



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Negron at 10:00 a.m. A quorum present—35:

Mr. President	Galvano	Rodriguez
Baxley	Gibson	Rouson
Bean	Grimsley	Simmons
Benacquisto	Hukill	Simpson
Book	Hutson	Stargel
Bracy	Lee	Steube
Brandes	Mayfield	Stewart
Braynon	Montford	Taddeo
Broxson	Passidomo	Thurston
Campbell	Perry	Torres
Farmer	Powell	Young
Gainer	Rader	

PRAYER

The following prayer was offered by Will Hosford, an employee with the Office of the Secretary of the Senate:

Lord, we humbly come before you this morning to thank you for the opportunity that has been bestowed upon the Florida Senate. I ask, Lord, that we do not take our task lightly, but remember the ideals of our founding fathers—ideals that were unprecedented in the creation of civilized society—the rights of the individual are supreme; most importantly, the right to liberty, that, as John Adams claimed, “Is derived from our maker.”

I pray you will guide each Senator this morning as they determine the laws that should be enacted to govern the people of the State of Florida. I pray that all of us working in the Senate, from the Senators to the staff, will do our jobs to the best of our ability, and I pray you will bless everyone here this morning. Amen.

PLEDGE

Senator Steube led the Senate in the Pledge of Allegiance to the flag of the United States of America.

BILLS ON THIRD READING

CS for CS for SB 376—A bill to be entitled An act relating to workers’ compensation benefits for first responders; amending s.

112.1815, F.S.; providing that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable by workers’ compensation benefits; specifying the evidentiary standard for demonstrating such disorder; specifying that benefits do not require a physical injury and are not subject to certain apportionment or limitations; providing a time for notice of injury or death; providing definitions; requiring the Department of Financial Services to adopt certain rules; requiring an employing agency to provide specified mental health training; providing a declaration of important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Book, **CS for CS for SB 376** was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Galvano	Rader
Baxley	Gibson	Rodriguez
Bean	Grimsley	Rouson
Benacquisto	Hukill	Simmons
Book	Hutson	Stargel
Bracy	Lee	Steube
Brandes	Mayfield	Stewart
Braynon	Montford	Taddeo
Broxson	Passidomo	Thurston
Farmer	Perry	Torres
Gainer	Powell	Young

Nays—None

Vote after roll call:

Yea—Bradley, Flores, Garcia

HB 7059—A bill to be entitled An act relating to optometry; amending s. 463.006, F.S.; requiring an applicant for licensure as an optometrist to submit proof to the Department of Health that she or he meets certain requirements; removing a requirement that the department examine an applicant who meets specified requirements for licensure and certification; requiring the Board of Optometry to approve a licensure examination that meets certain requirements; clarifying that the board may offer a practical examination in addition to a written examination under certain circumstances; providing that an applicant must pass the licensure examination within a specified timeframe as a condition of licensure as an optometrist and certification to administer and prescribe ocular pharmaceutical agents; amending s. 463.0057, F.S.; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Young, **HB 7059** was passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Brandes	Galvano
Baxley	Braynon	Gibson
Bean	Broxson	Grimsley
Benacquisto	Campbell	Hukill
Book	Farmer	Lee
Bracy	Gainer	Mayfield

Montford	Rouson	Taddeo
Passidomo	Simmons	Thurston
Perry	Simpson	Torres
Powell	Stargel	Young
Rader	Steube	
Rodriguez	Stewart	

Nays—None

Vote after roll call:

Yea—Bradley, Flores, Garcia, Hutson

Consideration of **CS for CS for CS for SB 1876** was deferred.

