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LEGISLATIVE ACTION

Senate

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House

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Floor: NC/2R

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03/03/2018 06:08 PM

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Senator Braynon moved the following:

**Senate Amendment (with title amendment)**

Delete lines 1578 - 2015

and insert:

(3) Participate in the Florida Sheriff's Marshal Pilot Program, established pursuant to s. 1006.1491, if the district is authorized to participate in the program. Upon a participant's completion of the program, the district school board shall designate a special deputy sheriff, as appointed by the sheriff as a law enforcement officer certified under chapter 943, pursuant to s. 30.072(2).



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12 Section 1. Section 1006.149, Florida Statutes, is created  
13 to read:

14 1006.149 Public School Emergency Response Learning System  
15 Program.—

16 (1) The Public School Emergency Response Learning System  
17 Program is established to assist school personnel in preparing  
18 for and responding to active emergency situations and to  
19 implement local notification systems for all Florida public  
20 schools, with the ultimate goal of preventing tragedy and the  
21 loss of life through proactive strategies.

22 (2) The program is created within the department and shall  
23 be administered by the Office of Safe Schools, created pursuant  
24 to s. 1001.217. Through the program, local law enforcement  
25 agencies shall partner with participating public preschools,  
26 public child care providers, or public school districts and  
27 schools. Training, notifications, and resources must be  
28 available for school personnel and students and their families  
29 through, at minimum, the following mechanisms:

30 (a) Activities and direct training to mitigate risk and  
31 save lives in emergency situations, such as lockdown, bomb  
32 threat, active shooter, and other emergency situations.

33 (b) Vital local notification systems implemented to alert  
34 schools of imminent danger.

35 (c) Other resources provided in conjunction with the  
36 training, including, but not limited to, an emergency plan flip  
37 chart, communication cards, instructional resources, activity  
38 books for children and teachers, and certificates of training  
39 and completion.

40 (3) Each program participant must develop a preemptive plan



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41 of action that includes multiple options for addressing various  
42 situations based on the form of danger present and the unique  
43 needs and circumstances of each school and its faculty, staff,  
44 students, and visitors.

45 (4) A school district must include in its emergency  
46 notification procedures established pursuant to s. 1006.07 any  
47 program participant who notifies the district of his or her  
48 desire to participate.

49 (5) Funding for program activities may be provided by the  
50 Legislature to implement this section.

51 Section 2. Section 1006.1491, Florida Statutes, is created  
52 to read:

53 1006.1491 Florida Sheriff's Marshal Pilot Program.—The  
54 Florida Sheriff's Marshal Pilot Program is created within the  
55 department as a voluntary program to assist public schools in  
56 the school districts in Citrus, Holmes, and Nassau Counties in  
57 enhancing the safety and security of students, faculty, and  
58 staff of, and visitors to, public schools and campuses in those  
59 counties. The program is administered by the Office of Safe  
60 Schools, created pursuant to s. 1001.217.

61 (1) PURPOSE.—The purpose of the program is to provide  
62 comprehensive firearm safety and proficiency training for  
63 selected faculty and staff strategically focused on providing  
64 security on campus during an active assailant incident. Public  
65 school faculty and staff who voluntarily participate in and  
66 complete the program, as recommended by the school district, are  
67 designated as special deputy sheriffs with all rights,  
68 responsibilities, and obligations in carrying concealed firearms  
69 on campus, as authorized pursuant to s. 30.09.



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70       (2) DEFINITIONS.—As used in this section, the term:  
71       (a) "Active assailant incident" means a situation in which  
72 an armed assailant is posing an immediate deadly threat to  
73 persons on the premises or campus of a public school.  
74       (b) "Campus" means a school, as defined in s. 1003.01(2),  
75 and facilities and school plants operated and controlled by a  
76 public school district in accordance with s. 1003.02.  
77       (c) "Partnership agreement" means a jointly approved  
78 contract between the sheriff operating the program and the  
79 superintendent of a participating school district sponsor.  
80       (d) "Program" means a Florida Sheriff's Marshal Pilot  
81 Program as established and administered by a sheriff in  
82 accordance with this section.  
83       (e) "Sheriff" means the county sheriff constitutional  
84 officer elected or appointed in accordance with chapter 30 of a  
85 county that is authorized and elects to participate in the  
86 program.  
87       (f) "Sheriff's marshal" means a faculty or staff member who  
88 is recommended and sponsored by a school district and has been  
89 successfully screened and approved by the sheriff to participate  
90 in a program.  
91       (g) "Special deputy sheriff" means a program participant  
92 who has successfully completed the program and who is appointed  
93 as a law enforcement officer in the same manner as a deputy  
94 sheriff as provided in s. 30.072(2) and certified under chapter  
95 943.  
96       (3) PROGRAM ELIGIBILITY.—At a minimum, program eligibility  
97 and participation requirements must include:  
98       (a) A school district authorized to participate may sponsor



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99 and recommend to the sheriff public school faculty and staff  
100 members as candidates for voluntary participation in the  
101 program. The sheriff shall establish timelines and requirements  
102 for participation through a partnership agreement with the  
103 sponsoring school district superintendent. To be eligible for  
104 consideration and recommendation, a candidate must be licensed  
105 in accordance with s. 790.06.

