other appropriate resources.

Activations from Law Enforcement

1. The local law enforcement agency calls the FDLE Missing Endangered Persons Information Clearinghouse (MEPIC) at 1-888-356-4774.
2. The FDLE works in conjunction with the local law enforcement agency of jurisdiction to determine if information is to be broadcast via radio, television, displayed on FDOT's message signs and/or DOL's LED and 07 messages on lottery machines on a regional or statewide basis.
3. The FDLE works in conjunction with the local law enforcement agency of jurisdiction to prepare information (i.e., child, suspect, and/or vehicle, contact information) for public distribution using approved format(s) for broadcasters, FDOT and DOL.
4. The FDLE records the Amber Alert information on the EAS equipment located in the MEPIC area.
5. The FDOT staff (available 24-hours) ensures that the road signs are activated and cancelled.
6. If FDLE determines if the FDOT DMS are to be used, FDLE contacts the Florida Highway Patrol Communications Center Shift Commander in Orlando at 407-737-2271 in order to alert duty officers and other call takers of the Amber Alert. The FDLE then emails all available information concerning the missing/abducted child to the FHP Communications Center in Orlando. FHP Shift Commander in Orlando is then responsible for relaying all information via telephone and fax to the appropriate to the Shift Commander(s) at appropriate FHP Communications Center(s) in the region(s) where the activation is occurring.
7. If FDLE determines the FDOT DMS and 511 System are to be used, FDLE contacts FDOT's Orlando Regional Transportation Management Center (RTMC) by calling 407-736-1900 . FDLE emails the actual DMS Message to the Orlando RTMC at D5.RTMC@DOT.state.fl.us , using the attached format.
8. The Orlando RTMC staff relays the request to appropriate RTMC staff in the State to activate the Florida Amber Plan. FDOT displays the alert message on all requested DMS unless a traffic emergency occurs that requires an individual or group of DMS to display a motorist safety message. DOT will record a brief AMBER Alert message on the 511 System. The 511 System is used only while the DMS are displayed.
9. The FDOT displays the AMBER Alert message until the child is recovered or for a maximum of 24 hours. If the child is still missing after the maximum display hours, the FDLE will contact FDOT to re-activate the DMS only in the specific area that Law Enforcement believes the child may be located.
10. The FDOT displays the Missing Child Alert message for a maximum of 6 hours. If the child is still missing after the maximum display hours, the FDLE will contact FDOT to re-activate the DMS only in the specific area that Law Enforcement believes the child may be located.

11. The FDOT displays the Blue Alert message for a maximum of 6 hours. If the suspect has not been located after the maximum display hours, the FDLE will contact DOT to re-activate the DMS only in the specific area that Law Enforcement believes the person may be located.
12. The FDOT displays the Silver Alert message for a maximum of 6 hours. If the missing person has not been located after the maximum display hours, the FDLE will contact DOT to re-activate the DMS only in the specific area that Law Enforcement believes the person may be located.
13. If there are multiple alerts activated during the same time the FDOT follows this order of priority: AMBER Alert, Missing Child Alert, Blue Alert and Silver Alert.
14. If there are multiple AMBER Alerts, Missing Child Alerts, or Blue Alerts activated during the same time, the FDOT will display each one on every other DMS.
15. FDLE follows the same activation steps listed above if an additional activation is required containing revised vehicle information and/or broadcast area.
16. Once FDLE is contacted by local law enforcement that a child has been recovered/located, the FDLE immediately contacts all partner agencies.

Changes to the AMBER Plan Process

If the formats or tools used to activate, update, or cancel an AMBER/Missing Child Alert change, the FDLE will communicate with the broadcast partners to make the necessary adjustments.

If changes are necessary, good faith efforts should be made by the FDLE and all partners to ensure these changes do not adversely impact the AMBER/Missing Child Alert or the partners' business practices.

Blue Alerts

The local law enforcement agency will contact the FDLE Intelligence Watch and Warning at 850-410-7645 to request activation. The on-call Special Agent Supervisor from the region will determine if the case meets the below criteria:

Officer Killed/Injured

- A law enforcement officer been killed, suffered serious bodily injury, or assaulted with a deadly weapon.
- The suspect has fled the scene of the offense.
- The investigating agency determined that the suspect poses an imminent threat to the public or other law enforcement officers.
- There is a detailed description of the suspect's vehicle, or other means of escape, and/or the license plate of the suspect's vehicle are available for broadcast.
- The dissemination of this available information to the public will help avert further harm or assist in the apprehension of the suspect.

- OR -

Officer Missing

- A law enforcement officer is missing in the line of duty.

- The officer is missing under circumstances evidencing concern for the officer's safety.
- There is information about the officer's physical description, and the description of any vehicle involved, including the license plate number or other identifying information, to be broadcast to the public and other law enforcement agencies, which could assist in locating the missing law enforcement officer.

Alert Activations from Law Enforcement

1. The local law enforcement agency contacts the FDLE Intelligence Watch and Warning at 850-410-7645 to request activation. The on-call Special Agent Supervisor from the region determines if the case meets the criteria.
2. The IWW will work with the investigating agency to prepare for information for public release, including suspect and/or vehicle information. This includes:
 - Notifying law enforcement agencies throughout the state
 - Displaying vehicle information on DMS (requires license plate information), lottery machines, and the 511 system
 - Activating the Emergency Alert System on the radio and television in the surrounding area the event occurred
 - Emailing members of the public who have registered to receive blue alert notifications through FloridBlueAlert.com

For additional information please contact FDLE at 850-410-8585 or toll-free at 1-888-356-4774.

STATE OF FLORIDA
AMBER PLAN (Dynamic Message Systems)

FROM: FLORIDA DEPARTMENT OF LAW ENFORCEMENT, TALLAHASSEE

SENT BY: Lyndsey Pitts

AMBER ALERT NAME: Missing Child

TO: ORLANDO RTMC Area(s) for activation: Turnpike, Statewide
 Area(s) for secondary activation: Remaining districts

FAX NUMBER: (FHP) 407-737-2217 (DOT) 407-736-1918 DATE: 7/6/2017

URGENT URGENT URGENT URGENT URGENT

REQUIRED MESSAGE

C	H	I	L	D		A	B	D	U	C	T	I	O	N	
					A	L	E	R	T						
			C	A	L	L		*	3	4	7				
R	E	D		2	0	1	5								
F	O	R	D		F	1	5	0							
F	L		T	A	G		Y	Y	Y	Z	Z	Z			

STATE OF FLORIDA
AMBER ALERT (511 Traveler Information System)

FROM: FLORIDA DEPARTMENT OF LAW ENFORCEMENT, TALLAHASSEE

SENT BY: PETER WARREN

AMBER ALERT NAME: Missing Child

TO: ORLANDO RTMC Area(s) for activation: Turnpike, Statewide

FAX NUMBER: (DOT) 407-736-1918 DATE/TIME: 7/6/2017

URGENT URGENT URGENT URGENT URGENT

RECORDED MESSAGE

An AMBER ALERT Has Been Issued On Missing Child Out Of North Lauderdale. Look For A 2015 Red Ford F150 F1 Tag YYZZZ. CALL *347|

STATE OF FLORIDA
MISSING CHILD ALERT (Dynamic Message Systems)

FROM: FLORIDA DEPARTMENT OF LAW ENFORCEMENT, TALLAHASSEE

SENT BY: LYNDSEY PITTS

MISSING CHILD ALERT NAME:

TO: **ORLANDO RTMC** **Area(s) for activation:** Statewide, Turnpike
Area(s) for secondary activation: Remaining districts

FAX NUMBER: (FHP) 407-737-2217 (DOT) 407-736-1918 DATE: 10/6/2017

URGENT URGENT URGENT URGENT URGENT

REQUIRED MESSAGE

M	I	S	S	I	N	G		C	H	I	L	D			
					A	L	E	R	T						
			C	A	L	L		*	3	4	7				

W	H	I	T	E		2	0	1	7						
F	O	R	D		F	1	5	0							
F	L		T	A	G		W	H	G	1	2	3			

STATE OF FLORIDA
MISSING CHILD ALERT (511 Traveler Information System)

FROM: FLORIDA DEPARTMENT OF LAW ENFORCEMENT, TALLAHASSEE

SENT BY: LYNDSEY PITTS

MISSING CHILD ALERT NAME:

TO: **ORLANDO RTMC** **Area(s) for activation:** Statewide, Turnpike

FAX NUMBER: (DOT) 407-736-1918 DATE/TIME: 10/6/2017

URGENT URGENT URGENT URGENT URGENT

RECORDED MESSAGE

A Missing Child Alert has been issued for _____ from Ft. Myers, Florida. Look For A 2017 White Ford F150 Florida Tag WHG123. CALL *347.

STATE OF FLORIDA
SILVER ALERT (Dynamic Message Systems)

FROM: FLORIDA DEPARTMENT OF LAW ENFORCEMENT, TALLAHASSEE

SENT BY: LYNDSEY PITTS

SILVER ALERT NAME:

TO: **ORLANDO RTMC** **Area(s) for activation:** Statewide, Turnpike
 Area(s) for secondary activation: Remaining districts

FAX NUMBER: (FHP) 407-737-2217 (DOT) 407-736-1918 DATE: 10/6/2017

URGENT URGENT URGENT URGENT URGENT

REQUIRED MESSAGE

		S	I	L	V	E	R		A	L	E	R	T		
			C	A	L	L		*	3	4	7				
W	H	I	T	E		2	0	1	7						
F	O	R	D		F	1	5	0							
F	L		T	A	G		W	H	G	1	2	3			

I

STATE OF FLORIDA
SILVER ALERT (511 Traveler Information System)

FROM: FLORIDA DEPARTMENT OF LAW ENFORCEMENT, TALLAHASSEE

SENT BY: LYNDSEY PITTS

SILVER ALERT NAME:

TO: **ORLANDO RTMC** **Area(s) for activation:** Statewide, Turnpike

FAX NUMBER: (DOT) 407-736-1918 DATE/TIME: 10/6/2017

URGENT URGENT URGENT URGENT URGENT

RECORDED MESSAGE

A Silver Alert has been issued for _____ from Ft. Myers, Florida. Look For A 2017 White Ford F150 Florida Tag WHG123. CALL *347.

STATE OF FLORIDA
BLUE ALERT PLAN (Dynamic Message Systems)



FROM: FLORIDA DEPARTMENT OF LAW ENFORCEMENT, TALLAHASSEE

SENT BY: FDLE Watch Desk (1-800-342-0820 or 850-410-7645)

BLUE ALERT NAME: NEED TO ADD Region & Date

TO: Orlando DOT

Area(s) for primary activation: DOT Regions – refer to DOT map
 Area(s) for secondary activation: Remaining Districts

FAX NUMBER: (FHP) 850-921-9664 (DOT) 407-736-1918 **DATE/TIME:** Need to complete

PHONE NUMBER: (FHP) 850-245-1402 (DOT) 407-736-1900

URGENT **URGENT** **URGENT** **URGENT**

REQUIRED MESSAGE – First 3 lines are ALWAYS the same

L	A	W		E	N	F	O	R	C	E	M	E	N	T	
					A	L	E	R	T						
				C	A	L	L		*	3	4	7			

				B	L	U	E		1	9	9	5			
				F	O	R	D		F	1	5	0			
		F	L		T	A	G		A	B	C	1	2	3	

1st Line: Color & Year, 2nd Line: Make & Model 3rd Line: Tag # & State



STATE OF FLORIDA
BLUE ALERT (EAS Form)
EXAMPLE

<input type="checkbox"/> REQUEST TONE ALERT (USE FCC CAE CODE) IN EAS AREAS	(This will be the EAS regions that you will determine based on the region within the state – select from Regions 1-12)
------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------

(Attention Broadcasters: Please Read Immediately)

URGENT **URGENT** **URGENT** **URGENT**

ANNOUNCER:
(Sample text)

A Florida Blue Alert has been issued regarding _____ (or individual's name if available) who is believed to have shot (or injured if appropriate) a Florida Law Enforcement officer (or deputy, etc). The individual may be driving a (description of car) with Florida tag (tag number goes here) which was last seen at (address/location goes here). If you have any information on the whereabouts of this individual or vehicle, please contact the (name of agency of the alert) at telephone number (number goes here) or call 911. Do not attempt to approach the vehicle or subject as they should be considered armed and dangerous.

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 Infrastructure and Security

BILL: PCS/SR 214 & 222 (839518)

INTRODUCER: Infrastructure and Security Committee

SUBJECT: Philosophies Espousing the Superiority of One Group of People over Another

DATE: January 8, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

PCS/SR 214/SR 222 rejects and condemns any philosophy that espouses the superiority of one group of people over another on the basis of race, color, national origin, sex, or religion as hateful, dangerous, and morally corrupt expressions of intolerance; and affirms that such philosophies are contradictory to the values that define the people of Florida and the United States.

Legislative resolutions have no force of law and are not subject to the approval or veto powers of the Governor.

II. Present Situation:

Targeted Mass Violence

Florida has been the site of several mass shootings that include Pulse Nightclub in Orlando, Marjory Stoneman Douglas High School in Parkland, Fort Lauderdale-Hollywood International Airport, Jacksonville Landing, as well as a SunTrust Bank in Sebring.¹ Many of these acts of targeted mass violence appear to have been motivated by violent extremism based on a variety of supremacy philosophies.

¹ Press Release, Executive Office of the Governor, *Governor Ron DeSantis Directs FDLE to Prioritize Threat Assessment Strategy* (February 13, 2019), available at <https://www.flgov.com/2019/02/13/governor-ron-desantis-directs-fdle-to-prioritize-threat-assessment-strategy/> (last visited January 3, 2020).

White Nationalism

White nationalist groups espouse white supremacist or white separatist ideologies.² The term “white supremacist extremism” (WSE) describes people or groups who commit criminal acts in the name of white supremacist ideology. At its core, white supremacist ideology purports that the white race ranks above all others. WSE draws on the constitutionally protected activities of a broad swath of racist hate-oriented groups active in the United States ranging from the Ku Klux Klan to racist skinheads. Some of these groups have elaborate organizational structures, dues-paying memberships, and media wings. Additionally, many individuals espouse extremist beliefs without having formal membership in any specific organization.³

A large proportion of white supremacists dualistically divide the world between whites and all other peoples who are seen as enemies.⁴ Particular animus is directed toward Jews and African Americans.⁵

Scholars indicate that white supremacists believe in racial separation and that society discriminates against them. To them, whites have lost “ground to other groups and ... extreme measures are required to reverse the trend.”⁶ All of this has been encapsulated in a slogan known as the “Fourteen Words”: “We must secure the existence of our race and a future for white children.” This was coined by David Lane, a member of a violent terrorist group active in the 1980s. The Fourteen Words have been described as “the most popular white supremacist slogan in the world.”⁷

Incel

The term ‘incel’ was originally coined by an individual who started a website in the mid/late 1990s, entitled ‘Alana’s Involuntary Celibacy Project’ in order to discuss their sexual inactivity with others. The site was intended to foster an inclusive community to help people struggling to form relationships, but has since been co-opted by the current iteration of the incel movement.⁸

Although there is little in the way of authoritative published research in this area, the current incel movement appears to be a violent political ideology based upon misogyny, social

² Southern Poverty Law Center, *White Nationalist*, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/white-nationalist> (last visited October 11, 2019).