CS for CS for SB 622—A bill to be entitled An act relating to health care facility regulation; creating s. 154.13, F.S.; providing that a designated facility owned or operated by a public health trust and located within the boundaries of a municipality is under the exclusive jurisdiction of the county creating the public health trust; amending ss. 381.0031, 381.004, 384.31, 395.009, 400.0625, and 409.905, F.S.; eliminating state licensure requirements for clinical laboratories; requiring clinical laboratories to be federally certified; amending s. 381.915, F.S.; increasing the number of years that a cancer center may participate in Tier 3 of the Florida Consortium of National Cancer Institute Centers Program; increasing the number of years after qualification that a certain Tier 3 cancer center may pursue specified NCI designations; amending s. 383.313, F.S.; requiring a birth center to be federally certified and meet specified requirements to perform certain laboratory tests; repealing s. 383.335, F.S., relating to partial exemptions from licensure requirements for certain facilities that provide obstetrical and gynecological surgical services; amending s. 395.002, F.S.; revising and deleting definitions to remove the term “mobile surgical facility”; conforming a cross-reference; creating s. 395.0091, F.S.; requiring the Agency for Health Care Administration, in consultation with the Board of Clinical Laboratory Personnel, to adopt rules establishing criteria for alternate-site laboratory testing; requiring specifications to be included in the criteria; defining the term “alternate-site testing”; amending ss. 395.0161 and 395.0163, F.S.; deleting licensure and inspection requirements for mobile surgical facilities to conform to changes made by the act; amending s. 395.0197, F.S.; requiring the manager of a hospital or ambulatory surgical center internal risk management program to demonstrate competence in specified administrative and health care service areas; conforming provisions to changes made by the act; repealing s. 395.1046, F.S., relating to hospital complaint investigation procedures; amending s. 395.1055, F.S.; requiring hospitals that provide specified services to meet agency licensure requirements; providing standards to be included in licensure requirements; conforming a provision to changes made by the act; requiring a level 2 background screening for personnel of distinct part nursing units; requiring the agency to adopt rules establishing standards for pediatric cardiac catheterization and pediatric cardiovascular surgery programs; providing requirements for such programs; requiring pediatric cardiac programs to participate in the clinical outcome reporting systems; revising duties and membership of the pediatric cardiac technical advisory panel; repealing ss. 395.10971 and 395.10972, F.S., relating to the purpose and the establishment of the Health Care Risk Manager Advisory Council, respectively; amending s. 395.10973, F.S.; removing requirements relating to agency standards for health care risk managers to conform provisions to changes made by the act; repealing s. 395.10974, F.S., relating to licensure of health care risk managers, qualifications, licensure, and fees; repealing s. 395.10975, F.S., relating to grounds for denial, suspension, or revocation of a health care risk manager’s license and an administrative fine; amending s. 395.602, F.S.; deleting definitions for the terms “emergency care hospital,” “essential access community hospital,” “inactive rural hospital bed,” and “rural primary care hospital”; amending s. 395.603, F.S.; deleting provisions relating to deactivation of general hospital beds by certain rural and emergency care hospitals; repealing s. 395.604, F.S., relating to other rural hospital programs; repealing s. 395.605, F.S., relating to emergency care hospitals; amending s. 395.701, F.S.; revising the definition of the term “hospital” to exclude hospitals operated by a state agency; amending s. 400.191, F.S.; removing the 30-month reporting timeframe for the Nursing Home Guide; amending s. 400.464, F.S.; requiring that a license issued to a home health agency on or after a specified date specify