106 (b) After screening a candidate, including performing  
107 criminal background checks, drug testing, and a psychological  
108 evaluation, the sheriff may approve a candidate to participate  
109 in the program as a sheriff's marshal.

110 (c) Upon successful completion of the program, a sheriff's  
111 marshal may be appointed by the sheriff as a special deputy  
112 sheriff for the limited purpose of responding to an active  
113 assailant incident on a campus of his or her school district  
114 during an active assailant incident.

115 (4) SPECIAL DEPUTY SHERIFF.—

116 (a) At a minimum, the partnership agreement must provide  
117 that a special deputy sheriff:

118 1. Must participate in and complete the program's  
119 professional training requirements as a precondition to meeting  
120 the legal requirements of chapter 30 to be eligible to carry a  
121 concealed firearm on a campus of his or her sponsoring school  
122 district.

123 2. May not act in any law enforcement capacity outside of  
124 an active assailant incident on a school district campus and  
125 does not have any authority in a law enforcement capacity off  
126 campus in any way, except as otherwise expressly authorized by  
127 law.



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128       3. May carry concealed, approved firearms on campus. The  
129 firearms must be specifically purchased and issued for the sole  
130 purpose of the program. Only concealed carry safety holsters and  
131 firearms approved by the sheriff may be used under the program.

132       4. Must successfully complete training with the sheriff's  
133 office before his or her appointment as a special deputy  
134 sheriff, including meeting the requirements of this section.

135       (b) The appointment of a person as a special deputy sheriff  
136 does not entitle the person to the special risk category that  
137 applies to law enforcement officers pursuant to s. 121.0515.

138       (5) TRAINING AND INSTRUCTION.—All training must be  
139 conducted by Criminal Justice Standards Training Commission  
140 (CJSTC)-certified instructors.

141       (a) Required instruction must include 132 total hours of  
142 comprehensive firearm safety and proficiency training in the  
143 following topics:

144       1. Firearms: 80-hour block of instruction. The firearms  
145 instruction must be based on the CJSTC Law Enforcement Academy  
146 training model and must be enhanced to include 10 percent to 20  
147 percent more rounds fired by each program participant beyond the  
148 minimum average of approximately 1,000 training rounds  
149 associated with academy training. Program participants must  
150 achieve an 85 percent pass rate on the firearms training.

151       2. Firearms precision pistol: 16-hour block of instruction.

152       3. Firearms discretionary shooting: 4-hour block of  
153 instruction using state-of-the-art simulator exercises.

154       4. Active shooter or assailant: 8-hour block of  
155 instruction.

156       5. Defensive tactics: 4-hour block of instruction.



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157 6. Legal or high liability: 20-hour block of instruction.

158 (b) Program participants may complete an optional, 16-hour  
159 precision pistol course as additional training.

160 (c) Ongoing and annual proficiency retraining must be  
161 conducted by the sheriff, as specified in the agreement.

162 (6) PARTICIPATION DENIAL OR TERMINATION.—The sheriff or the  
163 district superintendent may deny or terminate a sheriff's  
164 marshal or special deputy sheriff's participation in the program  
165 for any reason, including, but not limited to, any of the  
166 following circumstances:

167 (a) An arrest or filing of criminal charges against a  
168 program participant by a law enforcement agency.

169 (b) The service of process on the program participant as  
170 the respondent of an injunction for protection.

171 (c) The involuntary placement of the program participant in  
172 a treatment facility for a mental health examination under The  
173 Baker Act.

174 (d) A violation of sheriff office policies, orders, or  
175 requirements by the program participant.

176 (e) A violation of the school district's code of conduct or  
177 employee handbook or policy by the program participant.

178 (7) IMPLEMENTATION.—

179 (a) The sheriff shall maintain documentation of weapon and  
180 equipment inspections, as well as the training, certification,  
181 inspection, and qualification records of each program  
182 participant.