³ Congressional Research Office, *Domestic Terrorism: An Overview*, Report R44921, August 21, 2017, Jerome P. Bjelopera, available at <https://crsreports.congress.gov/product/pdf/R/R44921> (last visited October 11, 2019).

⁴ *Id.*, citing Chip Berlet and Stanislav Vysotsky, “Overview of U.S. White Supremacist Groups,” *Journal of Political and Military Sociology*, vol. 34, no. 1 (June 2006), p. 13.

⁵ *Id.*, citing Leonard Zeskind, *Blood and Politics: The History of the White Nationalist Movement from the Margins to the Mainstream* (New York: Farrar, Straus, and Giroux, 2009), p. 40.

⁶ *Id.*, citing Rory McVeigh, “Structured Ignorance and Organized Racism in the United States,” *Social Forces*, vol. 82, no. 3 (March 2004), pp. 895-936.

⁷ *Id.*, citing Anti-Defamation League, *Guidebook*, p. 16. Lane died in 2007 while serving 190 years in prison for his involvement with a terrorist group named the Order. See “Founder of Terrorist Group Dies in Prison,” *Terre Haute Tribune-Star*, May 29, 2007, <http://tribstar.com/local/x1155692948/Founder-of-terrorist-group-dies-in-prison> (last visited October 11, 2019). Among other writings, Lane also drafted an influential racist ideological tract titled *The 88 Precepts*.

⁸ Shannon Zimmerman, Luisa Ryan and David Duriesmith, *Recognizing the Violent Extremist Ideology of ‘Incels’* (September 2018), available at <https://www.wisglobal.org/wp-content/uploads/2018/09/Policybrief-Violent-Extremists-Incels.pdf> (last visited January 4, 2020).

marginalization, entitlement, male and white supremacy.⁹ Incel ideology is predicated on the notion that feminism has ruined society, therefore there is a need for a ‘gender revolt’ in order to reclaim a particular type of manhood.¹⁰ Incels believe their entitled access to women’s bodies is thwarted by women’s preference for more physically desirable men, and often frame this pattern of behavior as a form of theft. These individuals are frustrated at a world they see as denying them power and sexual control over women’s bodies. In their eyes, they are victims of oppressive feminism, an ideology which must be overthrown, even if by violence.¹¹

III. Effect of Proposed Changes:

The PCS contains “Whereas” clauses stating that:

- Recent acts of domestic terror, including acts of mass violence, have shocked and saddened our nation;
- This murderous violence was perpetrated by individuals who embraced philosophies that espouse the superiority of one group of people over another on the basis of race, color, national origin, sex, or religion;
- These philosophies are embraced by groups which include white nationalists, white supremacists, “incels”, and others; and
- These philosophies are contradictory to the values, constitutional protections, and moral fiber of the United States of America and the State of Florida.

PCS/SR 214/SR 222 rejects and condemns any philosophy that espouses the superiority of one group of people over another on the basis of race, color, national origin, sex, or religion as hateful, dangerous, and morally corrupt expressions of intolerance; and affirms that such philosophies are contradictory to the values that define the people of Florida and the United States.

Legislative resolutions have no force of law and are not subject to the approval or veto powers of the Governor.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁹ *Id.*

¹⁰ Debbie Ging, *Alphas, betas, and incels: Theorizing the Masculinities of the Manosphere*, in *Men and Masculinities* (Dublin City University, Glasnevin, 2017).

¹¹ *Supra*, note 8.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

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 Senate resolution does not amend the Florida Statutes. If enacted, it will become an undesignated chapter law codified in the Laws of Florida.

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.



678128

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/13/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Rodriguez and Cruz) recommended the following:

Senate Amendment (with title amendment)

Delete line 27
and insert:
another on the basis of race, color, national origin, sex,
sexual orientation, gender identity, or

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

And the title is amended as follows:

Delete lines 2 - 14



678128

11 and insert:

12 A resolution rejecting and condemning white
13 nationalism, white supremacy, and any other philosophy
14 that espouses the superiority of one group of people
15 over another as hateful, dangerous, and morally
16 corrupt expressions of intolerance, and affirming that
17 such philosophies are contradictory to the values that
18 define the people of Florida and the United States.

19
20 WHEREAS, white supremacy and white nationalism are contrary
21 to the ideals of the United States, which was established
22 according to the principle that all men are created equal as
23 stated in the Declaration of Independence, a principle that
24 eventually would be expanded to include women after the women's
25 suffrage movement, beginning with the Seneca Falls Convention in
26 1848, and

27 WHEREAS, white supremacy and white nationalism are contrary
28 to the ideals of the State of Florida, as expressed in the State
29 Constitution, which declares that "all natural persons, female
30 and male alike, are equal before the law and have inalienable
31 rights, among which are the right to enjoy and defend life and
32 liberty, to pursue happiness, to be rewarded for industry, and
33 to acquire, possess and protect property. No person shall be
34 deprived of any right because of race, religion, national
35 origin, or physical disability," and

36 WHEREAS, recent acts of domestic terror, including acts of
37 mass violence, have shocked and saddened our nation, and

38 WHEREAS, this murderous violence was perpetrated by
39 individuals who embraced philosophies that espouse the



678128

40 | superiority of one group of people over another on the basis of
41 | race, color, national origin, sex, sexual orientation, gender
42 | identity, or religion, and



596-02081E-20

Proposed Committee Substitute by the Committee on Infrastructure
and Security

Senate Resolution

A resolution rejecting and condemning any philosophy
that espouses the superiority of one group of people
over another which is hateful, dangerous, or a morally
corrupt expression of intolerance, and affirming that
such philosophies are contradictory to the values that
define the people of Florida and the United States.

WHEREAS, recent acts of domestic terror, including acts of
mass violence, have shocked and saddened our nation, and

WHEREAS, this murderous violence was perpetrated by
individuals who embraced philosophies that espouse the
superiority of one group of people over another on the basis of
race, color, national origin, sex, or religion, and

WHEREAS, these philosophies are embraced by groups which
include white nationalists, white supremacists, "incels", and
others, and

WHEREAS, these philosophies are contradictory to the
values, constitutional protections, and moral fiber of the
United States of America and the State of Florida, NOW,
THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate rejects and condemns any philosophy
that espouses the superiority of one group of people over
another on the basis of race, color, national origin, sex, or



596-02081E-20

religion as hateful, dangerous, and morally corrupt expressions
of intolerance; and affirms that such philosophies are
contradictory to the values that define the people of Florida
and the United States.

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 Infrastructure and Security

BILL: CS/SR's 214 & 222

INTRODUCER: Infrastructure and Security Committee

SUBJECT: Philosophies Espousing the Superiority of One Group of People over Another

DATE: January 14, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	FAV/Combined CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SR 214/SR 222 rejects and condemns any philosophy that espouses the superiority of one group of people over another on the basis of race, color, national origin, sex, or religion as hateful, dangerous, and morally corrupt expressions of intolerance; and affirms that such philosophies are contradictory to the values that define the people of Florida and the United States.

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Scholars indicate that white supremacists believe in racial separation and that society discriminates against them. To them, whites have lost “ground to other groups and ... extreme measures are required to reverse the trend.”⁶ All of this has been encapsulated in a slogan known as the “Fourteen Words”: “We must secure the existence of our race and a future for white children.” This was coined by David Lane, a member of a violent terrorist group active in the 1980s. The Fourteen Words have been described as “the most popular white supremacist slogan in the world.”⁷

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³ Congressional Research Office, *Domestic Terrorism: An Overview*, Report R44921, August 21, 2017, Jerome P. Bjelopera, available at <https://crsreports.congress.gov/product/pdf/R/R44921> (last visited October 11, 2019).

⁴ *Id.*, citing Chip Berlet and Stanislav Vysotsky, “Overview of U.S. White Supremacist Groups,” *Journal of Political and Military Sociology*, vol. 34, no. 1 (June 2006), p. 13.

⁵ *Id.*, citing Leonard Zeskind, *Blood and Politics: The History of the White Nationalist Movement from the Margins to the Mainstream* (New York: Farrar, Straus, and Giroux, 2009), p. 40.

⁶ *Id.*, citing Rory McVeigh, “Structured Ignorance and Organized Racism in the United States,” *Social Forces*, vol. 82, no. 3 (March 2004), pp. 895-936.

⁷ *Id.*, citing Anti-Defamation League, *Guidebook*, p. 16. Lane died in 2007 while serving 190 years in prison for his involvement with a terrorist group named the Order. See “Founder of Terrorist Group Dies in Prison,” *Terre Haute Tribune-Star*, May 29, 2007, <http://tribstar.com/local/x1155692948/Founder-of-terrorist-group-dies-in-prison> (last visited October 11, 2019). Among other writings, Lane also drafted an influential racist ideological tract titled *The 88 Precepts*.

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Although there is little in the way of authoritative published research in this area, the current incel movement appears to be a violent political ideology based upon misogyny, social marginalization, entitlement, male and white supremacy.⁹ Incel ideology is predicated on the notion that feminism has ruined society, therefore there is a need for a ‘gender revolt’ in order to reclaim a particular type of manhood.¹⁰ Incels believe their entitled access to women’s bodies is thwarted by women’s preference for more physically desirable men, and often frame this pattern of behavior as a form of theft. These individuals are frustrated at a world they see as denying them power and sexual control over women’s bodies. In their eyes, they are victims of oppressive feminism, an ideology which must be overthrown, even if by violence.¹¹

III. Effect of Proposed Changes:

The PCS contains “Whereas” clauses stating that:

- Recent acts of domestic terror, including acts of mass violence, have shocked and saddened our nation;
- This murderous violence was perpetrated by individuals who embraced philosophies that espouse the superiority of one group of people over another on the basis of race, color, national origin, sex, or religion;
- These philosophies are embraced by groups which include white nationalists, white supremacists, “incels”, and others; and
- These philosophies are contradictory to the values, constitutional protections, and moral fiber of the United States of America and the State of Florida.

CS/SR 214 & SR 222 rejects and condemns any philosophy that espouses the superiority of one group of people over another on the basis of race, color, national origin, sex, or religion as hateful, dangerous, and morally corrupt expressions of intolerance; and affirms that such philosophies are contradictory to the values that define the people of Florida and the United States.

Legislative resolutions have no force of law and are not subject to the approval or veto powers of the Governor.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁹ *Id.*

¹⁰ Debbie Ging, *Alphas, betas, and incels: Theorizing the Masculinities of the Manosphere*, in *Men and Masculinities* (Dublin City University, Glasnevin, 2017).

¹¹ *Supra*, note 8.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

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 Senate resolution does not amend the Florida Statutes. If enacted, it will become an undesignated chapter law codified in the Laws of Florida.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Infrastructure and Security on January 13, 2020:

- Combined SR 214 and SR 222, and expanded the resolution to reject and condemn any philosophy that espouses the superiority of one group of people over another on the basis of race, color, national origin, sex, or religion; and

- Revised the whereas clauses to state:
 - Recent acts of domestic terror, including acts of mass violence, have shocked and saddened our nation;
 - This murderous violence was perpetrated by individuals who embraced philosophies that espouse the superiority of one group of people over another on the basis of race, color, national origin, sex, or religion;
 - These philosophies are embraced by groups which include white nationalists, white supremacists, “incels”, and others; and
 - These philosophies are contradictory to the values, constitutional protections, and moral fiber of the United States of America and the State of Florida.

B. Amendments:

None.

THE FLORIDA SENATE
APPEARANCE RECORD

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

1-13-2020

Meeting Date

SB 214

Bill Number (if applicable)

Topic SB 214 White Nationalism & White Supremacy

Amendment Barcode (if applicable)

Name Tim Stanfield

Job Title Lobbyist

Address 101 E College Ave

Phone 850-222-6891

Street

Tallahassee

Florida

32301

Email stanfieldt@gtlaw.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Police Chiefs

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)

1-13-20

Meeting Date

214

Bill Number (if applicable)

Topic White Supremacists

Amendment Barcode (if applicable)

Name Barbara Delane

Job Title Ms

Address 625 E Broadway St

Phone 251-4280

Street

Email barbmoderane1

City

State

Zip

Speaking: For Against Information

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

Representing FL NOW

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)

1/13/20

Meeting Date

214

Bill Number (if applicable)

Topic White Nationalism

Amendment Barcode (if applicable)

Name Greg Poval

Job Title

Address 9166 Sunrise Dr

Phone

Street

Largo

City

Fl.

State

33773

Zip

Email

Speaking: [] For [] Against [x] Information

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

Representing All Families

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] 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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/13/12

Meeting Date

214
N/A

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JEFF BINKLEY

Job Title FOUNDER - MAURA'S VOICE

Address 1359 MILE POST DRIVE

Phone 770-335-6538

Street

ATLANTA

City

GA

State

30338

Zip

Email jeff@advia.org

Speaking: For Against Information

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

Representing MYSELF

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.

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/13/2020

Meeting Date

SJR 222

Bill Number (if applicable)

B3951B

Amendment Barcode (if applicable)

Topic "White Nationalism" Resolution

Name David Caulkett

Job Title VP Floridians For Immigration Enforcement

Address 2314 S Cypress Bend

Street

Phone 9544619391

Pompano Bch FL 33069

City

State

Zip

Email David@FLIMEN.org

Speaking: [] For [X] Against [] Information

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

Representing Floridians For Immigration Enforcement

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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)

1-13-2020

Meeting Date

SB 222

Bill Number (if applicable)

Topic SB 222 White Nationalism & White Supremacy

Amendment Barcode (if applicable)

Name Tim Stanfield

Job Title Lobbyist

Address 101 E College Ave

Phone 850-222-6891

Street

Tallahassee

Florida

32301

Email stanfieldt@gtlaw.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Police Chiefs

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 Infrastructure and Security

BILL: SR 222

INTRODUCER: Senator Simpson and others

SUBJECT: White Nationalism and White Supremacy

DATE: January 9, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Miller	IS	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SR 222 rejects white nationalism and white supremacy as hateful, dangerous, and morally corrupt, and affirms that such philosophies are contradictory to the values that define the people of Florida.

Legislative resolutions have no force of law and are not subject to the approval or veto powers of the Governor.

II. Present Situation:

White nationalist groups espouse white supremacist or white separatist ideologies.¹ The term “white supremacist extremism” (WSE) describes people or groups who commit criminal acts in the name of white supremacist ideology. At its core, white supremacist ideology purports that the white race ranks above all others. WSE draws on the constitutionally protected activities of a broad swath of racist hate-oriented groups active in the United States ranging from the Ku Klux Klan to racist skinheads. Some of these groups have elaborate organizational structures, dues-paying memberships, and media wings. Additionally, many individuals espouse extremist beliefs without having formal membership in any specific organization.²

¹ Southern Poverty Law Center, *White Nationalist*, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/white-nationalist> (last visited October 11, 2019).

² Congressional Research Office, *Domestic Terrorism: An Overview*, Report R44921, August 21, 2017, Jerome P. Bjelopera, available at <https://crsreports.congress.gov/product/pdf/R/R44921> (last visited October 11, 2019).