the services the organization is authorized to perform and whether the services constitute skilled care; providing that the provision or advertising of certain services constitutes unlicensed activity under certain circumstances; authorizing certain persons, entities or organizations providing home health services to voluntarily apply for a certificate of exemption from licensure by providing certain information to the agency; providing that the certificate is valid for a specified time and is nontransferable; authorizing the agency to charge a fee for the certificate; amending s. 400.471, F.S.; revising home health agency licensure requirements; providing requirements for proof of accreditation for home health agencies applying for change of ownership or the addition of skilled care services; removing a provision prohibiting the agency from issuing a license to a home health agency that fails to satisfy the requirements of a Medicare certification survey from the agency; amending s. 400.474, F.S.; revising conditions for the imposition of a fine against a home health agency; amending s. 400.476, F.S.; requiring a home health agency providing skilled nursing care to have a director of nursing; amending s. 400.484, F.S.; imposing administrative fines on home health agencies for specified classes of violations; amending s. 400.497, F.S.; requiring the agency to adopt, publish, and enforce rules establishing standards for certificates of exemption; amending s. 400.506, F.S.; specifying a criminal penalty for any person who owns, operates, or maintains an unlicensed nurse registry that fails to cease operation immediately and apply for a license after notification from the agency; revising provisions authorizing the agency to impose a fine on a nurse registry that fails to cease operation after agency notification; revising circumstances under which the agency is authorized to deny, suspend, or revoke a license or impose a fine on a nurse registry; prohibiting a nurse registry from monitoring, supervising, managing, or training a certain caregiver who is an independent contractor; amending s. 400.606, F.S.; removing a requirement that an existing licensed health care provider’s hospice licensure application be accompanied by a copy of the most recent profit-loss statement and licensure inspection report; amending s. 400.925, F.S.; revising the definition of the term “home medical equipment”; amending s. 400.931, F.S.; requiring a home medical equipment provider to notify the agency of certain personnel changes within a specified timeframe; amending s. 400.933, F.S.; requiring the agency to accept the submission of a valid medical oxygen retail establishment permit issued by the Department of Business and Professional Regulation in lieu of an agency inspection for licensure; amending s. 400.980, F.S.; revising the timeframe within which a health care services pool registrant must provide the agency with certain changes of information; amending s. 400.9935, F.S.; specifying that a voluntary certificate of exemption may be valid for up to 2 years; amending s. 408.036, F.S.; conforming provisions to changes made by the act; deleting obsolete provisions relating to certificate of need requirements for specified services; amending s. 408.0361, F.S.; providing an exception for a hospital to become a Level I Adult Cardiovascular provider if certain requirements are met; amending s. 408.05, F.S.; requiring the agency to contract with the Society of Thoracic Surgeons and the American College of Cardiology for the collection of certain data for publication on the agency’s website for certain purposes; amending s. 408.061, F.S.; excluding hospitals operated by state agencies from certain financial reporting requirements; conforming a cross-reference; amending s. 408.07, F.S.; deleting the definition for the term “clinical laboratory”; amending s. 408.20, F.S.; exempting hospitals operated by any state agency from assessments against the Health Care Trust Fund to fund certain agency activities; repealing s. 408.7056, F.S., relating to the Subscriber Assistance Program; amending s. 408.803, F.S.; defining the term “relative” for purposes of the Health Care Licensure Procedures Act; amending s. 408.806, F.S.; authorizing licensees who hold licenses for multiple providers to request that the agency align related license expiration dates; authorizing the agency to issue licenses for an abbreviated licensure period and to charge a prorated licensure fee; amending s. 408.809, F.S.; expanding the scope of persons subject to a level 2 background screening to include any employee of a licensee who is a controlling interest and certain part-time contractors; amending s. 408.810, F.S.; providing that an applicant for change of ownership licensure is exempt from furnishing proof of financial ability to operate if certain conditions are met; authorizing the agency to adopt rules governing circumstances under which a controlling interest may act in certain legal capacities on behalf of a patient or client; requiring a licensee to ensure that certain persons do not hold an ownership interest if the licensee is not organized as or owned by a publicly traded corporation; defining the term “publicly traded corporation”; amending s. 408.812, F.S.; providing that certain unlicensed activity by a provider constitutes abuse and neglect; clarifying that the agency may impose a