183 (b) Each program participant must be distinctly and  
184 visually identifiable to responding law enforcement officers,  
185 faculty, staff, and students, in the case of any active



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186 assailant incident on a sponsoring school district's campus.

187 (c) Each sheriff's marshal must execute a volunteer  
188 agreement with the sheriff's office outlining duties and  
189 responsibilities.

190 (d) A sponsoring school district must conduct awareness  
191 training about the program for all school district faculty and  
192 staff members.

193 (e) Specific implementation requirements, responsibilities,  
194 and other aspects of implementation must be specified in a  
195 partnership agreement.

196 (8) FUNDING.—The costs of program participation must be  
197 established in the partnership agreement. Funding may be  
198 provided by the Legislature to support school district and  
199 sheriff office administration, sponsorship, participation, and  
200 implementation of this section.

201 Section 3. Section 1006.1493, Florida Statutes, is created  
202 to read:

203 1006.1493 Florida Safe Schools Assessment Tool.—

204 (1) The department shall contract with a security  
205 consulting firm that specializes in the development of risk  
206 assessment software solutions and has experience in conducting  
207 security assessments of public facilities to develop, update,  
208 and implement a risk assessment tool, which shall be known as  
209 the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must  
210 be used by school officials at each school district and public  
211 school site in the state in conducting security assessments for  
212 use by school officials at each school district and public  
213 school site in the state.

214 (2) The FSSAT must help school officials identify threats,





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215 vulnerabilities, and appropriate safety controls for the schools  
216 that they supervise, pursuant to the security risk assessment  
217 requirements of s. 1006.07(6).

218 (a) At a minimum, the FSSAT must address all of the  
219 following components:

220 1. School emergency and crisis preparedness planning;

221 2. Security, crime, and violence prevention policies and  
222 procedures;

223 3. Physical security measures;

224 4. Professional development training needs;

225 5. An examination of support service roles in school  
226 safety, security, and emergency planning;

227 6. School security and school police staffing, operational  
228 practices, and related services;

229 7. School and community collaboration on school safety; and

230 8. A return on investment analysis of the recommended  
231 physical security controls.

232 (b) The department shall require by contract that the  
233 security consulting firm:

234 1. Generate written automated reports on assessment  
235 findings for review by the department and school and district  
236 officials;

237 2. Provide training to the department and school officials  
238 in the use of the FSSAT and other areas of importance identified  
239 by the department; and

240 3. Advise in the development and implementation of  
241 templates, formats, guidance, and other resources necessary to  
242 facilitate the implementation of this section at state,  
243 district, school, and local levels.



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244       (3) By December 1, 2018, and annually by that date  
245 thereafter, the department must report to the Governor, the  
246 President of the Senate, and the Speaker of the House of  
247 Representatives on the status of implementation across school  
248 districts and schools. The report must include a summary of the  
249 positive school safety measures in place at the time of the  
250 assessment and any recommendations for policy changes or funding  
251 needed to facilitate continued school safety planning,  
252 improvement, and response at the state, district, or school  
253 levels.

254       (4) In accordance with ss. 119.071(3)(a) and 281.301, data  
255 and information related to security risk assessments  
256 administered pursuant to this section and s. 1006.07(6) and the  
257 security information contained in the annual report required  
258 pursuant to subsection (3) are confidential and exempt from  
259 public records requirements.

260       Section 4. Present subsections (16) and (17) of section  
261 1011.62, Florida Statutes, are redesignated as subsections (17)  
262 and (18), respectively, paragraph (a) of subsection (4) and  
263 subsections (14) and (15) of that section are amended, and a new  
264 subsection (16) is added to that section, to read:

265       1011.62 Funds for operation of schools.—If the annual  
266 allocation from the Florida Education Finance Program to each  
267 district for operation of schools is not determined in the  
268 annual appropriations act or the substantive bill implementing  
269 the annual appropriations act, it shall be determined as  
270 follows:

271       (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The  
272 Legislature shall prescribe the aggregate required local effort



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273 for all school districts collectively as an item in the General  
274 Appropriations Act for each fiscal year. The amount that each  
275 district shall provide annually toward the cost of the Florida  
276 Education Finance Program for kindergarten through grade 12  
277 programs shall be calculated as follows:

