

HB 1445

2012

1                   A bill to be entitled  
2           An act relating to zero tolerance for crime and  
3           victimization in schools; amending s. 1006.13, F.S.;  
4           revising legislative intent to encourage schools to  
5           address disruptive behavior through school offense  
6           protocols; requiring that each district school board  
7           adopt a policy for reporting to a law enforcement  
8           agency acts that pose a serious threat to school  
9           safety; requiring that acts that do not pose a serious  
10          threat to school safety be handled within the school's  
11          disciplinary system; requiring that a child accused of  
12          a misdemeanor offense not be arrested and formally  
13          processed in the juvenile justice system; requiring  
14          that minor incidents be diverted from the juvenile  
15          justice system or handled within the school system's  
16          disciplinary system; requiring that each district  
17          school board enter into an agreement with the county  
18          sheriff's office and local police department which  
19          includes a role for school resource officers, if  
20          applicable, to handle reported incidents that pose a  
21          serious threat to school safety; requiring the school  
22          principal to certify, in writing, when an arrest of a  
23          student under the jurisdiction of the school board is  
24          for an incident that is a serious threat to school  
25          safety; requiring that, by a specified date and  
26          annually thereafter, each school district provide its  
27          policies related to zero tolerance for crime and  
28          victimization to the Department of Education;

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

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29 providing an effective date.

30

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

32

33 Section 1. Section 1006.13, Florida Statutes, is amended  
34 to read:

35 1006.13 Policy of zero tolerance for crime and  
36 victimization.—

37 (1) It is the intent of the Legislature to promote a safe  
38 and supportive learning environment in schools, to protect  
39 students and staff from conduct that poses a serious threat to  
40 school safety, and to encourage schools to use alternatives to  
41 expulsion or referral to law enforcement agencies by addressing  
42 disruptive behavior through restitution, civil citation, teen  
43 court, neighborhood restorative justice, school offense  
44 protocols, or similar programs. The Legislature finds that zero-  
45 tolerance policies are not intended to be rigorously applied to  
46 petty acts of misconduct and misdemeanors, ~~including, but not~~  
47 ~~limited to, minor fights or disturbances~~. The Legislature finds  
48 that zero-tolerance policies must apply equally to all students  
49 regardless of their economic status, race, or disability.

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

52 (a) Defines criteria for reporting to a law enforcement  
53 agency any act that occurs whenever or wherever students are  
54 within the jurisdiction of the district school board and that  
55 poses a serious threat to school safety. Acts that do not pose a  
56 serious threat to school safety shall be handled within the

57 school's disciplinary system.

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

60 (c) Defines petty acts of misconduct.

61 (d) Provides that school officials shall not request a law  
62 enforcement agency to respond to misdemeanors and petty acts of  
63 misconduct. Such incidents shall be handled within the school  
64 system's discipline system.

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

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

71 (3) Zero-tolerance policies must require students found to  
72 have committed one of the following offenses to be expelled,  
73 with or without continuing educational services, from the  
74 student's regular school for a period of not less than 1 full  
75 year, and to be referred to the criminal justice or juvenile  
76 justice system.

77 (a) Bringing a firearm or weapon, as defined in chapter  
78 790, to school, to any school function, or onto any school-  
79 sponsored transportation or possessing a firearm at school.

80 (b) Making a threat or false report, as defined by ss.  
81 790.162 and 790.163, respectively, involving school or school  
82 personnel's property, school transportation, or a school-  
83 sponsored activity.

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85 District school boards may assign the student to a disciplinary  
86 program for the purpose of continuing educational services  
87 during the period of expulsion. District school superintendents  
88 may consider the 1-year expulsion requirement on a case-by-case  
89 basis and request the district school board to modify the  
90 requirement by assigning the student to a disciplinary program  
91 or second chance school if the request for modification is in  
92 writing and it is determined to be in the best interest of the  
93 student and the school system. If a student committing any of  
94 the offenses in this subsection is a student who has a  
95 disability, the district school board shall comply with  
96 applicable State Board of Education rules.

97 (4) (a) Each district school board shall enter into  
98 agreements with the county sheriff's office and local police  
99 department specifying guidelines for ensuring that acts that  
100 pose a serious threat to school safety, whether committed by a  
101 student or adult, are reported to a law enforcement agency.

102 (b) The agreements must include the role of school  
103 resource officers, if applicable, in handling reported incidents  
104 that pose a serious threat to school safety and circumstances  
105 in which school officials may handle all other incidents without  
106 filing a report with a law enforcement agency, ~~and a procedure~~  
107 ~~for ensuring that school personnel properly report appropriate~~  
108 ~~delinquent acts and crimes.~~

109 (c) Zero-tolerance policies do not require the reporting  
110 of petty acts of misconduct and misdemeanors to a law  
111 enforcement agency, including, but not limited to, disorderly  
112 conduct, disrupting a school function, simple assault or

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113 battery, affray, theft of less than \$300, trespassing, ~~and~~  
114 vandalism of less than \$1,000, and other misdemeanors.