fine or penalty, as prescribed in an authorizing statute, if an unlicensed provider who has received notification fails to cease operation; authorizing the agency to revoke all licenses and impose a fine or penalties upon a controlling interest or licensee who has an interest in more than one provider and who fails to license a provider rendering services that require licensure in certain circumstances; amending s. 408.820, F.S.; deleting certain exemptions from part II of ch. 408, F.S., for specified providers to conform provisions to changes made by the act; amending s. 409.907, F.S.; removing the agency's authority to consider certain factors in determining whether to enter into, and in maintaining, a Medicaid provider agreement; amending s. 429.02, F.S.; revising definitions of the terms "assisted living facility" and "personal services"; amending s. 429.04, F.S.; providing additional exemptions from licensure as an assisted living facility; requiring a person or entity asserting the exemption to provide documentation that substantiates the claim upon agency investigation of unlicensed activity; amending s. 429.08, F.S.; providing criminal penalties and fines for a person who rents or otherwise maintains a building or property used as an unlicensed assisted living facility; providing criminal penalties and fines for a person who owns, operates, or maintains an unlicensed assisted living facility after receiving notice from the agency; amending s. 429.176, F.S.; prohibiting an assisted living facility from operating for more than a specified time without an administrator who has completed certain educational requirements; amending s. 429.24, F.S.; providing that 30-day written notice of rate increase for residency in an assisted living facility is not required in certain situations; amending s. 429.28, F.S.; revising the assisted living facility resident bill of rights to include assistance with obtaining access to adequate and appropriate health care; defining the term "adequate and appropriate health care"; deleting a requirement that the agency conduct at least one monitoring visit under certain circumstances; deleting provisions authorizing the agency to conduct periodic followup inspections and complaint investigations under certain circumstances; amending s. 429.294, F.S.; deleting the specified timeframe within which an assisted living facility must provide complete copies of a resident's records in an investigation of resident's rights; amending s. 429.34, F.S.; authorizing the agency to inspect and investigate assisted living facilities as necessary to determine compliance with certain laws; removing a provision requiring the agency to inspect each licensed assisted living facility at least biennially; authorizing the agency to conduct monitoring visits of each facility cited for prior violations under certain circumstances; amending s. 429.52, F.S.; requiring an assisted living facility administrator to complete required training and education within a specified timeframe; amending s. 435.04, F.S.; providing that security background investigations must ensure that a person has not been arrested for, and is not awaiting final disposition of, certain offenses; requiring that security background investigations for purposes of participation in the Medicaid program screen for violations of federal or state law, rule, or regulation governing any state Medicaid program, the Medicare program, or any other publicly funded federal or state health care or health insurance program; specifying offenses under federal law or any state law that the security background investigations must screen for; amending s. 456.054, F.S.; prohibiting any person or entity from paying or receiving a kickback for referring patients to a clinical laboratory; prohibiting a clinical laboratory from providing personnel to perform certain functions or duties in a health care practitioner's office or dialysis facility; providing an exception; prohibiting a clinical laboratory from leasing space in any part of a health care practitioner's office or dialysis facility; repealing part I of ch. 483, F.S., relating to clinical laboratories; amending s. 483.294, F.S.; removing a requirement that the agency inspect multiphasic health testing centers at least once annually; amending s. 483.801, F.S.; providing an exemption from regulation for certain persons employed by certain laboratories; amending s. 483.803, F.S.; revising definitions of the terms "clinical laboratory" and "clinical laboratory examination"; removing a cross-reference; amending s. 641.511, F.S.; revising health maintenance organization subscriber grievance reporting requirements; repealing s. 641.60, F.S., relating to the Statewide Managed Care Ombudsman Committee; repealing s. 641.65, F.S., relating to district managed care ombudsman committees; repealing s. 641.67, F.S., relating to a district managed care ombudsman committee, exemption from public records requirements, and exceptions; repealing s. 641.68, F.S., relating to a district managed care ombudsman committee and exemption from public meeting requirements; repealing s. 641.70, F.S., relating to agency duties relating to the Statewide Managed Care Ombudsman Committee and the district managed care ombudsman committees; repealing s. 641.75, F.S., relating to immunity from liability and limita-

tion on testimony; amending s. 945.36, F.S.; authorizing law enforcement personnel to conduct drug tests on certain inmates and releasees; amending ss. 20.43, 220.1845, 376.30781, 376.86, 381.0034, 381.0405, 383.14, 383.30, 383.301, 383.302, 383.305, 383.309, 383.33, 385.211, 394.4787, 395.001, 395.003, 395.7015, 400.9905, 408.033, 408.802, 409.9116, 409.975, 429.19, 456.001, 456.057, 456.076, 458.307, 458.345, 459.021, 483.813, 483.823, 491.003, 627.351, 627.606, 627.64194, 627.6513, 627.6574, 641.185, 641.31, 641.312, 641.3154, 641.51, 641.515, 641.55, 766.118, 766.202, 1009.65, and 1011.52, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended March 2, was read the third time by title.

