Bill No. HB 7093 (2019)

Amendment No.

## CHAMBER ACTION Senate House

Representative Polo offered the following:

## Substitute Amendment for Amendment (813383) (with title amendment)

Remove lines 64-652 and insert:

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

- 30.15 Powers, duties, and obligations.
- (1) Sheriffs, in their respective counties, in person or by deputy, shall:
- (k) Establish, if the sheriff so chooses, a Coach Aaron
  Feis Guardian Program to aid in the prevention or abatement of
  active assailant incidents on school premises. A school guardian

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has no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident on a school premises. Excluded from participating in the Coach Aaron Feis Guardian Program are individuals who exclusively perform classroom duties as classroom teachers as defined in s. 1012.01(2)(a). This limitation does not apply to classroom teachers of a Junior Reserve Officers' Training Corps program, a current servicemember, as defined in s. 250.01, or a current or former law enforcement officer, as defined in s. 943.10(1), (6), or (8). The sheriff who chooses to establish the program shall appoint as school guardians, without the power of arrest, school employees who volunteer and who:

- 1. Hold a valid license issued under s. 790.06.
- 2. Complete 132 total hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors, which must include:
- a. Eighty hours of firearms instruction based on the Criminal Justice Standards and Training Commission's Law Enforcement Academy training model, which must include at least 10 percent but no more than 20 percent more rounds fired than associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.
  - b. Sixteen hours of instruction in precision pistol.

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38	c. Eight hours of discretionary shooting instruction using
39	state-of-the-art simulator exercises.
40	d. Eight hours of instruction in active shooter or
41	assailant scenarios.
42	e. Eight hours of instruction in defensive tactics.
43	f. Twelve hours of instruction in legal issues.
44	3. Pass a psychological evaluation administered by a
45	psychologist licensed under chapter 490 and designated by the
46	Department of Law Enforcement and submit the results of the
47	evaluation to the sheriff's office. The Department of Law
48	Enforcement is authorized to provide the sheriff's office with
49	mental health and substance abuse data for compliance with this
50	<del>paragraph</del> .
51	4. Submit to and pass an initial drug test and subsequent
52	random drug tests in accordance with the requirements of s.
53	112.0455 and the sheriff's office.
54	5. Successfully complete ongoing training, weapon
55	inspection, and firearm qualification on at least an annual
56	<del>basis.</del>
57	6. Successfully complete at least 12 hours of a certified
58	nationally recognized diversity training program.
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60	The sheriff shall issue a school guardian certificate to

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shall maintain documentation of weapon and equipment

individuals who meet the requirements of subparagraph 2. The

inspections, as well as the training, certification, inspection, and qualification records of each school guardian appointed by the sheriff.

Section 2. Section 1001.212, Florida Statutes, is amended to read:

1001.212 Office of Safe Schools.—There is created in the Department of Education the Office of Safe Schools. The office is fully accountable to the Commissioner of Education. The office shall serve as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The office shall:

- (1) Administer the Florida Safe Schools Assessment Tool (FSSAT) required by s. 1006.1493 Establish and update as necessary a school security risk assessment tool for use by school districts pursuant to s. 1006.07(6). The office shall make the security risk assessment tool available for use by charter schools.
- (2) Provide ongoing professional development opportunities to school district personnel.
- (3) Provide a coordinated and interdisciplinary approach to providing technical assistance and guidance to school districts on their implementation of the strategies and activities necessary safety and security and recommendations to

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address the findings identified as a result of the FSSAT conducted pursuant to s. 1006.07(6). The office may contract with security personnel, consulting engineers, architects, or other safety and security experts that the office deems necessary to provide such assistance and guidance.