A large proportion of white supremacists dualistically divide the world between whites and all other peoples who are seen as enemies.³ Particular animus is directed toward Jews and African Americans.⁴

Scholars indicate that white supremacists believe in racial separation and that society discriminates against them. To them, whites have lost “ground to other groups and ... extreme measures are required to reverse the trend.”⁵ All of this has been encapsulated in a slogan known as the “Fourteen Words”: “We must secure the existence of our race and a future for white children.” This was coined by David Lane, a member of a violent terrorist group active in the 1980s. The Fourteen Words have been described as “the most popular white supremacist slogan in the world.”⁶

III. Effect of Proposed Changes:

The resolution contains “Whereas” clauses stating that:

- Recent acts of domestic terror, including acts of mass violence, have shocked and saddened our nation.
- This murderous violence was perpetrated by individuals who embraced a philosophy of white nationalism and white supremacy.
- This philosophy is contradictory to the values, constitutional protections, and moral fiber of the United States of America and the State of Florida.

SR 222 rejects white nationalism and white supremacy as hateful, dangerous, and morally corrupt, and affirms that such philosophies are contradictory to the values that define the people of Florida.

Legislative resolutions have no force of law and are not subject to the approval or veto powers of the Governor.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³ *Id.*, citing Chip Berlet and Stanislav Vysotsky, “Overview of U.S. White Supremacist Groups,” *Journal of Political and Military Sociology*, vol. 34, no. 1 (June 2006), p. 13.

⁴ *Id.*, citing Leonard Zeskind, *Blood and Politics: The History of the White Nationalist Movement from the Margins to the Mainstream* (New York: Farrar, Straus, and Giroux, 2009), p. 40.

⁵ *Id.*, citing Rory McVeigh, “Structured Ignorance and Organized Racism in the United States,” *Social Forces*, vol. 82, no. 3 (March 2004), pp. 895-936.

⁶ *Id.*, citing Anti-Defamation League, *Guidebook*, p. 16. Lane died in 2007 while serving 190 years in prison for his involvement with a terrorist group named the Order. See “Founder of Terrorist Group Dies in Prison,” *Terre Haute Tribune-Star*, May 29, 2007, <http://tribstar.com/local/x1155692948/Founder-of-terrorist-group-dies-in-prison> (last visited October 11, 2019). Among other writings, Lane also drafted an influential racist ideological tract titled *The 88 Precepts*.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

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 Senate resolution does not amend the Florida Statutes. If enacted, it will become an undesignated chapter law codified in the Laws of Florida.

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.

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 Infrastructure and Security

BILL: SB 7028

INTRODUCER: Infrastructure and Security Committee

SUBJECT: Public Safety

DATE: January 14, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Proctor</u>	<u>Miller</u>	_____	IS Submitted as Comm. Bill/FAV

I. Summary:

SB 7028 addresses a number of issues related to public safety. The proposed bill:

- Requires select health care practitioners, emergency medical technicians and paramedics to disclose confidential communications to a law enforcement agency to the extent necessary to communicate a specific threat of serious bodily injury or death;
- Specifies a documentation process to use for the sale of a firearm when the seller is not a federal firearm licensee (FFL) and chooses not to use a FFL to complete the transaction;
- Creates a new section of statute to provide that a person may not sell, offer for sale, transfer or deliver any firearm to another person for consideration when any part of a transaction is conducted on property to which the public has the right of access, unless a criminal history records check of background information has been completed, and a unique approval number has been obtained from the Florida Department of Law Enforcement (FDLE);
- Provides a FFL may charge a fee to cover administrative costs for facilitating the sale or transfer of a firearm;
- Revises current requirements related to the safe storage of firearms to provide that loaded firearms must be securely stored to prevent access by minors under the age of 18, instead of the current threshold of 16, and expands the safe storage requirement to include preventing access by a person of unsound mind of any age;
- Provides that the FDLE will develop a statewide strategy for targeted violence prevention (STVP); and
- Provides for the 2020-2021 fiscal year, 37 full-time equivalent positions and the recurring sum of \$4,827,538 and the nonrecurring sum of \$1,043,415 from the General Revenue Fund to the FDLE for the purpose of implementing a statewide STVP.

Except for sections 7 and 8 of the bill, the bill's effective date is July 1, 2020. Sections 7 and 8, which relate to a statewide strategy for targeted violence prevention, are contingent on passage of SB 7030 creating a public records exemption for active threat assessment and active threat management records.

II. Present Situation:

Targeted mass violence events have been occurring on a regular basis at public spaces such as schools and universities, at private businesses such as night clubs and a yoga studio, and at places of worship such as churches, mosques, and synagogues. While these events are relatively rare in comparison to the number of other types of violent crimes that occur on an annual basis, this mass violence has devastating impacts on victim's families and affected communities. This bill addresses a number of issues related to identifying, assessing and managing threats of violence, and related to sales of firearms by private parties and their safe storage. Because the bill addresses a range of related issues, the present situation for each issue in the bill is discussed below in conjunction with the Effect of the Proposed Changes.

III. Effect of Proposed Changes:

Threats: Duty to Warn (Sections 1. & 2.)

Present Situation

Duties of Mental Health Professionals in Florida

In Florida mental health providers must breach confidentiality with patients and warn of a threat to a third party where a patient has communicated a specific threat to cause serious bodily injury or death to an identified or readily available person.¹ The Legislature first added a dangerous patient exception to the confidentiality requirement for psychiatrists,² and later for psychologists³ and for social workers and other mental health professionals.⁴ Communications between a licensed or certified mental health worker and the patient or client are confidential, and may be waived, when there is “a specific threat to cause serious bodily injury or death to an identified or readily available person, and the person licensed or certified under this chapter makes a clinical judgment that the patient or client has the apparent intent and ability to imminently or immediately carry out such threat, and the person licensed or certified under this chapter communicates the information to the potential victim ...” and “to the extent necessary to communicate the threat to a law enforcement agency ...”⁵

The Health Insurance Portability & Accountability Act (HIPAA) Privacy Rule does not prevent a health care provider from disclosing necessary information about a patient to law enforcement or other persons, when the provider in good faith believes that the patient presents a serious and imminent danger to himself or others.⁶

Florida Risk Protection Orders

In 2018, legislation was passed that created a process for a law enforcement officer to petition a court for a temporary ex parte risk protection order and a final risk protection order under s. 790.401, F.S., to temporarily prevent persons from accessing firearms when there is

¹ Section 394.4615, F.S.

² Section 456.059, F.S.

³ Section 490.0147, F.S.

⁴ Section 491.0147, F.S.

⁵ *Id.*

⁶ 45 CFR § 164.512(j)

demonstrated evidence that a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.⁷

The court must find by clear and convincing evidence that a person poses a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm to issue a risk protection order.⁸

If the court issues a risk protection order it may do so for a period that it deems appropriate, up to and including but not exceeding 12 months.⁹

Effect of Proposed Changes

The bill amends s. 401.30, F.S., to require an emergency medical technician or paramedic to disclose confidential communications to a law enforcement agency to the extent necessary to communicate a threat if:

- A person has received basic life support or advanced life support from an emergency medical technician or a paramedic;
- Such person has communicated to the emergency medical technician or paramedic a specific threat to cause serious bodily injury or death to an identified or a readily available person; and
- The emergency medical technician or paramedic in good faith believes that the person has the apparent intent and ability to imminently or immediately carry out such threat.

The bill amends s. 456.059, F.S., to expand the list of health care practitioners that are required to disclose confidential communications to a law enforcement agency to the extent necessary to communicate a threat if:

- A patient has received health care services provided by a specified licensee;
- Such patient has communicated to the specified licensee a specific threat to cause serious bodily injury or death to an identified or a readily available person; and
- The specified licensee in good faith believes that the patient has the apparent intent and ability to imminently or immediately carry out such threat.

The expanded list now includes a health care practitioner certified or licensed under:

- Chapter 458 (Physician);
- Chapter 459 (Osteopathic Physician and Physician Assistants);
- Chapter 462 (Natureopathy and Naturopathy); and
- Part I of chapter 464 (Advanced Practice Registered Nurse, Licensed Practical Nurse, and Registered Nurse).

A law enforcement agency that receives notification of such threat must take appropriate action to prevent the risk of harm, including, but not limited to, notifying the potential victim of the threat or initiating a risk protection order.

⁷ Ch. 2018-3, s. 16, Laws of Fla.

⁸ Section 790.401(3)(c), F.S.

⁹ Section 790.401(3)(b), F.S.

The disclosure of confidential communications under a duty to warn may not be the basis of any legal action or criminal or civil liability against the emergency medical technician or paramedic or the specified health care practitioners.

Sale of a Firearm (Sections 3 - 5)

Present Situation

Second Amendment

The Second Amendment to the United States Constitution states, “[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”¹⁰ Courts have consistently held that the Second Amendment is fully applicable to the states through the due process clause of the Fourteenth Amendment.¹¹

State laws restricting gun possession and ownership have consistently been challenged on constitutional grounds. In *District of Columbia v. Heller*, a landmark case interpreting the Second Amendment, a special police officer brought action to enjoin the District of Columbia from enforcing gun-control statutes.¹²

The U.S. Supreme Court held that the Second Amendment does not protect the right of citizens to carry arms for any sort of confrontation, but rather that it guarantees the individual right to possess and carry weapons in case of confrontation.¹³ The Court struck down the District of Columbia’s ban on handgun possession in the home and the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock because both provisions made it impossible for citizens to use arms for the core lawful purpose of self-defense, making such provisions unconstitutional.¹⁴

In *Heller*, the Court found that while the Second Amendment confers an individual right to keep and bear arms, that right is not unlimited.¹⁵ The Court noted that nothing in the *Heller* opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.¹⁶ The Court also pointed out that its analysis does not suggest the invalidity of laws regulating the storage of firearms to prevent accidents.¹⁷

Florida Constitution

Article VIII, Section 5(b) of the Florida Constitution allows counties to require criminal history record checks and a 3 to 5-day waiting period for private sales of firearms made on property to which the public has access (gun shows, flea markets, firearm exhibitions, etc.). Ten counties

¹⁰ U.S. CONST. amend II.

¹¹ *McDonald v. Chicago*, 561 U.S. 742, 778 (2010).

¹² 554 U.S. 570 (2008).

¹³ *Id.* at 592 and 595.

¹⁴ *Id.* at 570.

¹⁵ *Id.* at 595.

¹⁶ *Id.* at 626 and 627

¹⁷ *Id.* at 632.

have enacted ordinances under this provision.¹⁸ For other private sales/transfers between individuals, there is no requirement for a criminal history record check.

Firearm Purchase Process

Firearms are available for purchase from primarily two groups of people: private citizens and FFLs. A private citizen does not necessarily engage in a business selling firearms but is able to sell firearms at a gun show or elsewhere, unless a county has enacted ordinances under Article VIII, Section 5(b) of the Florida Constitution. A FFL is licensed by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to sell or transfer a firearm. An individual must be licensed with the ATF to engage in the business of firearms.¹⁹ A private citizen does not necessarily have to follow the processes required of FFLs.

Private Firearm Sale “Loophole”

The widely-used term “gun show loophole” refers to the difference between the way private sales or transfers of firearms occur as compared to the requirements that must be met by FFLs. A FFL must have the FDLE conduct a background check for all firearm purchases and deliveries and wait 3 days between the purchase and delivery of all handgun sales;²⁰ a person conducting a private transaction is not subject to these requirements.

Background Checks

FFL’s must facilitate a background check on a person making a firearm purchase from the dealer. The National Instant Criminal Background Check System (NICS) was established for dealers to contact by telephone, or other electronic means, for information to be supplied immediately on whether the transfer of a firearm would be in violation of 18 U.S.C. s. 922(g) or (n), or state law.²¹

In Florida, the FDLE acts as the contact for a FFL initiating a background check.²² The background check for firearm purchases queries five FDLE and FBI Criminal Justice Information Systems.²³ Of the 942,618 inquiries the FDLE received in 2018, over 96.8 percent

¹⁸ The 10 counties which have enacted ordinances under Article VIII, Section 5(b) of the Florida Constitution are Alachua, Broward, Dade, Hillsborough, Leon, Orange, Palm Beach, Pinellas, Sarasota, and Volusia. Email from the FDLE staff to Senate Committee on Infrastructure and Security staff on October 2, 2019 (on file with Senate Committee on Infrastructure and Security).

¹⁹ Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Types of Federal Firearms Licenses*, available at <https://www.atf.gov/resource-center/types-federal-firearms-licenses-ffls> (last visited October 15, 2019).

²⁰ Section 790.0655, F.S., the 3 day wait period expires upon completion of the records check, and does not apply in the following circumstances: when a firearm is being purchased by a holder of a concealed weapons permit; to a trade-in of another firearm; to the purchase of a rifle or shotgun, upon a person’s successfully completing a minimum of a 16-hour hunter safety course and possessing a hunter safety certification card; a person who is exempt from the hunter safety course requirements and holds a valid Florida hunting license for the purchase of a rifle or shotgun; and when a rifle or shotgun is being purchased by a law enforcement officer or correctional officer.

²¹ FBI, *About NICS*, available at <https://www.fbi.gov/services/cjis/nics/about-nics> (last visited October 15, 2019).

²² Thirteen states have agencies that act as full “Points of Contact.” *Id.*

²³ Email from the FDLE staff to Senate Committee on Infrastructure and Security staff on October 17, 2019 (on file with Senate Committee on Infrastructure and Security).

received an initial decision approving the firearm transfer at the time the transaction was processed.²⁴

All FFLs who sell firearms in Florida to persons must:

- Obtain a completed form which provides the purchaser's identification information and verify identification by inspecting a photo ID;
- Collect a fee from the purchaser for processing the criminal history check of the purchaser;
- Contact the FDLE online or by means of a toll-free telephone number to conduct a criminal history check; and
- Receive an approval number from the FDLE and record the number on the consent form.²⁵

Firearm Purchase Disqualifiers

Under 18 U.S.C. s. 922(g), a person is disqualified from purchasing a firearm if the person:

- Is convicted of a crime punishable by imprisonment exceeding one year;
- Is a fugitive from justice;
- Is a unlawful user or addicted to any controlled substance as defined in 21 U.S.C s. 802;
- Has been adjudicated as a mental defective or has been committed to any mental institution;
- Is an illegal alien;
- Has been discharged from the Armed Forces under dishonorable conditions;
- Has renounced his or her U.S. citizenship;
- Is subject to a court order restraining the person from harassing, stalking or threatening an intimate partner or child of the intimate partner; or
- Has been convicted of a misdemeanor crime of domestic violence.

In Florida, s. 790.065(2)(a), F.S., disqualifies a person from purchasing a firearm if the person:

- Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to s. 790.23, F.S.²⁶
- Has been convicted of a misdemeanor crime of domestic violence,²⁷ and therefore is prohibited from purchasing a firearm.
- Has had a withhold of adjudication or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other court set conditions have been fulfilled or an expunction has occurred.
- Has been adjudicated mentally defective, or has been committed to a mental institution by a court or by voluntary admission to a mental institution after having been involuntarily examined where additional criteria are met.²⁸

²⁴ Email from the FDLE staff to Senate Committee on Infrastructure and Security staff on October 17, 2019 (on file with Senate Committee on Infrastructure and Security).