Senator Brandes moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (855822) (with directory and title amendments)—Between lines 833 and 834 insert:

(6)

(b) A specialty-licensed children's hospital that has licensed neonatal intensive care unit beds and is located in *District 5 or District 11, as defined in s. 408.032, as of January 1, 2018, a county with a population of 1,750,000 or more* may provide obstetrical services, in accordance with the pertinent guidelines promulgated by the American College of Obstetricians and Gynecologists and with verification of guidelines and compliance with internal safety standards by the Voluntary Review for Quality of Care Program of the American College of Obstetricians and Gynecologists and in compliance with the agency's rules pertaining to the obstetrical department in a hospital and offer healthy mothers all necessary critical care equipment, services, and the capability of providing up to 10 beds for labor and delivery care, which services are restricted to the diagnosis, care, and treatment of pregnant women of any age who have documentation by an examining physician that includes information regarding:

1. At least one fetal characteristic or condition diagnosed intra-utero that would characterize the pregnancy or delivery as high risk including structural abnormalities of the digestive, central nervous, and cardiovascular systems and disorders of genetic malformations and skeletal dysplasia, acute metabolic emergencies, and babies of mothers with rheumatologic disorders; or

2. Medical advice or a diagnosis indicating that the fetus may require at least one perinatal intervention.

This paragraph shall not preclude a specialty-licensed children's hospital from complying with s. 395.1041 or the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. 1395dd.

And the directory clause is amended as follows:

Delete lines 799-800 and insert:

Section 1. Paragraphs (a) and (b) of subsection (1), paragraph (b) of subsection (2), and paragraph (b) of subsection (6) of section 395.003, Florida

And the title is amended as follows:

Delete lines 27-299 and insert: amending s. 395.003, F.S.; conforming provisions to changes made by the act; authorizing certain specialty-licensed children's hospitals to provide obstetrical services under certain circumstances; creating s. 395.0091, F.S.; requiring the Agency for Health Care Administration, in consultation with the Board of Clinical Laboratory Personnel, to adopt rules establishing criteria for alternate-site laboratory testing; requiring specifications to be included in the criteria; defining the term "alternate-site testing"; amending ss. 395.0161 and 395.0163, F.S.; deleting licensure and inspection requirements for mobile surgical facilities to conform to changes made by the act; amending s. 395.0197, F.S.; requiring the manager of a hospital or ambulatory surgical center internal risk management program to demonstrate competence in specified administrative and health care service areas; conforming provisions to changes made by the act; repealing s. 395.1046, F.S., relating to hospital complaint investigation procedures; amending s. 395.1055, F.S.; requiring hospitals that provide specified services to meet agency licensure requirements; providing

standards to be included in licensure requirements; conforming a provision to changes made by the act; requiring a level 2 background screening for personnel of distinct part nursing units; requiring the agency to adopt rules establishing standards for pediatric cardiac catheterization and pediatric cardiovascular surgery programs; providing requirements for such programs; requiring pediatric cardiac programs to participate in the clinical outcome reporting systems; revising duties and membership of the pediatric cardiac technical advisory panel; repealing ss. 395.10971 and 395.10972, F.S., relating to the purpose and the establishment of the Health Care Risk Manager Advisory Council, respectively; amending s. 395.10973, F.S.; removing requirements relating to agency standards for health care risk managers to conform provisions to changes made by the act; repealing s. 395.10974, F.S., relating to licensure of health care risk managers, qualifications, licensure, and fees; repealing s. 395.10975, F.S., relating to grounds for denial, suspension, or revocation of a health care risk manager's license and an administrative fine; amending s. 395.602, F.S.; deleting definitions for the terms "emergency care hospital," "essential access community hospital," "inactive rural hospital bed," and "rural primary care hospital"; amending s. 395.603, F.S.; deleting provisions relating to deactivation of general hospital beds by certain rural and emergency care hospitals; repealing s. 395.604, F.S., relating to other rural hospital programs; repealing s. 395.605, F.S., relating to emergency care hospitals; amending s. 395.701, F.S.; revising the definition of the term "hospital" to exclude hospitals operated by a state agency; amending s. 400.191, F.S.; removing the 30-month reporting timeframe for the Nursing Home Guide; amending s. 400.464, F.S.; requiring that a license issued to a home health agency on or after a specified date specify the services the organization is authorized to perform and whether the services constitute skilled care; providing that the provision or advertising of certain services constitutes unlicensed activity under certain circumstances; authorizing certain persons, entities or organizations providing home health services to voluntarily apply for a certificate of exemption from licensure by providing certain information to the agency; providing that the certificate is valid for a specified time and is nontransferable; authorizing the agency to charge a fee for the certificate; amending s. 400.471, F.S.; revising home health agency licensure requirements; providing requirements for proof of accreditation for home health agencies applying for change of ownership or the addition of skilled care services; removing a provision prohibiting the agency from issuing a license to a home health agency that fails to satisfy the requirements of a Medicare certification survey from the agency; amending s. 400.474, F.S.; revising conditions for the imposition of a fine against a home health agency; amending s. 400.476, F.S.; requiring a home health agency providing skilled nursing care to have a director of nursing; amending s. 400.484, F.S.; imposing administrative fines on home health agencies for specified classes of violations; amending s. 400.497, F.S.; requiring the agency to adopt, publish, and enforce rules establishing standards for certificates of exemption; amending s. 400.506, F.S.; specifying a criminal penalty for any person who owns, operates, or maintains an unlicensed nurse registry that fails to cease operation immediately and apply for a license after notification from the agency; revising provisions authorizing the agency to impose a fine on a nurse registry that fails to cease operation after agency notification; revising circumstances under which the agency is authorized to deny, suspend, or revoke a license or impose a fine on a nurse registry; prohibiting a nurse registry from monitoring, supervising, managing, or training a certain caregiver who is an independent contractor; amending s. 400.606, F.S.; removing a requirement that an existing licensed health care provider's hospice licensure application be accompanied by a copy of the most recent profit-loss statement and licensure inspection report; amending s. 400.925, F.S.; revising the definition of the term "home medical equipment"; amending s. 400.931, F.S.; requiring a home medical equipment provider to notify the agency of certain personnel changes within a specified timeframe; amending s. 400.933, F.S.; requiring the agency to accept the submission of a valid medical oxygen retail establishment permit issued by the Department of Business and Professional Regulation in lieu of an agency inspection for licensure; amending s. 400.980, F.S.; revising the timeframe within which a health care services pool registrant must provide the agency with certain changes of information; amending s. 400.9935, F.S.; specifying that a voluntary certificate of exemption may be valid for up to 2 years; amending s. 408.036, F.S.; conforming provisions to changes made by the act; deleting obsolete provisions relating to certificate of need requirements for specified services; amending s. 408.0361, F.S.; providing an exception for a hospital to become a Level I Adult Cardiovascular provider if certain requirements are met; amending s. 408.05, F.S.; re-