- (4) Develop and implement a School Safety Specialist
  Training Program for school safety specialists appointed
  pursuant to s. 1006.07(6). The office shall develop the training
  program which shall be based on national and state best
  practices on school safety and security and must include active
  shooter training. The office shall develop training modules in
  traditional or online formats. A school safety specialist
  certificate of completion shall be awarded to a school safety
  specialist who satisfactorily completes the training required by
  rules of the office.
- (5) Review and provide recommendations on the security risk assessments. The department may contract with security personnel, consulting engineers, architects, or other safety and security experts the department deems necessary for safety and security consultant services.
- (5)(6) Coordinate with the Department of Law Enforcement to provide a centralized integrated data repository and data analytics resources to improve access to timely, complete, and accurate information integrating data from, at a minimum, but

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112	not limited to, the following data sources by <u>August 1, 2019</u>
113	December 1, 2018:
114	(a) Social media monitoring tool;
115	(b) Department of Children and Families;
116	(c) Department of Law Enforcement;
117	(d) Department of Juvenile Justice;
118	(e) Mobile suspicious activity reporting tool known as
119	FortifyFL;
120	(f) School environment safety incident reports collected
121	under subsection (9); and
122	(g) (e) Local law enforcement.
123	
124	Data that is exempt or confidential and exempt from public
125	records requirements retains its exempt or confidential and
126	exempt status when incorporated into the centralized integrated
127	data repository. To maintain the confidentiality requirements
128	attached to the information provided to the centralized
129	integrated data repository by the various state and local
130	agencies, data governance and security shall ensure compliance
131	with all applicable state and federal data privacy requirements
132	through the use of user authorization and role-based security,
133	data anonymization and aggregation and auditing capabilities. To
134	maintain the confidentiality requirements attached to the
135	information provided to the centralized integrated data
136	repository by the various state and local agencies, each source

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agency providing data to the repository shall be the sole
custodian of the data for the purpose of any request for
inspection or copies thereof under chapter 119. The department
shall only allow access to data from the source agencies in
accordance with rules adopted by the respective source agencies.

- (6) Provide data to support the evaluation of mental health services pursuant to s. 1004.44.
- (7) Data that is exempt or confidential and exempt from public records requirements retains its exempt or confidential and exempt status when incorporated into the centralized integrated data repository.
- (8) To maintain the confidentiality requirements attached to the information provided to the centralized integrated data repository by the various state and local agencies, data governance and security shall ensure compliance with all applicable state and federal data privacy requirements through the use of user authorization and role-based security, data anonymization and aggregation and auditing capabilities.
- (9) To maintain the confidentiality requirements attached to the information provided to the centralized integrated data repository by the various state and local agencies, each source agency providing data for the repository shall be the sole custodian of the data for the purpose of any request for inspection or copies thereof under chapter 119. The department

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shall only allow access to data from the source agencies in
accordance with rules adopted by the respective source agencies.
(7) (10) Award grants to schools to improve the safety and
security of school buildings based upon recommendations of the
Florida Safe Schools Assessment Tool security risk assessment
developed pursuant to subsection (1).
(8) (11) Disseminate, in consultation with the Department
of Law Enforcement, to participating schools awareness and
education materials on the School Safety Awareness Program
developed pursuant to s. 943.082.
(9) Collect data through school environment safety
incident reports on incidents that occur on school premises, on
school transportation, and at off-campus, school-sponsored
events, committed by students, nonstudents, or unknown
offenders.
(10) Define the types of public schools and campuses that
are subject to the requirements of ss. 1006.07 and 1006.12.
(11) Verify the accuracy of school safety and discipline
data reported by school districts and report any infringement of
the reporting requirements to the Commissioner of Education for
review pursuant to s. 1012.796.
Section 3. Paragraphs (b) and (c) of subsection (16) of

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(16) EXEMPTION FROM STATUTES.-

1002.33 Charter schools.-

section 1002.33, Florida Statutes, are amended to read:

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186		(b)	Additiona	ally,	а	charter	school	shall	be	in	compliance
187	with	the	following	stati	ute	es:					

- 1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
  - 2. Chapter 119, relating to public records.
- 3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.
  - $\underline{\text{4. Section 1006.07(4)}}$  and  $\underline{\text{(6)-(9), relating to school}}$  safety.
  - $\underline{5.4.}$  Section 1012.22(1)(c), relating to compensation and salary schedules.
    - $\underline{6.5.}$  Section 1012.33(5), relating to workforce reductions.
  - 7.6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.
  - 8.7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.
    - (c) For purposes of subparagraphs (b) 4.-8. (b) 4.-7.:
  - 1. The duties assigned to a district school superintendent apply to charter school administrative personnel, as defined in s. 1012.01(3)(a) and (b), and the charter school governing board shall designate at least one administrative person to be responsible for such duties.