²⁵ Section 790.065(1), F.S. Other FFLs are exempt from these provisions.

²⁶ Section 790.23(1), F.S., provides that anyone who has been convicted of a felony in Florida, another state or a crime against the U.S. that would be a felony, or has committed a delinquent act in Florida or another state that would be a felony if committed by an adult and the person is under 24 years old is prohibited from possessing a firearm.

²⁷ Section 741.28, F.S., defines domestic violence as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

²⁸ Section 790.065(2)(a)4., F.S.

In Florida a person younger than 21 years of age may not purchase a firearm.²⁹ The prohibition does not apply to the purchase of a rifle or shotgun by a law enforcement officer,³⁰ correctional officer,³¹ or servicemember.³²

The FDLE must also determine if a person has any of the following in his or her background check that disqualifies him or her from purchasing a firearm:

- Has been indicted or had an information filed against her or him for a felony offense.
- Has had an injunction for protection against domestic violence under s. 741.30, F.S., entered against him or her.
- Has had an injunction for protection against repeat violence under s. 784.046, F.S., entered against him or her.
- Has been arrested for a dangerous crime as specified in s. 907.041(4)(a), F.S.³³
- Has been arrested for any of the offenses enumerated in s. 790.065, F.S.³⁴

The FDLE has 24 working hours to make such determinations as to whether the potential buyer is prohibited from receiving or possessing a firearm.³⁵ Section 790.065(2)(c)2., F.S., defines working hours to mean from the hours from 8 a.m. to 5 p.m. Monday through Friday excluding legal holidays. However, it is worth noting that s. 790.0655(1)(a), F.S., imposes a mandatory 3 day waiting period between the purchase and delivery of a firearm, which expires upon completion of the records check required under s. 790.065, F.S., whichever occurs later.

The FDLE reports the following numbers and reasons for not approving a firearm sale during 2018:

- 3,580 for a felony conviction;
- 624 for being under indictment;
- 129 for being a fugitive from justice;
- 986 for being user or addicted to any controlled substance;

²⁹ Section 790.065(13), F.S.

³⁰ Section 943.10(1), (6), and (8) includes law enforcement officer, part-time law enforcement officer, and auxiliary law enforcement officer.

³¹ Section 943.10(2), (3), (7), and (9) includes correctional officer, correctional probation officer, part-time correctional officer, and auxiliary correctional officer.

³² Section 250.01(19), F.S., defines “servicemember” as any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

³³ Section 907.041(4)(a), F.S., specifies the following as a dangerous crime: arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years; sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking and aggravated stalking; act of domestic violence as defined in s. 741.28, F.S.; home invasion robbery; act of terrorism as defined in s. 775.30, F.S.; manufacturing any substances in violation of ch. 893, F.S.; attempting or conspiring to commit any such crime; and human trafficking.

³⁴ Section 790.065(2)(c), F.S., lists the following offenses: criminal anarchy under ss. 876.01 and 876.02, F.S.; Extortion under s. 836.05, F.S., explosives violations under s. 552.22(1) and (2), F.S.; controlled substances violations under ch. 893 F.S.; resisting an officer with violence under s. 843.01, F.S.; weapons and firearms violations under ch. 790, F.S.; treason under s. 876.32, F.S.; assisting self-murder under s. 782.08, F.S.; sabotage under s. 876.38, F.S.; stalking or aggravated stalking under s. 784.048, F.S.

³⁵ Section 790.065(2)(c)2., F.S.

- 860 for having been adjudicated as a mental defective or having been committed to any mental institution;
- 325 for being an illegal alien;
- 8 for having been dishonorably discharged from the Armed Forces;
- 2 for renouncing his or her U.S. citizenship;
- 1,004 for being subject to a protection order;
- 1,054 for a misdemeanor crime of domestic violence; and
- 2,184 for a state disqualifier.³⁶

Firearm Purchase Disability

A person who has been adjudicated mentally defective or has been committed to a mental institution³⁷ cannot purchase a firearm in Florida until the firearm disability is removed by the court,³⁸ and may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained by the court.³⁹

The term “adjudicated mentally defective” means a determination by a court that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is a danger to himself or herself or to others or lacks the mental capacity to contract or manage his or her own affairs. The phrase includes a judicial finding of incapacity,⁴⁰ an acquittal by reason of insanity of a person charged with a criminal offense, and a judicial finding that a criminal defendant is not competent to stand trial.⁴¹

“Committed to a mental institution” means involuntary commitment, commitment for mental defectiveness or mental illness, and commitment for substance abuse. The phrase includes

³⁶ The numbers reflect non-approvals as of October 16, 2019. E-mail from the FDLE staff to the Senate Committee on Infrastructure and Security, October 17, 2019 (on file with Senate Committee on Infrastructure and Security).

³⁷ Section 790.065(2)(a)4.b., F.S.

³⁸ Section 790.065(2)(a)4., F.S.

³⁹ Section 790.064(1), F.S.

⁴⁰ Section 744.331(6)(a), F.S., provides that a court should consider the person’s unique needs and abilities and may only remove those rights that the court finds the person does not have the capacity to exercise.

⁴¹ Section 790.065(2)(a)4.a., F.S.

involuntary inpatient placement,⁴² involuntary outpatient placement,⁴³ involuntary⁴⁴ assessment and stabilization,⁴⁵ and involuntary substance abuse treatment,⁴⁶ but does not include a person in a mental institution for observation or discharged from a mental institution based upon the initial review by the physician or a voluntary admission to a mental institution.⁴⁷ The term also includes when a person has been involuntary examined under the Baker Act statute but then consents to voluntary inpatient or outpatient treatment if certain conditions are met.⁴⁸

⁴² Section 394.467, F.S., provides a person may be ordered for involuntary inpatient placement if he or she has a mental illness and because of his or her mental illness: has refused voluntary inpatient placement for treatment after sufficient and conscientious explanation and disclosure of the purpose of inpatient placement for treatment; or is unable to determine for himself or herself whether inpatient placement is necessary; and is incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and, without treatment, is likely to suffer from neglect or refuse to care for himself or herself, and such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; or there is substantial likelihood that in the near future he or she will inflict serious bodily harm on self or others, as evidenced by recent behavior causing, attempting, or threatening such harm; and all available less restrictive treatment alternatives that would offer an opportunity for improvement of his or her condition have been judged to be inappropriate.

⁴³ Section 394.4655, F.S., provides a person may be ordered to involuntary outpatient services if the person is 18 years of age or older; has a mental illness; is unlikely to survive safely in the community without supervision, based on a clinical determination; has a history of lack of compliance with treatment for mental illness; the person has: at least twice within the immediately preceding 36 months been involuntarily admitted to a receiving or treatment facility as defined in s. 394.455, F.S., or has received mental health services in a forensic or correctional facility; or engaged in one or more acts of serious violent behavior toward self or others, or attempts at serious bodily harm to himself or herself or others, within the preceding 36 months; as a result of his or her mental illness, unlikely to voluntarily participate in the recommended treatment plan and has refused voluntary services for treatment after sufficient and conscientious explanation and disclosure of why the services are necessary or is unable to determine for himself or herself whether services are necessary; in view of the person's treatment history and current behavior, is in need of involuntary outpatient services in order to prevent a relapse or deterioration that would be likely to result in serious bodily harm to himself or herself or others, or a substantial harm to his or her well-being as set forth in s. 394.463(1), F.S., it is likely that the person will benefit from involuntary outpatient services; and all available, less restrictive alternatives that would offer an opportunity for improvement of his or her condition have been judged to be inappropriate or unavailable.

⁴⁴ A person meets the criteria for involuntary admission if there is good faith reason to believe that the person is substance abuse impaired or has a co-occurring mental health disorder and, because of such impairment or disorder: has lost the power of self-control with respect to substance abuse; and is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that he or she is incapable of appreciating his or her need for such services and of making a rational decision in that regard, although mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services; or without care or treatment, is likely to suffer from neglect or refuse to care for himself or herself; that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and that it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services, or there is substantial likelihood that the person has inflicted, or threatened to or attempted to inflict, or, unless admitted, is likely to inflict, physical harm on himself, herself, or another. Section 397.675, F.S.

⁴⁵ A person who meets the criteria for involuntary admission may be admitted for a period of 5 days to a hospital or licensed detoxification facility or addictions receiving facility, for involuntary assessment and stabilization. Sections 397.6811(1), and 397.6818, F.S.

⁴⁶ A person who meets the criteria for involuntary admission may be the subject of petition of a for involuntary treatment if the person has been placed under a protective custody within the previous 10 days; has been subject to an emergency admission within the previous 10 days; has been assessed by a qualified professional within 5 days; has been subject to involuntary assessment and stabilization within the previous 12 days; or has been subject to alternative involuntary admission within the previous 12 days. Sections 397.693 and 397.6957, F.S.

⁴⁷ Section 790.065(2)(a)4., F.S.

⁴⁸ Section 790.065(2)(a)4.b.(II), F.S.

A person with a firearm disability may petition the court that adjudicated or committed him or her to have the firearm disability removed. The petition must be served on the state attorney of the county in which the person was adjudicated or committed. The petitioner can choose whether the hearing is open or closed. The petitioner and the state attorney present evidence. The court must make written findings. For the firearm disability to be removed, the court must find that the petitioner will not be likely to act in a manner that is dangerous to public safety and that removing the firearm disability would not be contrary to the public interest. If the court denies the petition, the person must wait one year from the date of the final order denying the removal of the firearm disability to petition the court again for such relief.⁴⁹

Effect of Proposed Changes

Private Sale of a Firearm

The bill requires a person who is not a licensed importer, a licensed manufacturer, or a licensed dealer and who chooses to not use a licensed importer, a licensed manufacturer, or a licensed dealer to facilitate a private sale may sell his or her firearm to another person if all of the following requirements are met:

- The seller confirms by examining the purchaser's valid government-issued photo identification that the purchaser is 21 years of age or older and is therefore of a lawful age to purchase a firearm;
- The seller makes and preserves a dated record of the sale for each firearm which includes:
 - The make, model, and serial number of the firearm sold to the purchaser. This information about the firearm must match the information provided on the affidavit required under this paragraph for the private sale of a firearm;
 - The date of the sale;
 - The purchaser's name and date of birth and the identification number on the purchaser's valid government-issued photo identification. This information about the purchaser must match the information provided on the affidavit for private sale of a firearm; and
 - A copy of an affidavit for the private sale of a firearm signed by the purchaser and a notary public. The bill sets out a nonexclusive form for the required affidavit, but the affidavit must contain, at a minimum, substantially the following question:
 - Are you the actual purchaser of the firearm listed on this affidavit?
 - Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than 1 year?
 - Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than 1 year, even if you received a shorter sentence, including probation, and not had your rights restored pursuant to law?
 - Are you a fugitive from justice?
 - Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?
 - Have you ever been adjudicated as mentally defective or have you ever been committed to a mental institution, and not had a petition for relief from the firearm disabilities imposed by such adjudication or commitment approved?

⁴⁹ Section 790.065(2)(a)4.d., F.S.

- Have you been discharged from the United States Armed Forces under dishonorable conditions?
- Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner?
- Have you ever been convicted in any court of a misdemeanor crime of domestic violence?
- Are you under indictment or information in any court for a crime of domestic violence?
- Have you ever renounced your United States citizenship?
- Are you an alien illegally or unlawfully in the United States?
- Are you an alien who has been admitted to the United States under a nonimmigrant visa?
- The seller has confirmed the purchaser's answer to each question on the affidavit for private sale of a firearm is "No"; and
- The seller has no knowledge or reason to believe that the purchaser is of unsound mind.

A seller who does not meet all of the above requirements commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or 775.083.

Sale, Delivery, or Transfer of Firearms on Property to Which the Public Has Access

The bill defines "property to which the public has the right of access" to mean any property open for public access, regardless of whether an admission fee is charged, and includes, but is not limited to, a flea market, a gun show, and a firearm exhibit.

The bill creates a new section of statute to provide that a person may not sell, offer for sale, deliver, or transfer a firearm to another person for consideration if any part of the transaction is conducted on property to which the public has the right of access, unless a criminal history records check of background information has been completed, and the unique approval number set forth in statute under s. 790.065, F.S., has been obtained from the FDLE, and documented as required under s. 790.065(1)(a), F.S.

In the case of a seller or transferor who is not a FFL, compliance can be achieved by requesting that a FFL complete the requirements of s. 790.065(1)(a), F.S., which includes a criminal history records check of background information. Under this scenario a FFL may charge an administrative fee of an unlicensed seller or transferor to cover costs associated with completing the requirements of s. 790.065(1)(a), F.S.

A non-FFL seller or transferor shall prominently display next to any firearms being sold on property to which the public has the right of access the following information:

- The full legal name of the seller or transferor;
- The full legal name of a FFL who will be completing a transaction on behalf of the seller or transferor; and
- The license number of a FFL who will be completing a transaction on behalf of the seller or transferor.

A FFL who conducts a criminal history records check pursuant to the proposed bill must maintain the firearms transaction records in accordance with federal law. In addition, a copy of the firearms transaction record must be provided to the seller or transferor if they are not a FFL.

The bill provides that a person who sells or transfers a firearm contrary to the provisions of the proposed bill commits a misdemeanor of the first degree punishable as provided in ss. 775.082, or 775.083, F.S., for the first offense; and a felony of the third degree punishable under ss. 775.082, 775.083, or 775.084, F.S. for each subsequent offense after the first.

The bill applies the mandatory waiting period, exceptions, and penalties under s. 790.0655, F.S., to a firearm sold, offered for sale, transferred or delivered to another person for consideration when any part of the transaction is conducted on property to which the public has the right of access.

Safe Storage of Loaded Firearms (Section 6.)

Present Situation

In Florida, a person who stores or leaves, on a premise under his or her control, a loaded firearm, and who knows or reasonably should know that a minor (a person under the age of 16) is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or without supervision, must keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure, or must secure it with a trigger lock, except when the person is carrying the firearm on his or her body or within close proximity so it can be retrieve and used as easily and quickly as if carried.⁵⁰

It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if a person fails to store or leave a firearm in the required manner and as a result a minor gains access to the firearm, and possesses or exhibits it:

- In a public place; or
- In a rude, careless, angry, or threatening manner.⁵¹

If a minor obtains a firearm as a result of an unlawful entry, then Florida's requirements for the safe storage of a loaded firearm do not apply.⁵²

Effect of Proposed Changes

The bill revises requirements related to the safe storage of firearms to provide that loaded firearms must be securely stored to prevent access by minors under the age of 18, instead of the current threshold of 16. The bill also expands the safe storage requirement to include preventing access by a person of unsound mind of any age. The current exception for carrying the firearm or having the firearm in close proximity and the penalty provisions are retained and are applicable to the new requirements.

⁵⁰ Section 790.174, F.S.

⁵¹ Section 790.174(2), F.S.

⁵² Section 790.174, F.S.