quiring the agency to contract with the Society of Thoracic Surgeons and the American College of Cardiology for the collection of certain data for publication on the agency's website for certain purposes; amending s. 408.061, F.S.; excluding hospitals operated by state agencies from certain financial reporting requirements; conforming a cross-reference; amending s. 408.07, F.S.; deleting the definition for the term "clinical laboratory"; amending s. 408.20, F.S.; exempting hospitals operated by any state agency from assessments against the Health Care Trust Fund to fund certain agency activities; repealing s. 408.7056, F.S., relating to the Subscriber Assistance Program; amending s. 408.803, F.S.; defining the term "relative" for purposes of the Health Care Licensing Procedures Act; amending s. 408.806, F.S.; authorizing licensees who hold licenses for multiple providers to request that the agency align related license expiration dates; authorizing the agency to issue licenses for an abbreviated licensure period and to charge a prorated licensure fee; amending s. 408.809, F.S.; expanding the scope of persons subject to a level 2 background screening to include any employee of a licensee who is a controlling interest and certain part-time contractors; amending s. 408.810, F.S.; providing that an applicant for change of ownership licensure is exempt from furnishing proof of financial ability to operate if certain conditions are met; authorizing the agency to adopt rules governing circumstances under which a controlling interest may act in certain legal capacities on behalf of a patient or client; requiring a licensee to ensure that certain persons do not hold an ownership interest if the licensee is not organized as or owned by a publicly traded corporation; defining the term "publicly traded corporation"; amending s. 408.812, F.S.; providing that certain unlicensed activity by a provider constitutes abuse and neglect; clarifying that the agency may impose a fine or penalty, as prescribed in an authorizing statute, if an unlicensed provider who has received notification fails to cease operation; authorizing the agency to revoke all licenses and impose a fine or penalties upon a controlling interest or licensee who has an interest in more than one provider and who fails to license a provider rendering services that require licensure in certain circumstances; amending s. 408.820, F.S.; deleting certain exemptions from part II of ch. 408, F.S., for specified providers to conform provisions to changes made by the act; amending s. 409.907, F.S.; removing the agency's authority to consider certain factors in determining whether to enter into, and in maintaining, a Medicaid provider agreement; amending s. 429.02, F.S.; revising definitions of the terms "assisted living facility" and "personal services"; amending s. 429.04, F.S.; providing additional exemptions from licensure as an assisted living facility; requiring a person or entity asserting the exemption to provide documentation that substantiates the claim upon agency investigation of unlicensed activity; amending s. 429.08, F.S.; providing criminal penalties and fines for a person who rents or otherwise maintains a building or property used as an unlicensed assisted living facility; providing criminal penalties and fines for a person who owns, operates, or maintains an unlicensed assisted living facility after receiving notice from the agency; amending s. 429.176, F.S.; prohibiting an assisted living facility from operating for more than a specified time without an administrator who has completed certain educational requirements; amending s. 429.24, F.S.; providing that 30-day written notice of rate increase for residency in an assisted living facility is not required in certain situations; amending s. 429.28, F.S.; revising the assisted living facility resident bill of rights to include assistance with obtaining access to adequate and appropriate health care; defining the term "adequate and appropriate health care"; deleting a requirement that the agency conduct at least one monitoring visit under certain circumstances; deleting provisions authorizing the agency to conduct periodic followup inspections and complaint investigations under certain circumstances; amending s. 429.294, F.S.; deleting the specified timeframe within which an assisted living facility must provide complete copies of a resident's records in an investigation of resident's rights; amending s. 429.34, F.S.; authorizing the agency to inspect and investigate assisted living facilities as necessary to determine compliance with certain laws; removing a provision requiring the agency to inspect each licensed assisted living facility at least biennially; authorizing the agency to conduct monitoring visits of each facility cited for prior violations under certain circumstances; amending s. 429.52, F.S.; requiring an assisted living facility administrator to complete required training and education within a specified timeframe; amending s. 435.04, F.S.; providing that security background investigations must ensure that a person has not been arrested for, and is not awaiting final disposition of, certain offenses; requiring that security background investigations for purposes of participation in the Medicaid program screen for violations of federal or state law, rule, or regulation governing any state Medicaid program, the Medicare pro-