278 (a) *Estimated taxable value calculations.*—

279 1.a. Not later than 2 working days before July 19, the  
280 Department of Revenue shall certify to the Commissioner of  
281 Education its most recent estimate of the taxable value for  
282 school purposes in each school district and the total for all  
283 school districts in the state for the current calendar year  
284 based on the latest available data obtained from the local  
285 property appraisers. The value certified shall be the taxable  
286 value for school purposes for that year, and no further  
287 adjustments shall be made, except those made pursuant to  
288 paragraphs (c) and (d), or an assessment roll change required by  
289 final judicial decisions as specified in paragraph (17) (b)  
290 ~~(16) (b)~~. Not later than July 19, the Commissioner of Education  
291 shall compute a millage rate, rounded to the next highest one  
292 one-thousandth of a mill, which, when applied to 96 percent of  
293 the estimated state total taxable value for school purposes,  
294 would generate the prescribed aggregate required local effort  
295 for that year for all districts. The Commissioner of Education  
296 shall certify to each district school board the millage rate,  
297 computed as prescribed in this subparagraph, as the minimum  
298 millage rate necessary to provide the district required local  
299 effort for that year.

300 b. The General Appropriations Act shall direct the  
301 computation of the statewide adjusted aggregate amount for



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302 required local effort for all school districts collectively from  
303 ad valorem taxes to ensure that no school district's revenue  
304 from required local effort millage will produce more than 90  
305 percent of the district's total Florida Education Finance  
306 Program calculation as calculated and adopted by the  
307 Legislature, and the adjustment of the required local effort  
308 millage rate of each district that produces more than 90 percent  
309 of its total Florida Education Finance Program entitlement to a  
310 level that will produce only 90 percent of its total Florida  
311 Education Finance Program entitlement in the July calculation.

312 2. On the same date as the certification in sub-  
313 subparagraph 1.a., the Department of Revenue shall certify to  
314 the Commissioner of Education for each district:

315 a. Each year for which the property appraiser has certified  
316 the taxable value pursuant to s. 193.122(2) or (3), if  
317 applicable, since the prior certification under sub-subparagraph  
318 1.a.

319 b. For each year identified in sub-subparagraph a., the  
320 taxable value certified by the appraiser pursuant to s.  
321 193.122(2) or (3), if applicable, since the prior certification  
322 under sub-subparagraph 1.a. This is the certification that  
323 reflects all final administrative actions of the value  
324 adjustment board.

325 (14) QUALITY ASSURANCE GUARANTEE.—The Legislature may  
326 annually in the General Appropriations Act determine a  
327 percentage increase in funds per K-12 unweighted FTE as a  
328 minimum guarantee to each school district. The guarantee shall  
329 be calculated from prior year base funding per unweighted FTE  
330 student which shall include the adjusted FTE dollars as provided



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331 in subsection (17) ~~(16)~~, quality guarantee funds, and actual  
332 nonvoted discretionary local effort from taxes. From the base  
333 funding per unweighted FTE, the increase shall be calculated for  
334 the current year. The current year funds from which the  
335 guarantee shall be determined shall include the adjusted FTE  
336 dollars as provided in subsection (17) ~~(16)~~ and potential  
337 nonvoted discretionary local effort from taxes. A comparison of  
338 current year funds per unweighted FTE to prior year funds per  
339 unweighted FTE shall be computed. For those school districts  
340 which have less than the legislatively assigned percentage  
341 increase, funds shall be provided to guarantee the assigned  
342 percentage increase in funds per unweighted FTE student. Should  
343 appropriated funds be less than the sum of this calculated  
344 amount for all districts, the commissioner shall prorate each  
345 district's allocation. This provision shall be implemented to  
346 the extent specifically funded.

347 (15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is  
348 created to provide funding to assist school districts in their  
349 compliance with subpart I.C. of chapter 1006 ~~ss. 1006.07-~~  
350 ~~1006.148~~, with priority given to satisfying the requirement of  
351 establishing or assigning at least one safe-school officer at  
352 each school facility within the district ~~a school resource~~  
353 ~~officer program~~ pursuant to s. 1006.12. Each school district  
354 shall receive a minimum safe schools allocation in an amount  
355 provided in the General Appropriations Act. Of the remaining  
356 balance of the safe schools allocation, two-thirds shall be  
357 allocated to school districts based on the most recent official  
358 Florida Crime Index provided by the Department of Law  
359 Enforcement and one-third shall be allocated based on each



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360 school district's proportionate share of the state's total  
361 unweighted full-time equivalent student enrollment.

362 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health  
363 assistance allocation is created to provide funding to assist  
364 school districts and charter schools in their compliance with  
365 the requirements and specifications established in s. 1006.05.  
366 These funds must be allocated annually in the General  
367 Appropriations Act to each eligible school district and  
368 developmental research school based on each entity's  
369 proportionate share of Florida Education Finance Program base  
370 funding, in accordance with s. 1006.05. The district funding  
371 allocation must include a minimum amount, as provided in the  
372 General Appropriations Act. Eligible charter schools are  
373 entitled to a proportionate share of district funding for the  
374 program. The allocated funds may not supplant funds that are  
375 provided for this purpose from other operating funds and may not  
376 be used to increase salaries or provide bonuses, except for  
377 personnel hired to implement the plans required by s. 1006.05.  
378 School districts and schools must maximize third-party funding  
379 from Medicaid and private insurance when appropriate.