Statewide Strategy for Targeted Violence Prevention (Sections 7. & 8.)

Present Situation

Behavioral Threat Assessment and Management

Florida has been the site of several mass shootings that include Pulse Nightclub in Orlando, Marjory Stoneman Douglas High School in Parkland, Fort Lauderdale-Hollywood International Airport, Jacksonville Landing, as well as a SunTrust Bank in Sebring. These acts of targeted violence underscore the need to focus additional resources toward threat identification and proactive efforts to prevent against future tragedies. As a result, Governor Ron DeSantis requested the FDLE to conduct a detailed review of Florida's readiness to prevent and mitigate targeted threats and incidents of violence. The Governor specifically requested that Florida develop a broader and more comprehensive threat assessment strategy, and appropriate training, to be used by local law enforcement agencies.⁵³

FDLE defines Behavioral Threat Assessment and Management (BTAM) as a structured group process used to evaluate the risk posed by an individual, typically as a response to an actual or perceived threat or concerning behavior.⁵⁴ The primary purpose of a threat assessment is to identify individuals on a pathway to violence by collecting, corroborating and analyzing probative information from all sources, including published academic and operational research to contextualize and understand the patterned thinking and behavior of an identifiable person of concern⁵⁵ and make a determination as to whether or not the individual poses a threat of violence to a target. If an inquiry indicates that there is a risk of violence in a specific situation, authorities conducting the threat assessment collaborate with others to develop, implement, and monitor a strategic, individualized plan to directly or indirectly intervene in an identified person of concern's pattern of life through coordinated, operational activities designed to:

- Stabilize and support, to the extent possible, an identified person of concern's current situation;
- Influence, control, or incapacitate an identified person of concern's threat-enhancing thinking and behavior;
- Harden and protect any identifiable targets; and
- Mitigate concern to prevent targeted violence.⁵⁶

Although several states have behavioral threat assessment and management programs embedded within their schools, none have attempted to develop and implement a statewide strategy to address all forms of targeted violence. According to subject matter experts, Florida's efforts to develop and implement such a comprehensive statewide strategy to address all incidents of violence, regardless of the incident location, positions the state at the forefront of this issue nationally.⁵⁷

⁵³ Press Release, Executive Office of the Governor, *Governor Ron DeSantis Directs FDLE to Prioritize Threat Assessment Strategy* (February 13, 2019), available at <https://www.flgov.com/2019/02/13/governor-ron-desantis-directs-fdle-to-prioritize-threat-assessment-strategy/> (last visited January 3, 2020).

⁵⁴ Email from the Department of Law Enforcement, *FDLE Response*, (January 4, 2020). On file with the Senate Committee on Infrastructure and Security.

⁵⁵ Vossekuil, Fein, and Berglund, *Threat Assessment*, 2015.

⁵⁶ Calhoun and Weston, *Contemporary*, 2003; Amman et al., *Making Prevention*, 2017.

⁵⁷ Email from the Department of Law Enforcement, *FDLE Response*, (January 4, 2020). On file with the Senate Committee on Infrastructure and Security.

Effect of Proposed Changes

The bill increases the duties of the Chief of FDLE to include:

- Oversight of the development of a statewide strategy for targeted violence prevention;
- Development of a comprehensive threat assessment strategy and appropriate training to be used by state and local law enforcement agencies; and
- Coordination with state and local law enforcement agencies in the development of the statewide strategy and its implementation.

Any statewide strategy for targeted violence prevention is required to be evaluated periodically, as determined by the FDLE, and after any event of targeted violence, to incorporate changes needed to address deficiencies and improve effectiveness.

In addition, the bill states that any statewide strategy for targeted violence prevention may not abrogate or diminish any person's right to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches as provided in the United States and Florida Constitutions, and in the laws of Florida and the Federal Government, including, but not limited to, s. 933.04, F.S.

The bill, for fiscal year 2020-2021, provides 37 full-time equivalent positions and the recurring sum of \$4,827,538 and the nonrecurring sum of \$1,043,415 from the General Revenue Fund to the FDLE for the purpose of implementing a statewide strategy for targeted violence prevention.

The bill links the development of a statewide strategy for targeted violence prevention, and the funding for it, to the passage of a public records exemption bill for active threat assessment and active threat management records.

Except for sections 7 and 8 of the bill, the bill's effective date is July 1, 2020. Sections 7 and 8, which relate to a statewide strategy for targeted violence prevention, are contingent on passage of SB 7030 creating a public records exemption for active threat assessment and active threat management records.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The cost of a firearm criminal history record check is currently set at \$5.00.^{58, 59}

All non-FFL firearm sales conducted on property to which the public has the right of access must be completed through a FFL who may charge an administrative fee. No minimum or maximum set amount is provided within the bill.

C. Government Sector Impact:

The cost of a firearm criminal history record check is currently set at \$5.00.⁶⁰

There is no accurate way to measure the number of private firearm transfers that occur within Florida on property to which the public has the right of access. However, recent surveys estimate approximately 20% of all firearm sales (nationwide) are private sales.⁶¹ There may be a workload increase to the FDLE to the extent that the bill increases the number of required background checks due to certain private sales of firearms being completed through a FFL.

The bill, for fiscal year 2020-2021, provides 37 full-time equivalent positions with an associated total salary rate of 2,045,705 and the recurring sum of \$4,827,538 and the nonrecurring sum of \$1,043,415 to be appropriated from the General Revenue Fund to the FDLE for the purpose of implementing a statewide strategy for targeted violence prevention.

VI. Technical Deficiencies:

None.

⁵⁸ Section 790.065(1)(1)2., F.S., states “the fee shall be established by the Department of Law Enforcement and may not exceed \$8 per transaction”.

⁵⁹ Florida Department of Law Enforcement, Agency Analysis of 2020 Senate Bill 94 (October 1, 2020). On file with the Senate Committee on Infrastructure and Security.

⁶⁰ *Id.*

⁶¹ *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following section of the Florida Statutes: 401.30, 456.059, 790.065, 790.0655, 790.174, and 943.0311.

This bill creates the following section of the Florida Statutes: 790.0653.

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.

FOR CONSIDERATION By the Committee on Infrastructure and Security

596-02084D-20

20207028pb

1 A bill to be entitled
 2 An act relating to public safety; amending s. 401.30,
 3 F.S.; requiring emergency medical technicians and
 4 paramedics to disclose certain confidential
 5 communications to law enforcement agencies to
 6 communicate a threat under certain circumstances;
 7 requiring law enforcement agencies receiving such
 8 notifications to take appropriate actions to reduce
 9 the risk of harm to the potential victims; providing
 10 emergency medical technicians and paramedics with
 11 immunity from specified legal action or liability for
 12 such disclosure; amending s. 456.059, F.S.; defining
 13 the term "specified licensee"; requiring specified
 14 licensees, rather than psychiatrists, to disclose
 15 certain confidential communications to law enforcement
 16 agencies to communicate a threat under certain
 17 circumstances; providing specified licensees with
 18 immunity from specified legal action or liability for
 19 such disclosure; amending s. 790.065, F.S.;
 20 authorizing a person who is not a licensed importer, a
 21 licensed manufacturer, or a licensed dealer and who
 22 chooses to not use a licensed importer, a licensed
 23 manufacturer, or a licensed dealer to facilitate a
 24 private sale of his or her firearm to sell the firearm
 25 if he or she complies with specified requirements;
 26 providing criminal penalties; creating s. 790.0653,
 27 F.S.; defining the term "property to which the public
 28 has the right of access"; prohibiting a person from
 29 selling, offering for sale, delivering, or

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30 transferring a firearm to another person for
 31 consideration if any part of the transaction is
 32 conducted on property to which the public has the
 33 right of access, unless that person first meets
 34 certain requirements; providing that a seller or
 35 transferor who is not a licensed importer, a licensed
 36 manufacturer, or a licensed dealer may comply by
 37 requesting that a licensed importer, a licensed
 38 manufacturer, or a licensed dealer meet certain
 39 requirements on behalf of the seller or transferor;
 40 authorizing a licensed importer, a licensed
 41 manufacturer, or a licensed dealer to charge an
 42 administrative fee; requiring unlicensed sellers or
 43 transferors to prominently display specified
 44 information next to firearms being sold on property to
 45 which the public has the right of access; requiring
 46 firearm transaction records to be maintained in
 47 accordance with federal law; providing criminal
 48 penalties; providing applicability; amending s.
 49 790.0655, F.S.; conforming a provision to changes made
 50 by the act; amending 790.174, F.S.; revising a
 51 provision related to requiring a person who stores or
 52 leaves a loaded firearm on a premises under his or her
 53 control to keep the firearm securely stored; revising
 54 applicability; redefining the term "minor"; amending
 55 s. 943.0311, F.S.; requiring the Chief of Domestic
 56 Security to oversee the development of a statewide
 57 strategy for targeted violence prevention; requiring
 58 the chief to coordinate with state and local law

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59 enforcement agencies in the development of the
60 statewide strategy and in its implementation;
61 requiring periodic evaluation of the statewide
62 strategy; providing construction; providing an
63 appropriation; providing effective dates.

64
65 Be It Enacted by the Legislature of the State of Florida:

66
67 Section 1. Present subsection (5) of section 401.30,
68 Florida Statutes, is redesignated as subsection (6), and a new
69 subsection (5) is added to that section, to read:

70 401.30 Records.—

71 (5) (a) Notwithstanding subsection (4), an emergency medical
72 technician or a paramedic must disclose confidential
73 communications to a law enforcement agency to the extent
74 necessary to communicate a threat if:

75 1. A person has received basic life support or advanced
76 life support from an emergency medical technician or a paramedic
77 within the scope of the emergency medical technician's or the
78 paramedic's employment pursuant to this part;

79 2. Such person has communicated to the emergency medical
80 technician or paramedic a specific threat to cause serious
81 bodily injury or death to an identified or a readily available
82 person; and

83 3. The emergency medical technician or paramedic in good
84 faith believes that the person has the apparent intent and
85 ability to imminently or immediately carry out such threat.

86 (b) A law enforcement agency that receives notification of
87 such threat under this subsection must take appropriate action

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88 to prevent the risk of harm, including, but not limited to,
89 notifying the potential victim of the threat or initiating a
90 risk protection order.

91 (c) An emergency medical technician's or a paramedic's
92 disclosure of confidential communications pursuant to this
93 subsection may not be the basis of any legal action or criminal
94 or civil liability against the emergency medical technician or
95 paramedic.

96 Section 2. Section 456.059, Florida Statutes, is amended to
97 read:

98 456.059 Communications confidential; exceptions.—

99 (1) As used in this section, the term "specified licensee"
100 means any health care practitioner certified or licensed under
101 chapter 458, chapter 459, chapter 462, part I of chapter 464,
102 chapter 490, or chapter 491.

103 (2) Communications between a patient and a psychiatrist, as
104 defined in s. 394.455, shall be held confidential and may not be
105 disclosed except upon the request of the patient or the
106 patient's legal representative. Provision of psychiatric records
107 and reports is governed by s. 456.057.

108 (3) Notwithstanding subsection (2) or any other law
109 relating to the confidentiality of communications between a
110 specified licensee and a patient, if provision of this section
111 or s. 90.503, when:

112 (a)(1) A patient has received health care services provided
113 by a specified licensee ~~is engaged in a treatment relationship~~
114 with a psychiatrist;

115 (b)(2) Such patient has communicated to the specified
116 licensee ~~psychiatrist~~ a specific threat to cause serious bodily

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117 injury or death to an identified or a readily available person;
118 and

119 ~~(c)(3)~~ The specified licensee in good faith believes
120 ~~treating psychiatrist makes a clinical judgment~~ that the patient
121 has the apparent intent and ability to imminently or immediately
122 carry out such threat,

123
124 the specified licensee ~~psychiatrist~~ may disclose patient
125 communications to the extent necessary to warn any potential
126 victim and must disclose patient communications to the extent
127 necessary to communicate the threat to a law enforcement agency.
128 A law enforcement agency that receives notification of a
129 specific threat under this section must take appropriate action
130 to prevent the risk of harm, including, but not limited to,
131 notifying the intended victim of such threat or initiating a
132 risk protection order. A specified licensee's ~~psychiatrist's~~
133 disclosure of confidential communications when communicating a
134 threat pursuant to this section may not be the basis of any
135 legal action or criminal or civil liability against the
136 specified licensee ~~psychiatrist~~.

137 Section 3. Present subsection (14) of section 790.065,
138 Florida Statutes, is redesignated as subsection (15), and a new
139 subsection (14) is added to that section, to read:

140 790.065 Sale and delivery of firearms.—

141 (14) (a) A person who is not a licensed importer, a licensed
142 manufacturer, or a licensed dealer and who chooses not to use a
143 licensed importer, a licensed manufacturer, or a licensed dealer
144 to facilitate a private sale may sell his or her firearm to
145 another person if all of the following requirements are met:

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146 1. The seller confirms by examining the purchaser's valid
147 government-issued photo identification that the purchaser is 21
148 years of age or older and is therefore of a lawful age to
149 purchase a firearm.

150 2. The seller makes and preserves a dated record of the
151 sale for each firearm which includes:

152 a. The make, model, and serial number of the firearm sold
153 to the purchaser. This information about the firearm must match
154 the information provided on the affidavit required under this
155 paragraph for the private sale of a firearm;

156 b. The date of the sale;

157 c. The purchaser's name and date of birth and the
158 identification number on the purchaser's valid government-issued
159 photo identification. This information about the purchaser must
160 match the information provided on the affidavit for private sale
161 of a firearm; and

162 d. A copy of an affidavit for the private sale of a firearm
163 signed by the purchaser and a notary public. At a minimum, the
164 affidavit must be in substantially the following general form,
165 but such form is not exclusive:

166 STATE OF FLORIDA

167 COUNTY OF

168
169
170 Before the undersigned authority personally appeared ... (Firearm
171 purchaser's full legal name) ..., who on oath does solemnly swear
172 (or affirm) that she or he has knowledge of the matters stated
173 herein; that a purchase of a firearm is being made for a
174 ... (Manufacturer of firearm) ... (Model of firearm) ...