gram, or any other publicly funded federal or state health care or health insurance program; specifying offenses under federal law or any state law that the security background investigations must screen for; amending s. 456.054, F.S.; prohibiting any person or entity from paying or receiving a kickback for referring patients to a clinical laboratory; prohibiting a clinical laboratory from providing personnel to perform certain functions or duties in a health care practitioner’s office or dialysis facility; providing an exception; prohibiting a clinical laboratory from leasing space in any part of a health care practitioner’s office or dialysis facility; repealing part I of ch. 483, F.S., relating to clinical laboratories; amending s. 483.294, F.S.; removing a requirement that the agency inspect multiphasic health testing centers at least once annually; amending s. 483.801, F.S.; providing an exemption from regulation for certain persons employed by certain laboratories; amending s. 483.803, F.S.; revising definitions of the terms “clinical laboratory” and “clinical laboratory examination”; removing a cross-reference; amending s. 641.511, F.S.; revising health maintenance organization subscriber grievance reporting requirements; repealing s. 641.60, F.S., relating to the Statewide Managed Care Ombudsman Committee; repealing s. 641.65, F.S., relating to district managed care ombudsman committees; repealing s. 641.67, F.S., relating to a district managed care ombudsman committee, exemption from public records requirements, and exceptions; repealing s. 641.68, F.S., relating to a district managed care ombudsman committee and exemption from public meeting requirements; repealing s. 641.70, F.S., relating to agency duties relating to the Statewide Managed Care Ombudsman Committee and the district managed care ombudsman committees; repealing s. 641.75, F.S., relating to immunity from liability and limitation on testimony; amending s. 945.36, F.S.; authorizing law enforcement personnel to conduct drug tests on certain inmates and releasees; amending ss. 20.43, 220.1845, 376.30781, 376.86, 381.0034, 381.0405, 383.14, 383.30, 383.301, 383.302, 383.305, 383.309, 383.33, 385.211, 394.4787, 395.001, 395.7015, 400.9905,