115 (d) The school principal shall ensure that all school  
116 personnel are properly informed as to their responsibilities  
117 regarding crime reporting, that appropriate delinquent acts and  
118 crimes are properly reported, and that actions taken in cases  
119 with special circumstances are properly taken and documented. In  
120 addition, the school principal shall certify, in writing, when  
121 any arrest of a student under the jurisdiction of the school  
122 board is for an incident that is a serious threat to school  
123 safety.

124 (5) Notwithstanding any other ~~provision of~~ law, each  
125 district school board shall adopt rules providing that any  
126 student found to have committed any offense in s. 784.081(1),  
127 (2), or (3) shall be expelled or placed in an alternative school  
128 setting or other program, as appropriate. Upon being charged  
129 with the offense, the student shall be removed from the  
130 classroom immediately and placed in an alternative school  
131 setting pending disposition.

132 (6) (a) Notwithstanding any provision of law prohibiting  
133 the disclosure of the identity of a minor, whenever any student  
134 who is attending a public school is adjudicated guilty of or  
135 delinquent for, or is found to have committed, regardless of  
136 whether adjudication is withheld, or pleads guilty or nolo  
137 contendere to, a felony violation of:

- 138 1. Chapter 782, relating to homicide;
- 139 2. Chapter 784, relating to assault, battery, and culpable  
140 negligence;

141           3. Chapter 787, relating to kidnapping, false  
 142 imprisonment, luring or enticing a child, and custody offenses;  
 143           4. Chapter 794, relating to sexual battery;  
 144           5. Chapter 800, relating to lewdness and indecent  
 145 exposure;  
 146           6. Chapter 827, relating to abuse of children;  
 147           7. Section 812.13, relating to robbery;  
 148           8. Section 812.131, relating to robbery by sudden  
 149 snatching;  
 150           9. Section 812.133, relating to carjacking; or  
 151           10. Section 812.135, relating to home-invasion robbery,  
 152  
 153 and, before or at the time of such adjudication, withholding of  
 154 adjudication, or plea, the offender was attending a school  
 155 attended by the victim or a sibling of the victim of the  
 156 offense, the Department of Juvenile Justice shall notify the  
 157 appropriate district school board of the adjudication or plea,  
 158 the requirements in this paragraph, and whether the offender is  
 159 prohibited from attending that school or riding on a school bus  
 160 whenever the victim or a sibling of the victim is attending the  
 161 same school or riding on the same school bus, except as provided  
 162 pursuant to a written disposition order under s. 985.455(2).  
 163 Upon receipt of such notice, the district school board shall  
 164 take appropriate action to effectuate the provisions in  
 165 paragraph (b).  
 166           (b) Each district school board shall adopt a cooperative  
 167 agreement with the Department of Juvenile Justice which  
 168 establishes guidelines for ensuring that any no-contact ~~ne~~

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169 ~~contact~~ order entered by a court is reported and enforced and  
170 that all of the necessary steps are taken to protect the victim  
171 of the offense. Any offender described in paragraph (a), who is  
172 not exempted as provided in paragraph (a), may not attend any  
173 school attended by the victim or a sibling of the victim of the  
174 offense or ride on a school bus on which the victim or a sibling  
175 of the victim is riding. The offender shall be permitted by the  
176 district school board to attend another school within the  
177 district in which the offender resides, only if the other school  
178 is not attended by the victim or sibling of the victim of the  
179 offense; or the offender may be permitted by another district  
180 school board to attend a school in that district if the offender  
181 is unable to attend any school in the district in which the  
182 offender resides.

183 (c) If the offender is unable to attend any other school  
184 in the district in which the offender resides and is prohibited  
185 from attending a school in another school district, the district  
186 school board in the school district in which the offender  
187 resides shall take every reasonable precaution to keep the  
188 offender separated from the victim while on school grounds or on  
189 school transportation. The steps to be taken by a district  
190 school board to keep the offender separated from the victim must  
191 include, but are not limited to, in-school suspension of the  
192 offender and the scheduling of classes, lunch, or other school  
193 activities of the victim and the offender so as not to coincide.

194 (d) The offender, or the parents of the offender if the  
195 offender is a juvenile, shall arrange and pay for transportation  
196 associated with or required by the offender's attending another

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197 school or that would be required as a consequence of the  
198 prohibition against riding on a school bus on which the victim  
199 or a sibling of the victim is riding. However, the offender or  
200 the parents of the offender may not be charged for existing  
201 modes of transportation that can be used by the offender at no  
202 additional cost to the district school board.

203 (7) Any disciplinary or prosecutorial action taken against  
204 a student who violates a zero-tolerance policy must be based on  
205 the particular circumstances of the student's misconduct.

206 (8) School districts are encouraged to use alternatives to  
207 expulsion or referral to law enforcement agencies unless the use  
208 of such alternatives will pose a threat to school safety. By  
209 September 1, 2013, and annually thereafter, each school district  
210 shall provide its policy related to zero tolerance to the  
211 department to ensure compliance.

212 Section 2. This act shall take effect July 1, 2012.