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175 ... (Type of firearm)... with a serial number of ... (Firearm
 176 serial number)..., and who has provided a yes or no response to
 177 each of the following questions:

- 178
- 179 1. Are you the actual purchaser of the firearm listed on this
 180 affidavit? Yes No
- 181 2. Are you under indictment or information in any court for a
 182 felony, or any other crime for which the judge could imprison
 183 you for more than 1 year? Yes No
- 184 3. Have you ever been convicted in any court of a felony, or any
 185 other crime for which the judge could have imprisoned you for
 186 more than 1 year, even if you received a shorter sentence,
 187 including probation, and not had your rights restored pursuant
 188 to law? Yes No
- 189 4. Are you a fugitive from justice? Yes No
- 190 5. Are you an unlawful user of, or addicted to, marijuana or any
 191 depressant, stimulant, narcotic drug, or any other controlled
 192 substance? Yes No
- 193 6. Have you ever been adjudicated as mentally defective or have
 194 you ever been committed to a mental institution and not had a
 195 petition for relief from the firearm disabilities imposed by
 196 such adjudication or commitment approved? Yes No
- 197 7. Have you been discharged from the United States Armed Forces
 198 under dishonorable conditions? Yes No
- 199 8. Are you subject to a court order restraining you from
 200 harassing, stalking, or threatening your child or an intimate
 201 partner or child of such partner? Yes No
- 202 9. Have you ever been convicted in any court of a misdemeanor
 203 crime of domestic violence? Yes No

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- 204 10. Are you under indictment or information in any court for a
 205 crime of domestic violence? Yes No
- 206 11. Have you ever renounced your United States citizenship? Yes
 207 No
- 208 12. Are you an alien illegally or unlawfully in the United
 209 States? Yes No
- 210 13. Are you an alien who has been admitted to the United States
 211 under a nonimmigrant visa? Yes No
- 212
- 213 ... (Firearm purchaser's full legal name)... has a valid
 214 government-issued photo identification in the form of a ... (Type
 215 of valid government photo identification)... with an
 216 identification number of ... (Identification number of valid
 217 government photo identification)..., which indicates the
 218 purchaser's date of birth as ... (Date of birth on valid
 219 government photo identification)..., has indicated the physical
 220 address of the purchaser's current residence as ... (Physical
 221 address of current residence)..., and will provide a copy of
 222 this affidavit to ... (Firearm seller's full legal name)...
- 223
- 224 I, ... (Firearm purchaser's full legal name)..., understand that
 225 I am swearing or affirming under oath to the truthfulness of the
 226 above information and statements made in this affidavit, and
 227 that the punishment for knowingly making a false statement may
 228 include fines or imprisonment, or both.
- 229
- 230 Dated ... (Day, month, year)...
- 231 Signed ... (Signature of firearm purchaser)...
- 232 _____

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233
234 Sworn to (or affirmed) and subscribed before me this day of
235 ...(Month)..., ...(Year)..., by ...(Firearm purchaser's full
236 legal name)....

237
238 ...(Signature of Notary Public - State of Florida)...
239 ...(Print, type, or stamp Commissioned Name of Notary Public)...

240
241 Personally Known or Produced Identification

242
243 Type of Identification Produced

244
245 3. The seller has confirmed the purchaser's answer to each
246 question on the affidavit for private sale of a firearm is "No."

247 4. The seller has no knowledge or reason to believe that
248 the purchaser is of unsound mind.

249 (b) A seller who violates this subsection commits a
250 misdemeanor of the second degree, punishable as provided in s.
251 775.082 or 775.083.

252 Section 4. Section 790.0653, Florida Statutes, is created
253 to read:

254 790.0653 Sale, delivery, or transfer of firearms conducted
255 on property to which the public has the right of access.-

256 (1) As used in this section, the term "property to which
257 the public has the right of access" means any property that is
258 open for public access, regardless of whether an admission fee
259 is charged, and includes, but is not limited to, a flea market,
260 a gun show, or a firearm exhibit.

261 (2) A person may not sell, offer for sale, deliver, or

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262 transfer a firearm to another person for consideration if any
263 part of the transaction is conducted on property to which the
264 public has the right of access, unless he or she first meets the
265 requirements that apply to a licensed importer, a licensed
266 manufacturer, or a licensed dealer under s. 790.065(1)(a)1., 3.,
267 and 4.

268 (a) A seller or transferor who is not a licensed importer,
269 a licensed manufacturer, or a licensed dealer may comply with
270 this subsection by requesting that a licensed importer, a
271 licensed manufacturer, or a licensed dealer, on behalf of the
272 seller or transferor, for the purpose of a sale or transfer,
273 perform the functions required under s. 790.065(1)(a). The
274 licensed importer, licensed manufacturer, or licensed dealer may
275 charge the unlicensed seller or transferor an administrative fee
276 to cover the costs associated with the performance of those
277 functions. The unlicensed seller or transferor shall prominently
278 display next to any firearms being sold on property to which the
279 public has the right of access the following information:

280 1. The full legal name of the seller or transferor; and
281 2. The full legal name and the license number of the
282 licensed importer, licensed manufacturer, or licensed dealer who
283 will be completing a transaction on behalf of the seller or
284 transferor.

285 (b) A licensed importer, a licensed manufacturer, or a
286 licensed dealer who conducts a criminal history records check
287 pursuant to this subsection shall maintain the firearms
288 transaction records in accordance with federal law and shall
289 provide a copy of the firearms transaction record to the seller
290 or transferor if he or she is not a licensed importer, a

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291 licensed manufacturer, or a licensed dealer.

292 (3) A person who violates subsection (2):

293 (a) Commits a misdemeanor of the first degree, punishable
 294 as provided in s. 775.082 or s. 775.083 for a first offense.

295 (b) Commits a felony of the third degree, punishable as
 296 provided in s. 775.082, s. 775.083, or s. 775.084 for a second
 297 or subsequent offense.

298 (4) The mandatory waiting period, exceptions, and penalties
 299 of s. 790.0655 apply to this section.

300 Section 5. Paragraph (b) of subsection (3) of section
 301 790.0655, Florida Statutes, is redesignated as paragraph (c) of
 302 that subsection, a new paragraph (b) is added to that
 303 subsection, and subsections (1) and (2) of that section are
 304 republished, to read:

305 790.0655 Purchase and delivery of firearms; mandatory
 306 waiting period; exceptions; penalties.—

307 (1) (a) A mandatory waiting period is imposed between the
 308 purchase and delivery of a firearm. The mandatory waiting period
 309 is 3 days, excluding weekends and legal holidays, or expires
 310 upon the completion of the records checks required under s.
 311 790.065, whichever occurs later. "Purchase" means the transfer
 312 of money or other valuable consideration to the retailer.
 313 "Retailer" means and includes a licensed importer, licensed
 314 manufacturer, or licensed dealer engaged in the business of
 315 making firearm sales at retail or for distribution, or use, or
 316 consumption, or storage to be used or consumed in this state, as
 317 defined in s. 212.02(13).

318 (b) Records of firearm sales must be available for
 319 inspection by any law enforcement agency, as defined in s.

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320 934.02, during normal business hours.

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

323 (a) When a firearm is being purchased by a holder of a
 324 concealed weapons permit as defined in s. 790.06.

325 (b) To a trade-in of another firearm.

326 (c) To the purchase of a rifle or shotgun, upon a person's
 327 successfully completing a minimum of a 16-hour hunter safety
 328 course and possessing a hunter safety certification card issued
 329 under s. 379.3581. A person who is exempt from the hunter safety
 330 course requirements under s. 379.3581 and holds a valid Florida
 331 hunting license is exempt from the mandatory waiting period
 332 under this section for the purchase of a rifle or shotgun.

333 (d) When a rifle or shotgun is being purchased by a law
 334 enforcement officer or correctional officer, as those terms are
 335 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a
 336 servicemember as defined in s. 250.01.

337 (3) It is a felony of the third degree, punishable as
 338 provided in s. 775.082, s. 775.083, or s. 775.084:

339 (a) For any retailer, or any employee or agent of a
 340 retailer, to deliver a firearm before the expiration of the
 341 waiting period, subject to the exceptions provided in subsection
 342 (2).

343 (b) For a seller or transferor under s. 790.0653, or an
 344 employee or agent of such seller or transferor, to deliver a
 345 firearm before the expiration of the waiting period, subject to
 346 the exceptions provided in subsection (2).

347 (c) For a purchaser to obtain delivery of a firearm by
 348 fraud, false pretense, or false representation.

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349 Section 6. Section 790.174, Florida Statutes, is amended to
350 read:

351 790.174 Safe storage of firearms required.—

352 (1) A person who stores or leaves, on a ~~premises~~ ~~premise~~
353 under his or her control, a loaded firearm, as defined in s.
354 790.001, and who has actual knowledge that a person of unsound
355 mind or who knows or reasonably should know that a minor is
356 likely to gain access to the firearm without the lawful
357 permission of the minor's parent or the person having charge of
358 the minor, or without the supervision required by law, shall
359 keep the firearm in a securely locked box or container or in a
360 location which a reasonable person would believe to be secure or
361 shall secure it with a trigger lock, except when the person is
362 carrying the firearm on his or her body or within such close
363 proximity thereto that he or she can retrieve and use it as
364 easily and quickly as if he or she carried it on his or her
365 body.

366 (2) It is a misdemeanor of the second degree, punishable as
367 provided in s. 775.082 or s. 775.083, if a person violates
368 subsection (1) by failing to store or leave a firearm in the
369 required manner and as a result thereof a person of unsound mind
370 or a minor gains access to the firearm, without the lawful
371 permission of the minor's parent or the person having charge of
372 the minor, and possesses or exhibits it, without the supervision
373 required by law:

374 (a) In a public place; or

375 (b) In a rude, careless, angry, or threatening manner in
376 violation of s. 790.10.

377

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378 This subsection does not apply if the person of unsound mind or
379 minor obtains the firearm as a result of an unlawful entry by
380 any person.

381 (3) As used in this ~~section act~~, the term "minor" means any
382 person under 18 years of ~~the age of 16~~.

383 Section 7. Effective upon the same date that SB ____ or
384 similar legislation takes effect, only if such legislation is
385 adopted in the same legislative session or an extension thereof
386 and becomes a law, present subsection (7) of section 943.0311,
387 Florida Statutes, is redesignated as subsection (10), and a new
388 subsection (7) and subsections (8) and (9) are added to that
389 section, to read:

390 943.0311 Chief of Domestic Security; duties of the
391 department with respect to domestic security.—

392 (7) The chief shall oversee the development of a statewide
393 strategy for targeted violence prevention to develop a
394 comprehensive threat assessment strategy and appropriate
395 training to be used by state and local law enforcement agencies.
396 The chief shall coordinate with state and local law enforcement
397 agencies in the development of the statewide strategy and its
398 implementation.

399 (8) Any statewide strategy for targeted violence prevention
400 shall be evaluated periodically, as determined by the
401 department, and after any event of targeted violence, to
402 incorporate changes needed to address deficiencies and improve
403 effectiveness.

404 (9) Subsections (7) and (8) may not be construed to
405 abrogate or diminish any person's right to be secure in their
406 persons, houses, papers, and effects against unreasonable

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407 seizures and searches as provided in the United States and
408 Florida Constitutions, and in the laws of this state and the
409 Federal Government, including, but not limited to, s. 933.04.

410 Section 8. Effective upon the same date that SB _____ or
411 similar legislation takes effect, only if such legislation is
412 adopted in the same legislative session or an extension thereof
413 and becomes a law, for the 2020-2021 fiscal year, 37 full-time
414 equivalent positions with an associated total salary rate of
415 2,045,705 are authorized and the recurring sum of \$4,827,538 and
416 the nonrecurring sum of \$1,043,415 is appropriated from the
417 General Revenue Fund to the Department of Law Enforcement for
418 the purpose of implementing a statewide strategy for targeted
419 violence prevention.

420 Section 9. Except as otherwise expressly provided in this
421 act, this act shall take effect July 1, 2020.

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/13/2000

Meeting/Date

7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Anne Powell

Job Title Retired

Address 1436 Denholm Drive

Phone 850-536-1531

Tallahassee, FL 32308

Email apowell1531@gmail.com

Speaking: For Against Information

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

Representing Moms Demand Action

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)

1/13/20

Meeting Date

2028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Dennis Scott

Job Title retired

Address 3160 Nathaniel Tr

Phone

Street

Tallahassee FL 32311

Email

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Monks Demand Action

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/13/2020

Meeting Date

7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Diane Tomas

Job Title Volunteer/Voter

Address 3214 Del Rio Terr.

Phone 567-2192

Street

City

Tallahassee

State

FL

Zip

32312

Email dftomas@gmail.com

Speaking: For Against Information

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

Representing Moms Demand Action

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)

1/13/20

Meeting Date

7028

Bill Number (if applicable)

Topic PUBLIC SAFETY

Amendment Barcode (if applicable)

Name PAMELA LUTTEN

Job Title VOLUNTEER

Address 3160 NABHANWEL TRAVE

Phone 850 343-7203

Street

TLH

City

FL

State

32311

Zip

Email PLUTTEN48@GMAIL.COM

Speaking: For Against Information

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

Representing MOMS DEMAND ACTION

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

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1-13-20

Meeting Date

7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Susan Aertker

Job Title volunteer

Address 10178 Foxcroft Rd W

Phone 904-262-5124

Street

JAY FL 32257

Email Susan in Florida@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Indivisible-MANDARIN

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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THE FLORIDA SENATE

APPEARANCE RECORD

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1/13/20

Meeting Date

7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name KATE TALUGA

Job Title Teacher, Mom, ^{Art} Activist

Address PO Box 16338

Phone (850) 627-1715

Street

Tallahassee FL 32317

City

State

Zip

Email

Speaking: For Against Information

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

Representing Moms Demand Action

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)

1-13-20

Meeting Date

7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Barbara Delano

Job Title Ms

Address 625 E. Brevard St

Phone 251-4280

Street
Tallahassee FL 32308

Email barbaradelano@flnow.com

City State Zip

Speaking: For Against Information

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

Representing FL NOW

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)

13 Jan 2020

Meeting Date

7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name SCOTT HOTTENSTEIN

Job Title Civics teacher

Address 15948 Fishhawk View Dr.

Phone 757-310-9469

Street

City Lithia State FL Zip 33547

Email scott.hottenstein@gmail.com

Speaking: [X] 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 [X] No

Lobbyist registered with Legislature: [] Yes [X] 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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THE FLORIDA SENATE
APPEARANCE RECORD

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

January 13, 2020

SPB-7028

Meeting Date

Bill Number (if applicable)

Topic BACKGROUND CHECKS

Amendment Barcode (if applicable)

Name Marion Hammer

Job Title _____

Address P.O. Box 1387

Phone 850-222-9518

Street

Tallahassee

Florida

32302

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing National Rifle Association & Unified Sportsmen of Florida

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)

1-13-20

Meeting Date

7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Spike Gram

Job Title activist

Address 1808 Chow Keebin Nene

Phone 828 337 1776

Street Tallahassee

32301

Email spikester32309@gmail

City

State

Zip

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)

1/13/20

Meeting Date

7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Ben Trexler

Job Title Volunteer

Address 451 Ramsgate Dr

Phone 850.339.4272

Street

Tallahassee, FL 32309

Email BenTrexler850@gmail.com

City

State

Zip

Speaking: For Against Information

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

Representing Moms Demand Action

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

1-13-20

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

7028

Meeting Date

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Jan Gita Keshen

Job Title Volunteer

Address 5114 China Berry Ln

Phone 850

Tallahassee FL 32311

Email jkorlean@aol.com

Speaking: [] For [] Against [] Information

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

Representing Moms Demand

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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)

1/13/20
Meeting Date

7028
Bill Number (if applicable)

Topic PUBLIC SAFETY

Amendment Barcode (if applicable)

Name JUDITH RUBIN

Job Title Volunteer

Address 1460 Marion Ave.