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210		2.	The	duties	assigne	d to	a	district	school	board	apply	to
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- 3. A charter school may hire instructional personnel and other employees on an at-will basis.
- 4. Notwithstanding any provision to the contrary, instructional personnel and other employees on contract may be suspended or dismissed any time during the term of the contract without cause.
- Section 4. Subsection (2) of section 1003.25, Florida Statutes, is amended to read:
- 1003.25 Procedures for maintenance and transfer of student records.—
- (2) The procedure for transferring and maintaining records of students who transfer from school to school shall be prescribed by rules of the State Board of Education. The intradistrict transfer of records shall occur within 1 school day and the interdistrict transfer of records shall occur within 2 school days. The records shall include:
- (a) Verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services.
- (b) Psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by school district staff.

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Section 5. Paragraph (b) of subsection (1), paragraph (a) of subsection (4), paragraph (a) of subsection (6), and subsection (7) of section 1006.07, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

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

- (1) CONTROL OF STUDENTS.-
- (b) Require each student at the time of initial registration for school in the school district to note previous school expulsions, arrests resulting in a charge, juvenile justice actions, and any corresponding referral referrals to mental health services by the school district the student has had, and have the authority as the district school board of a receiving school district to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public district school board or private school, or lab school, for an act which would have been grounds for expulsion according to the receiving district school board's code of student conduct, in accordance with the following procedures:
- 1. A final order of expulsion shall be recorded in the records of the receiving school district.

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2.62

- 2. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.
- 3. The district school superintendent of the receiving school district may recommend to the district school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the district school board, with or without the recommendation of the district school superintendent, the student may be placed in an appropriate educational program and referred to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, at the direction of the district school board.
  - (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.-
- (a) Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats, for all students and faculty at all public schools of the district comprised of grades K-12. Drills for active shooter and hostage situations shall be conducted in accordance with requirements of the Office of Safe Schools at least as often as other emergency drills. District

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 school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response policy shall identify the individuals responsible for contacting the primary emergency response agency and the emergency response agency that is responsible for notifying the school district for each type of emergency.

- (6) SAFETY AND SECURITY BEST PRACTICES.—Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.
- (a) Each district school superintendent shall designate a school administrator as a school safety specialist for the district. The school safety specialist must earn a certificate of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment and is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district. The school safety specialist shall:
- 1. Review <u>school district</u> policies and procedures for compliance with state law and rules, <u>including the district's</u> timely and accurate submission of incidents to the department.

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- 2. Provide the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security.
- 3. Serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.
- In collaboration with the appropriate public safety agencies, as defined in s. 365.171, annually conduct a school security risk assessment in accordance with s. 1006.1493 at each public school using the Florida Safe Schools Assessment Tool school security risk assessment tool developed by the Office of Safe Schools pursuant to s. 1006.1493. Based on the assessment findings, the district's school safety specialist shall provide recommendations to the district school superintendent and the district school board which identify strategies and activities that the district school board should implement in order to address the findings and improve school safety and security. Annually, Each district school board must receive such findings and the school safety specialist's recommendations at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the findings and recommendations. Each school safety specialist shall report such findings and school board

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action to the Office of Safe Schools within 30 days after the district school board meeting.

- shall adopt policies for the establishment of threat assessment teams at each school whose duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with <a href="mailto:s.1006.13">s.1006.13</a> and the model policies developed by the Office of Safe Schools. Such policies shall include procedures for <a href="mailto:conducting-threat-assessments-using-the-instrument-developed-by-the-Office-of-Safe Schools">s.1001.212</a> (6), and making referrals to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate.
- (a) A threat assessment team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. The threat assessment teams shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self.