380 Section 5. For the purpose of incorporating the amendment  
381 made by this act to section 790.065, Florida Statutes, in a  
382 reference thereto, subsection (2) of section 397.6760, Florida  
383 Statutes, is reenacted to read:

384 397.6760 Court records; confidentiality.—

385 (2) This section does not preclude the clerk of the court  
386 from submitting the information required by s. 790.065 to the  
387 Department of Law Enforcement.

388 Section 6. For the purpose of incorporating the amendment



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389 made by this act to section 790.065, Florida Statutes, in a  
390 reference thereto, paragraph (e) of subsection (3) of section  
391 790.335, Florida Statutes, is reenacted to read:

392 790.335 Prohibition of registration of firearms; electronic  
393 records.—

394 (3) EXCEPTIONS.—The provisions of this section shall not  
395 apply to:

396 (e)1. Records kept pursuant to the recordkeeping provisions  
397 of s. 790.065; however, nothing in this section shall be  
398 construed to authorize the public release or inspection of  
399 records that are made confidential and exempt from the  
400 provisions of s. 119.07(1) by s. 790.065(4) (a).

401 2. Nothing in this paragraph shall be construed to allow  
402 the maintaining of records containing the names of purchasers or  
403 transferees who receive unique approval numbers or the  
404 maintaining of records of firearm transactions.

405 Section 7. Each January 1, the Department of Agriculture  
406 and Consumer Services shall transfer 10 percent of the fees  
407 collected for new and renewal concealed weapon or firearm  
408 licenses from the Division of Licensing Trust Fund to the  
409 Department of Legal Affairs to reimburse verified or designated  
410 trauma centers for documented medical costs of treating victims  
411 of mass shootings through its Medical Reimbursement Program for  
412 Victims of Mass Shootings.

413 Section 8. The sum of \$10 million in recurring funds from  
414 the General Revenue Fund is appropriated to the Department of  
415 Legal Affairs to reimburse verified or designated trauma centers  
416 for documented medical costs of treating victims of mass  
417 shootings through its Medical Reimbursement Program for Victims



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418 of Mass Shootings.

419 Section 9. For the 2018-2019 fiscal year, the sum of \$100  
420 million in recurring funds is appropriated from the General  
421 Revenue Fund to the Department of Education in the Aid to Local  
422 Governments Grants and Aids - Florida Education Finance Program  
423 to fund the mental health assistance allocation created pursuant  
424 to s. 1011.62(16), Florida Statutes.

425 Section 10. For the 2018-2019 fiscal year, the sum of  
426 \$500,000 in nonrecurring funds is appropriated from the General  
427 Revenue Fund to the Department of Education for the design and  
428 construction of a memorial honoring those who lost their lives  
429 on February 14, 2018, at Marjory Stoneman Douglas High School in  
430 Broward County. The department shall collaborate with the  
431 students and faculty of Marjory Stoneman Douglas High School,  
432 the families of the victims, the Broward County School District,  
433 and other relevant entities of the Parkland community on the  
434 design and placement of the memorial.

435 Section 11. For the 2018-2019 fiscal year, the sum of \$15  
436 million in nonrecurring funds is appropriated from the General  
437 Revenue Fund to the Department of Education combined with an  
438 equal amount of local matching funds for the purpose of  
439 replacing Building 12, as listed in the Florida Inventory of  
440 School Houses, at Marjory Stoneman Douglas High School in  
441 Broward County.

442  
443 ===== T I T L E A M E N D M E N T =====

444 And the title is amended as follows:

445 Delete lines 188 - 200

446 and insert:





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447 participation in the Florida Sheriff's Marshal Pilot  
448 Program meets the requirement; creating s. 1006.149,  
449 F.S.; establishing the Public School Emergency  
450 Response Learning System Program within the  
451 department; establishing the program as a partnership  
452 between local law enforcement agencies and public  
453 education entities; specifying activities, training,  
454 notification systems, and resources provided through  
455 the program; requiring each program participant to  
456 develop a preemptive plan of action; authorizing  
457 funding provided by the Legislature to implement the  
458 program; creating s. 1006.1491, F.S.; creating the  
459 Florida Sheriff's Marshal Pilot Program within the