Phone (850) 212-9126

Tallahassee, FL 32303
City State Zip

Email heyruby333@aol.com

Speaking: For Against Information

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

Representing Moms Demand Action

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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THE FLORIDA SENATE

APPEARANCE RECORD

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

1/13/20

Meeting Date

7028

Bill Number (if applicable)

Topic public safety

Amendment Barcode (if applicable)

Name SANDRA HOWARD

Job Title volunteer

Address 903 Brookwood Drive

Phone 850-559-6722

Street

Tallahassee FL 32308

City

State

Zip

Email sandra.s.howard@gmail.com

Speaking: For Against Information

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

Representing Moms Demand Action

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)

1/13/20
Meeting Date

7028
Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name George Sirianni

Job Title Volunteer - Private Citizen

Address 5402 Ashton Ct.
Street

Phone (850) 556-7755

Tallahassee, FL 32317
City State Zip

Email gmsirianni@embargymail.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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

7028
Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Molly Wade

Job Title Volunteer

Address 4115 Deer Lane Dr

Phone (850) 408-5250

Street Tall City Fl State FL Zip 32312

Email molly.wade@hotmail

Speaking: For Against Information

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

Representing Moms Demand Action

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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THE FLORIDA SENATE

APPEARANCE RECORD

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

7028

11/13/20
Meeting Date

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Ruth Chase

Job Title Volunteer

Address 9601 Mercosullee Rd
Street

Phone

City

State

Zip

Email

Speaking: For Against Information

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

Representing Moms Demand Action

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)

1/13/20

Meeting Date

7028

Bill Number (if applicable)

Topic PUBLIC SAFETY

Amendment Barcode (if applicable)

Name SUSAN CAMPBELL

Job Title VOLUNTEER

Address 1101 CHEROKEE DR

Phone 8505802275

Street TALLAHASSEE

FL

Email none

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing MOMS DEMAND ACTION

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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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THE FLORIDA SENATE

APPEARANCE RECORD

1-13-20

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

7028

Meeting Date

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Lara Ragunas

Job Title home maker

Address 1822 Edgewood Ave S

Phone 904 4385704

Street

City Tax State FL Zip 32205

Email

Speaking: [] For [] Against [] Information

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

Representing Moms Demand Action

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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THE FLORIDA SENATE

APPEARANCE RECORD

1-13-20

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

7028

Meeting Date

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Paula Higgins

Job Title ~~8022 Corvette Dr~~ retired

Address 5012 Corvette Dr

Phone

Street

Tampa

FL

33624

Email PHiggins2@yahoo.com

City

State

Zip

Speaking: For Against Information

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

Representing Moms Demand Action

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)

01-13-2020

Meeting Date

7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Douglas A. Hahn

Job Title citizen

Address 2076 West Forest Dr.

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Street

Tallahassee Florida 32303-5113

Email doughahn63301@aol.com

City

State

Zip

Speaking: For Against Information

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

Representing Moms Demand Action

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)

1-13-20

Meeting Date

7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Beth Dumond

Job Title Volunteer

Address 6314 Mallard Trace Dr

Phone (850) 668-4264

Street

Tallahassee FL 32312

Email edumond.fl@gmail.com

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing Moms DEMAND ACTION

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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)

JAN 13, 2020

Meeting Date

SPB 7028

Bill Number (if applicable)

Topic Public Safety

Amendment Barcode (if applicable)

Name Chief Ray Colburn

Job Title Executive Director

Address 5289 PALM DR

Phone 407-468-6622

Street

MELBOURNE BEACH, FL 32951

Email ray@deca.org

City

State

Zip

Speaking: For Against Information

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

Representing FLORIDA FIRE CHIEFS' ASSOCIATION

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 Infrastructure and Security

BILL: SB 7030

INTRODUCER: Infrastructure and Security Committee

SUBJECT: Public Records/Active Threat Assessments and Threat Management Records

DATE: January 14, 2020

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Proctor	Miller		IS Submitted as Comm. Bill/FAV

I. Summary:

SB 7030 is a bill relating to the Florida Department of Law Enforcement (FDLE), which contains public record exemptions for active criminal intelligence information, active criminal investigative information, active threat assessment records, active management records, and other exempt information and records shared with an agency or governmental entity in the furtherance of official duties and responsibilities under a multidisciplinary information-sharing agreement.

SB 7030 is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2025, unless reviewed and reenacted by the Legislature. The bill contains a public necessity statement as required by the Florida Constitution. Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each house of the Legislature is required for passage.

The bill is contingent on passage of SB 7028 directing FDLE to develop a statewide strategy for targeted violence prevention, and will take effect on the same date that the separate bill becomes law.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, Florida Statutes (F.S.), provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, chapter 119, F.S., provides requirements for public records held by executive agencies.

Public Records Exemptions for Criminal Investigative and Intelligence Information

Active criminal intelligence information and active criminal investigative information are exempt from s. 119.07(1), F.S., and Article I, s. 24(a), of the Florida Constitution.⁵ Section 119.011(3)(a), F.S., defines “criminal intelligence information” as information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity. Section 119.011(3)(b), F.S., defines “criminal investigative information” as information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.

The definitions of criminal intelligence and investigative information do not include some specific types of information, which is therefore public. This public information includes the time, date, location and nature of the crime, the charges, and the identities of the arrested person and the victims of the crime except as provided in s. 119.071(2)(h) or (o), F.S.⁶ Also excluded from the definition of criminal intelligence and investigative information are documents that must be given to the person who is arrested, because of a law or agency rule.⁷ An example of such a rule would be the discovery rules under the Florida Rules of Criminal Procedure.

Criminal intelligence and investigative information becomes public under two circumstances: 1) when information is given to the defendant through a pretrial discovery request; and 2) when the defendant’s conviction and sentence are final.

After active criminal intelligence investigative information have been provided to a defendant through discovery, that information becomes public under certain circumstances.⁸ Those circumstances include considerations about whether making discovery documents public will impede the defendant’s right to a fair trial or the right of privacy of third parties.⁹ A court may temporary seal pretrial discovery, even if some of the pretrial discovery information is already public.¹⁰ In addition, in criminal cases, discovery may be kept confidential and exempt from

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.071(2)(c)1., F.S. The definition of “active” is located at s. 119.011(3)(d), F.S.

⁶ Section 119.011(c), F.S.

⁷ Section 119.011(c)5., F.S.

⁸ *Post-Newsweek Stations, Fla. v. Doe*, 612 So. 2d 549, 551 (Fla. 1992). *Florida Freedom Newspapers, Inc., v. McCrary*, 520 So. 2d 32 (Fla. 1988). *Bludworth v. Palm Beach Newspapers, Inc.*, 176 So. 2d 775 (Fla. 5th DCA 1985).

⁹ *Post-Newsweek Stations*, 612 So. 2d at 551. *Florida Freedom Newspapers*, 520 So. 2d.

¹⁰ *Florida Freedom Newspapers*, 520 So. 2d at 36.

public disclosure until trial if the following conditions are met: 1) the information would defamatory or would jeopardize the safety of the witness; and 2) releasing the information would hurt the state attorney's ability to locate or prosecute a codefendant.¹¹

Criminal intelligence and investigative information are considered "active" when they are "directly related to pending prosecutions or appeals."¹² Therefore, criminal intelligence investigative information becomes public "when the conviction and sentence becomes final... after direct appeal" (emphasis omitted).¹³

Limited Effect of a "Confidential" or "Exempt" Designation

The designation of a record as exempt, or as confidential and exempt, is effective only as to a public records request brought under Florida's public records laws. Therefore, these exemptions and confidentiality do not block access to government documents if there is an independent basis for that access.¹⁴

One such basis is a discovery request in a criminal case. The Florida Rules of Criminal Procedure require a prosecutor to disclose information about witnesses in discovery.¹⁵ This requirement, at least in principle if not in a strict legal sense, is rooted in the "confrontation clause" of the United States Constitution.¹⁶ The confrontation clause preserves a defendant's right to confront a witness against him or her and to bring forward information that aids the jury in determining the truthfulness and reliability of the witness.¹⁷ For example, the defendant might expose a witness's prejudice, bias, or ulterior motivation to lie; expose lies; test a witness's ability to perceive and remember; or expose weaknesses in the witness's testimony. This right to confront a witness "minimizes the risk that a judgment will be predicated on incomplete, misleading, or even deliberately fabricated testimony."¹⁸

¹¹ Section 119.011(c)5.a. and b., F.S.

¹² Section 119.011(3)(d)2., F.S. However, "active" does not apply to information in cases which are barred from prosecution under the provisions of s. 775.15 or other statute of limitation. Section 119.011(3)(d)2., F.S. Section 775.15, F.S., is where the criminal statute of limitations is located.

¹³ *Allen v. Butterworth*, 756 So. 2d 52, 66 (FLA 2000).

¹⁴ Generally, any confidentiality or exemption from public disclosure is eliminated by a record's entering a court file. Certain records remain confidential or exempt, however, even if they enter a court file. *See* s. 119.0714(1), F.S.

¹⁵ Fla. R. Crim. P. 3.220(b) (Discovery: Prosecutor's Discovery Obligation). Section 119.07(8), F.S., addresses the relationship between discovery obligations and public records. However, the rules allow a court, on its own initiative or upon a motion of counsel, to restrict disclosure if the court finds that "there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from the disclosure that outweighs any usefulness of the disclosure to either party." Fla. R. Crim. P. 3.220(e) (Discovery: Restricting Disclosure).

¹⁶ The Sixth Amendment of the U.S. Constitution provides: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

¹⁷ *Id.*

¹⁸ Judge Joan Comporet-Cassani, *Balancing the Anonymity of Threatened Witnesses Versus a Defendant's Right of Confrontation: The Waiver Doctrine After Alvarado*, 39 SAN DIEGO L. REV. 1165 (Fall, 2002).

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.¹⁹

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.²⁰ The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”²¹

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.²² A violation of the Public Records Act may result in civil or criminal liability.²³

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.²⁴ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.²⁵

General exemptions from the public records requirements are contained in the Public Records Act.²⁶ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.²⁷

¹⁹ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

²⁰ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

²¹ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

²² Section 119.07(1)(a), F.S.

²³ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ *Id.* See, e.g., *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

²⁶ See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

²⁷ See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.²⁸ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.²⁹

Open Government Sunset Review Act

The Open Government Sunset Review Act³⁰ (the Act) prescribes a legislative review process for newly created or substantially amended³¹ public records or open meetings exemptions, with specified exceptions.³² It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.³³

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³⁴ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;³⁵
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁶ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁷

The Act also requires specified questions to be considered during the review process.³⁸ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

²⁸ See *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

²⁹ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

³⁰ Section 119.15, F.S.

³¹ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

³² Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

³³ Section 119.15(3), F.S.

³⁴ Section 119.15(6)(b), F.S.

³⁵ Section 119.15(6)(b)1., F.S.

³⁶ Section 119.15(6)(b)2., F.S.

³⁷ Section 119.15(6)(b)3., F.S.

³⁸ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁹ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.⁴⁰

III. Effect of Proposed Changes:

The bill defines the following terms:

- “Multidisciplinary information-sharing agreement” to mean an agreement entered into between a law enforcement agency and another law enforcement agency, a criminal justice agency, or any other entity to share active criminal intelligence or active criminal investigative information for the purposes of furthering information sharing for law enforcement criminal intelligence purposes, criminal investigative purposes, threat assessments, or threat management plans;
- “Targeted violence” to mean a situation involving an identifiable person or group of persons who actively pursue physical injury or harm toward an identifiable target or prospective victim, including, but not limited to, a specific person, a group of persons, an entity, or a location;
- “Threat assessment” to mean the process of collecting and sharing active criminal intelligence information or active criminal investigative information in a multidisciplinary effort to contextualize and understand a targeted violence threat; and
- “Threat management” to mean the process of developing, implementing, and monitoring an individualized plan in a multidisciplinary effort to intervene, mitigate, or prevent a targeted violence threat.

The bill provides that active criminal intelligence information and active criminal investigative information or other exempt information or records shared with another agency or governmental entity in the furtherance of official duties and responsibilities pursuant to a multidisciplinary information-sharing agreement retain their exempt status pursuant to s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

The bill provides that active threat assessment and active threat management records are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The threat assessment and threat management records shall be considered “active” as long as they relate to an ongoing good faith belief by the FDLE that a threat assessment or a threat management plan will lead to detection, reasonable anticipation, prevention, or monitoring of possible targeted violence when the assessment or records are in the possession of a criminal justice agency or its employees, a governmental agency, whether state or federal, or any other governmental entity pursuant to a

-
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
 - Is the record or meeting protected by another exemption?
 - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³⁹ See generally s. 119.15, F.S.

⁴⁰ Section 119.15(7), F.S.

multidisciplinary information-sharing agreement for a public safety purpose, including, but not limited to, a targeted violence threat assessment and management plan.

The public records exemption in the bill is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill contains a statement of public necessity, which states:

- The Legislature finds that it is a public necessity that records related to active threat assessments and active threat management plans be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.
- The Legislature finds that it is a public necessity for law enforcement agencies and criminal justice agencies to be able to share active threat assessment and threat management records securely with vital multidisciplinary partners who have important roles in threat assessments and threat management plans and that the information retain its exempt status.
- The Legislature finds that the release of these records could hinder active criminal investigations and could cause harm to the person under the threat assessment and threat management plan and could potentially cause certain individuals to proceed with their intentions to cause targeted violence.
- The Legislature finds that the release of these records and the potential impact that the release may have on an individual under an active threat assessment or active threat management plan could cause harm to the residents in this state if such information were made public.
- The Legislature is gravely concerned and saddened by the horrific mass shootings perpetrated in this state.
- The Legislature is concerned about the increase in these targeted violence incidents and finds that it is important for law enforcement agencies, criminal justice agencies, and their multidisciplinary partners to use the valuable tool of threat assessments and threat management plans to proactively mitigate and prevent these threats and protect the people of this state.

The bill is contingent on passage of SB 7028 directing FDLE to develop a statewide strategy for targeted violence prevention, and will take effect on the same date that the separate bill becomes law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the

public records requirements. This bill enacts a new exemption for active threat assessment and active threat management records, thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect active criminal intelligence information, active criminal investigative information, active threat assessment records, active management records, and other exempt information and records shared with an agency or governmental entity in the furtherance of official duties and responsibilities under a multidisciplinary information-sharing agreement. This bill exempts only active criminal intelligence information, active criminal investigative information, active threat assessment records, active management records, and other exempt information and records shared with an agency or governmental entity in the furtherance of official duties and responsibilities under a multidisciplinary information-sharing agreement from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

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 amends the following section of the Florida Statutes: 119.071.

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.