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- (b) Upon a preliminary determination that a student poses a threat of violence or physical harm to himself or herself or others, a threat assessment team shall immediately report its determination to the superintendent or his or her designee. The superintendent or his or her designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school district personnel from acting immediately to address an imminent threat.
- assessment team that a student poses a threat of violence to himself or herself or others or exhibits significantly disruptive behavior or need for assistance, authorized members of the threat assessment team may obtain criminal history record information pursuant to s. 985.04(1), as provided in s. 985.047. A member of a threat assessment team may not disclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.
- (d) Notwithstanding any other provision of law, all state and local agencies and programs that provide services to students experiencing or at risk of an emotional disturbance or a mental illness, including the school districts, school personnel, state and local law enforcement agencies, the Department of Juvenile Justice, the Department of Children and

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 Families, the Department of Health, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Education, the Statewide Guardian Ad Litem Office, and any service or support provider contracting with such agencies, may share with each other records or information that are confidential or exempt from disclosure under chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the student or to ensure the safety of the student or others. All such state and local agencies and programs shall communicate, collaborate, and coordinate efforts to serve such students.

(e) If an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel shall report all such situations and actions taken to the threat assessment team, which shall contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary followup actions. Upon the student's transfer to a different school, the threat assessment team shall verify that any

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intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.

- (f) Each threat assessment team established pursuant to this subsection shall report quantitative data on its activities to the Office of Safe Schools in <u>a format prescribed by accordance with quidance from</u> the office.
- (9) MENTAL HEALTH ASSISTANCE.—Provide mental health assistance to students in accordance with the plan submitted pursuant to s. 1011.62(16). Students referred for mental health assistance must be screened or assessed within 45 days after such referral. School-based interventions must begin within 30 days after the screening or assessment and continue until the student receives community-based care, when determined to be in the best interests of the student.
- Section 6. Subsection (10) is added to section 1006.09, Florida Statutes, to read:
- 1006.09 Duties of school principal relating to student discipline and school safety.—
- (10) Each school principal shall designate school personnel who may declare an emergency in response to an incident that threatens school safety and the school personnel who must contact the primary emergency response agency in accordance with the emergency response policy of the school district.

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Section 7. Section 1006.12, Florida Statutes, is amended to read:

1006.12 <u>School resource</u> <u>Safe-school</u> officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies to establish or assign one or more <u>school resource safe-school</u> officers at each school facility within the district. <u>by implementing any combination of the following options which best meets the needs of the school district:</u>

- (1) Establish school resource officer programs, through a cooperative agreement with law enforcement agencies.
- (1) (a) School resource officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4) or by a district school board.
- 1. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943 and must comply with the provisions of that chapter. The officer has and shall exercise the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions

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that deputy sheriffs are authorized to make arrests The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

- 2.(b) School resource officers employed by a law enforcement agency shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal. The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.
- 3.(e) School resource officers shall complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.
- (2) Commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school

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superintendent may recommend, and the district school board may appoint, one or more school safety officers.

(a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with the provisions of that chapter.

(b) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.

(b) (c) A district school board or governing board of a charter school may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A school resource safety officer's salary may be paid jointly by the district school board or governing board of the charter school and the law enforcement agency, as mutually agreed to.

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(3) At the school district's discretion, participate	<del>i</del> r
the Coach Aaron Feis Guardian Program if such program is	
established pursuant to s. 30.15, to meet the requirement of	<del>) £</del>
establishing a safe-school officer.	

(2) (4) Any information that would identify whether a particular individual has been appointed as a school resource safe-school officer pursuant to this section held by a law enforcement agency, school district, or charter school is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

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## TITLE AMENDMENT

Remove lines 2-39 and insert:

An act relating to school safety; amending s. 30.15, F.S.; repealing the Coach Aaron Feis Guardian Program; amending s. 1001.212, F.S.; revising the duties of the Office of Safe Schools; amending s. 1002.33, F.S.; requiring charter schools to be in compliance with certain provisions relating to school safety; conforming a cross-reference; amending s. 1003.25, F.S.; providing requirements for the transfer of

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certain student records; amending s. 1006.07, F.S.;
revising school safety specialist duties; revising
threat assessment team duties and procedures;
requiring district school boards to provide certain
mental health assistance to students; providing
requirements for such assistance; amending s. 1006.09,
F.S.; requiring school principals to designate school
personnel for specified purposes relating to responses
to emergencies; amending s. 1006.12, F.S.; revising
the requirements for school resource officers in
public schools; deleting provisions related to school
safety officers; conforming provisions to changes made
by the act; amending s.

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