FOR CONSIDERATION By the Committee on Infrastructure and Security

596-02085A-20

20207030pb

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; exempting from public records
 4 requirements active threat assessments and threat
 5 management records; providing circumstances under
 6 which such records are considered active; defining
 7 terms; providing for future legislative review and
 8 repeal of the exemption; providing a statement of
 9 public necessity; providing a contingent effective
 10 date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Paragraph (c) of subsection (2) of section
 15 119.071, Florida Statutes, is amended to read:
 16 119.071 General exemptions from inspection or copying of
 17 public records.—
 18 (2) AGENCY INVESTIGATIONS.—
 19 (c)1. Active criminal intelligence information and active
 20 criminal investigative information are exempt from s. 119.07(1)
 21 and s. 24(a), Art. I of the State Constitution.
 22 2.a. A request made by a law enforcement agency to inspect
 23 or copy a public record that is in the custody of another agency
 24 and the custodian's response to the request, and any information
 25 that would identify whether a law enforcement agency has
 26 requested or received that public record are exempt from s.
 27 119.07(1) and s. 24(a), Art. I of the State Constitution, during
 28 the period in which the information constitutes active criminal
 29 intelligence information or active criminal investigative

Page 1 of 5

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

596-02085A-20

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30 information.
 31 b. The law enforcement agency that made the request to
 32 inspect or copy a public record shall give notice to the
 33 custodial agency when the criminal intelligence information or
 34 criminal investigative information is no longer active so that
 35 the request made by the law enforcement agency, the custodian's
 36 response to the request, and information that would identify
 37 whether the law enforcement agency had requested or received
 38 that public record are available to the public.
 39 c. This exemption is remedial in nature, and it is the
 40 intent of the Legislature that the exemption be applied to
 41 requests for information received before, on, or after the
 42 effective date of this paragraph.
 43 3.a. Active criminal intelligence information and active
 44 criminal investigative information or other exempt information
 45 or records shared with another agency or governmental entity in
 46 the furtherance of its official duties and responsibilities
 47 pursuant to a multidisciplinary information-sharing agreement
 48 retain their exempt status pursuant to s. 119.07(1) and s.
 49 24(a), Art. I of the State Constitution.
 50 b. Active threat assessment and active threat management
 51 records are exempt from s. 119.07(1) and s. 24(a), Art. I of the
 52 State Constitution. Threat assessment and threat management
 53 records shall be considered "active" as long as they relate to
 54 an ongoing good faith belief by the Department of Law
 55 Enforcement that a threat assessment or a threat management plan
 56 will lead to detection, reasonable anticipation, prevention, or
 57 monitoring of possible targeted violence when the assessment or
 58 records are in the possession of a criminal justice agency or

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

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59 its employees, a governmental agency, whether state or federal,
 60 or any other governmental entity pursuant to a multidisciplinary
 61 information-sharing agreement for a public safety purpose,
 62 including, but not limited to, a targeted violence threat
 63 assessment and management plan.

64 c. As used in this subparagraph, the term:

65 (I) "Multidisciplinary information-sharing agreement" means
 66 an agreement entered into between a law enforcement agency and
 67 another law enforcement agency, a criminal justice agency, or
 68 any other entity to share active criminal intelligence or active
 69 criminal investigative information for the purposes of
 70 furthering information sharing for law enforcement criminal
 71 intelligence purposes, criminal investigative purposes, threat
 72 assessments, or threat management plans.

73 (II) "Targeted violence" means a situation involving an
 74 identifiable person or group of persons who actively pursue
 75 physical injury or harm toward an identifiable target or
 76 prospective victim, including, but not limited to, a specific
 77 person, a group of persons, an entity, or a location.

78 (III) "Threat assessment" means the process of collecting
 79 and sharing active criminal intelligence information or active
 80 criminal investigative information in a multidisciplinary effort
 81 to contextualize and understand a targeted violence threat.

82 (IV) "Threat management" means the process of developing,
 83 implementing, and monitoring an individualized plan in a
 84 multidisciplinary effort to intervene, mitigate, or prevent a
 85 targeted violence threat.

86 d. This subparagraph is subject to the Open Government
 87 Sunset Review Act in accordance with s. 119.15 and shall stand

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88 repealed on October 2, 2025, unless reviewed and saved from
 89 repeal through reenactment by the Legislature.

90 Section 2. The Legislature finds that it is a public
 91 necessity that records related to active threat assessments and
 92 active threat management plans be made exempt from s. 119.07(1),
 93 Florida Statutes, and s. 24(a), Article I of the State
 94 Constitution. The Legislature finds that it is a public
 95 necessity for law enforcement agencies and criminal justice
 96 agencies to be able to share active threat assessment and threat
 97 management records securely with vital multidisciplinary
 98 partners who have important roles in threat assessments and
 99 threat management plans and that the information retain its
 100 exempt status. The Legislature finds that the release of these
 101 records could hinder active criminal investigations and could
 102 cause harm to the person under the threat assessment and threat
 103 management plan and could potentially cause certain individuals
 104 to proceed with their intentions to cause targeted violence. The
 105 Legislature finds that the release of these records and the
 106 potential impact that the release may have on an individual
 107 under an active threat assessment or active threat management
 108 plan could cause harm to the residents in this state if such
 109 information were made public. The Legislature is gravely
 110 concerned and saddened by the horrific mass shootings
 111 perpetrated in this state. The Legislature is concerned about
 112 the increase in these targeted violence incidents and finds that
 113 it is important for law enforcement agencies, criminal justice
 114 agencies, and their multidisciplinary partners to use the
 115 valuable tool of threat assessments and threat management plans
 116 to proactively mitigate and prevent these threats and protect

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117 the people of this state.

118 Section 3. This act shall take effect on the same date that
119 SB ___ or similar legislation takes effect, if such legislation
120 is adopted in the same legislative session or an extension
121 thereof and becomes a law.

CourtSmart Tag Report

Room: EL 110
Caption: Senate Infrastructure and Security Committee

Case No.:

Type:
Judge:

Started: 1/13/2020 3:41:06 PM

Ends: 1/13/2020 5:28:18 PM

Length: 01:47:13

3:41:04 PM Meeting called to order by Chair Lee
3:41:08 PM Roll call by AA Marilyn Hudson
3:41:12 PM Quorum present
3:41:24 PM Comments from Chair Lee
3:41:39 PM Introduction of Tab 1 by Chair Lee
3:41:51 PM Explanation of SB 70, Panic Alarms in Public Schools by Senator Book
3:41:53 PM Douglas Hahn, Moms Demand Action waives in support
3:44:27 PM Question from Senator Stewart
3:44:34 PM Response from Senator Book
3:45:13 PM Introduction of Amendment 925234
3:45:22 PM Introduction of Substitute Amendment Barcode No. 977336 by Chair Lee
3:45:55 PM Explanation of Amendment by Senator Book
3:46:54 PM Amendment adopted
3:47:05 PM Scott Jenkins, Senior Government Consultant, School Check In waives in support
3:47:16 PM Speaker Andrew Goren, Make our Schools Safe in support
3:49:32 PM Dawn Steward, Florida PTA waives in support
3:49:44 PM Speaker John Sullivan, Director, Legislative, Broward County Public Schools in support
3:50:17 PM Speaker Christine Hunschofsky, Mayor, City of Parkland in support
3:51:30 PM Senator Cruz in debate
3:52:21 PM Senator Taddeo in debate
3:53:33 PM Chair Lee in debate
3:54:10 PM Closure by Senator Book
3:54:14 PM Roll call by AA
3:54:46 PM CS/SB 70 reported favorably
3:54:59 PM Introduction of Tab 3 by Chair Lee
3:55:06 PM Explanation of SB 788, Statewide Active Shooter Response Planning by Senator Book
3:57:36 PM Introduction of Amendment Barcode Nos. 560816 and 108542
3:58:03 PM Explanation of Amendment Barcode No. 560816 by Senator Book
3:59:35 PM Explanation of Amendment Barcode No. 108542 by Senator Book
4:00:26 PM Amendment to Amendment adopted
4:00:41 PM Amendment adopted
4:00:51 PM Amendments 821326 and 8279216 withdrawn per Senator Book
4:01:05 PM Speaker Chief Ray Colburn, Executive Director, Florida Fire Chiefs Association in support
4:01:45 PM Tim Stanfield, Florida Police Chiefs waives in support
4:02:17 PM Chair Lee in debate
4:02:33 PM Senator Book in closure
4:02:41 PM Roll call by AA
4:03:23 PM CS/SB 788 reported favorably
4:03:40 PM Chair turned over to Chair Perry
4:04:28 PM Introduction of Tab 5 and Amendment Barcode No. 839518 by Chair Perry
4:04:51 PM Senator Stewarts moves to take up Substitute Amendment
4:05:04 PM Motion adopted
4:05:16 PM Explanation of SR 214 and SR 222, White Nationalism and white Supremacy by Senator Lee
4:07:31 PM Introduction of Late-filed Amendment Barcode No. 678128 by Chair Perry
4:07:44 PM Explanation of Amendment by Senator Cruz
4:08:46 PM Senator Lee in debate
4:10:32 PM Comments from Senator Cruz
4:11:28 PM Late-filed Amendment withdrawn
4:12:57 PM Speaker David Caulkett, Vice President, Floridians for Immigration Enforcement in opposition
4:15:36 PM Speaker Greg Pound
4:17:41 PM Barbara Devane, FL NOW waives in support
4:17:51 PM Tim Stanfield, Florida Police Chiefs waives in support

4:18:00 PM Speaker Jeff Binkley, Founder Maura's Voice
4:23:35 PM Senator Stewart in debate
4:24:48 PM Closure by Senator Lee
4:26:20 PM Roll call by AA
4:26:31 PM CS/214 and SR 222 reported favorably
4:26:48 PM Chair returned to Chair Lee
4:27:02 PM Introduction of Tab 2 by Chair Lee
4:27:10 PM Explanation of SB 728, Threats by Senator Stargel
4:28:01 PM Question from Senator Cruz
4:28:15 PM Response from Senator Stargel
4:29:03 PM Follow-up question from Senator Cruz
4:29:11 PM Response from Senator Stargel
4:29:41 PM Follow-up question from Senator Cruz
4:29:49 PM Response from Senator Stargel
4:29:55 PM Comments from Chair Lee
4:30:17 PM Response from Senator Stargel
4:31:04 PM Question from Senator Cruz
4:31:14 PM Response from Senator Stargel
4:32:30 PM Question from Senator Stewart
4:32:37 PM Response from Senator Stargel
4:33:45 PM Follow-up question from Senator Stewart
4:33:57 PM Response from Senator Stargel
4:34:47 PM Comments from Chair Lee
4:35:16 PM Response from Senator Stargel
4:35:32 PM Question from Senator Cruz
4:35:38 PM Response from Senator Stargel
4:36:10 PM Question from Chair Lee
4:36:14 PM Response from Senator Stargel
4:36:43 PM Introduction of Amendment Barcode Nos. 651314 and 402684
4:37:06 PM Explanation of Amendment by Senator Stargel
4:37:36 PM Explanation of the Amendment to the Amendment by Senator Stargel
4:38:27 PM Speaker Marion Hammer, National Rifle Association & United Sportsmen of Florida in support
4:40:05 PM Amendment to Amendment adopted
4:40:29 PM Amendment Barcode No. 728976 withdrawn
4:40:43 PM Speaker Matt Butler, Captain, Orange County Sheriff's Office & ESP in support
4:41:38 PM Marion Hammer, National Rifle Association & Unified Sportsmen of Florida waives in support
4:41:53 PM Tim Stanfield, Florida Police Chiefs waives in support
4:42:01 PM David Shepp, Polk County Sheriff's Office waives in support
4:42:17 PM Speaker Greg Pound
4:44:44 PM Senator Cruz in debate
4:46:00 PM Senator Stargel in closure
4:46:06 PM Roll call by AA
4:46:50 PM CS/SB 728 reported favorably
4:47:11 PM Introduction of Tab 4 by Chair Lee
4:47:15 PM Explanation of SB 834, Emergency Alerts by Senator Simmons
4:49:03 PM Introduction of Late-filed Amendment Barcode No. 471926
4:49:37 PM Explanation of Amendment by Senator Simmons
4:50:26 PM Question from Senator Taddeo
4:50:34 PM Response from Senator Simmons
4:50:58 PM Response from Cindy Price, Analyst
4:51:26 PM Amendment adopted
4:51:40 PM Closure waived
4:51:49 PM Roll call by AA
4:51:54 PM CS/SB 834 reported favorably
4:52:36 PM Introduction of Tab 8 by Chair Perry
4:52:44 PM Explanation of SPB 7028, Public Safety by Senator Lee
5:03:44 PM Question from Senator Hutson
5:03:50 PM Response from Senator Lee
5:04:09 PM Follow-up question from Senator Hutson
5:04:16 PM Response from Senator Lee
5:04:54 PM Follow-up from Senator Hutson
5:05:07 PM Response from Senator Lee

5:05:22 PM Comments from Senator Hutson
5:05:43 PM Response from Senator Lee
5:06:07 PM Response from Phillip Miller, Staff Director
5:06:36 PM Question from Senator Cruz
5:06:44 PM Response from Senator Lee
5:07:42 PM Follow-up question from Senator Cruz
5:07:50 PM Response from Senator Lee
5:09:05 PM Question from Senator Stewart
5:09:13 PM Response from Senator Lee
5:10:59 PM Question from Senator Taddeo
5:11:06 PM Response from Senator Lee
5:12:41 PM Chief Roy Colburn, Florida Fire Chiefs' Association waives in support
5:12:51 PM Speaker Beth Dumond, Moms Demand Action in support
5:16:32 PM Motion from Senator Hooper for a time-certain vote at 5:28
5:16:47 PM Motion seconded by Senator Cruz
5:16:52 PM Paula Higgins, Moms Demand Action waives in support
5:16:57 PM Lara Rajunas, Moms Demand Action waives in support
5:17:02 PM Susan Campbell, Moms Demand Action waives in support
5:17:18 PM Ruth Chase, Moms Demand Action waives in support
5:17:21 PM Molly Wade, Moms Demand Action waives in support
5:17:25 PM George Sirianni waives in support
5:17:32 PM Sandra Howard, Moms Demand Action waives in support
5:17:39 PM Judith Rubin, Moms Demand Action waives in support
5:17:42 PM Jan Gita Keshen, Moms Demand Action waives in support
5:17:51 PM Ben Trexler, Moms Demand Action waives in support
5:17:56 PM Spike Gram
5:18:02 PM Speaker Marion Hammer, National Rifle Association & Unified Sportsmen of Florida in opposition
5:22:45 PM Speaker Scott Hottenstein in support
5:25:37 PM Barbara Devane, FL NOW waives in support
5:25:38 PM Kate Taluga, Moms Demand Action waives in support
5:25:42 PM SusanAertker, Indivisible - Mandarin waives in support
5:25:47 PM Pamela Lutton, Moms Demand Action waives in support
5:25:50 PM Diane Tomas, Moms Demand Action waives in support
5:25:54 PM Dennis Scott, Moms Demand Action waives in support
5:25:56 PM Anne Powell, Moms Demand Action waives in support
5:26:10 PM Senator Cruz moves that 7028 be submitted as a Committee Bill
5:26:23 PM Roll call by AA
5:26:32 PM SPB 7028 reported favorably
5:26:48 PM Introduction of Tab 7 by Chair Perry
5:26:51 PM Explanation of SPB 7030, Public Records/Active Threat Assessments and Threat Management Records
by Senator Lee
5:27:07 PM Senator Lee in debate
5:27:14 PM Roll call by AA
5:27:17 PM SPB 7030 reported favorably
5:27:28 PM Senator Lee moves that staff be allowed to make technical changes to committee bills and committee
substitutes
5:27:54 PM Senator Stewart moves to adjourn, meeting adjourned