On motion by Senator Grimsley, **CS for CS for SB 622**, as amended, was passed, ordered engrossed, and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Galvano	Rader
Baxley	Garcia	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Grimsley	Simmons
Book	Hukill	Simpson
Bracy	Hutson	Stargel
Brandes	Lee	Steube
Braynon	Mayfield	Stewart
Broxson	Montford	Taddeo
Campbell	Passidomo	Thurston
Farmer	Perry	Torres
Gainer	Powell	Young

Nays—None

Vote after roll call:

Yea—Bradley, Flores

CS for CS for CS for SB 920—A bill to be entitled An act relating to deferred presentment transactions; amending s. 560.402, F.S.; providing and revising definitions; amending s. 560.404, F.S.; specifying the maximum face amount of checks that may be taken for deferred presentment installment transactions, exclusive of fees; specifying the maximum rate and frequency of fees that deferred presentment providers or their affiliates may charge on deferred presentment installment transactions; specifying when fees are earned for certain deferred presentment transactions; specifying the calculation of fees earned for deferred presentment installment transactions; prohibiting prepayment penalties; specifying the minimum and maximum terms of a deferred presentment installment transaction; specifying dates that checks must bear; authorizing providers of deferred presentment installment transactions to accept additional checks subject to certain limitations; requiring the deferred presentment agreement to include the deferment period applicable to each check; correcting a reference to

federal law; providing an exception to a prohibition against the acceptance or holding of undated checks or checks with certain dates by a deferred presentment provider or its affiliate; conforming a cross-reference; providing a verification process that may be relied upon under certain conditions; revising a notice in deferred presentment agreements; authorizing a drawer to inform a provider in writing that the drawer cannot redeem or pay in full the amount due and owing to the provider; providing an exception to a prohibition, under certain circumstances, against a deferred presentment provider’s deposit or presentment of a drawer’s check; requiring a provider of a deferred presentment installment transaction to allow a drawer to defer one scheduled payment under certain circumstances; providing requirements for the deferred payment; specifying the frequency a certain fee may be imposed by Financial Services Commission rule for data on certain transactions submitted by deferred presentment providers to a certain database; providing an exception to a limitation on a deferred presentment provider’s acceptance of a certain check or authorization; specifying requirements for amortization, installment repayments, and the calculation of charges for deferred presentment installment transactions; conforming provisions to changes made by the act; amending s. 560.405, F.S.; providing an exception to a prohibition against a deferred presentment provider’s or its affiliate’s presentment of a drawer’s check before the end of the deferment period; revising a condition under which a deferred presentment provider may allow the check to be redeemed in lieu of presentment; revising a prohibition against requiring a drawer to redeem his or her check before the agreed-upon date; reenacting s. 560.111(5), F.S., relating to prohibited acts, to incorporate the amendments made to ss. 560.404 and 560.405, F.S., in references thereto; providing an effective date.

—as amended March 2, was read the third time by title.

On motion by Senator Bradley, **CS for CS for CS for SB 920**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gibson	Rouson
Baxley	Grimsley	Simmons
Bean	Hukill	Simpson
Benacquisto	Hutson	Stargel
Book	Lee	Steube
Bradley	Mayfield	Stewart
Brandes	Montford	Thurston
Braynon	Passidomo	Torres
Broxson	Perry	Young
Gainer	Powell	
Galvano	Rader	

Nays—5

Campbell	Garcia	Taddeo
Flores	Rodriguez	

Vote after roll call:

Nay to Yea—Campbell

CS for CS for CS for SB 616—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.27, F.S.; revising the definitions of the terms “motor vehicle dealer,” “franchised motor vehicle dealer,” “independent motor vehicle dealer,” and “wholesale motor vehicle dealer”; providing that certain motor vehicle dealers who have their motor vehicle dealer licenses revoked may continue to advertise and demonstrate motor vehicles under certain circumstances; deleting the definition of “motor vehicle broker”; adding an exception to the prohibition against persons other than licensed motor vehicle dealers from advertising for sale or lease any motor vehicle belonging to another party; authorizing owners of motor vehicles titled in their names to advertise and offer motor vehicles for sale on their own behalf, provided such vehicles are acquired and sold in good faith and not for the purpose of avoiding specified requirements; prohibiting a licensed motor vehicle dealer from allowing any person other than its bona fide employee to use its motor vehicle dealer license for the purpose of acting in the

capacity of or conducting motor vehicle lease transactions as a motor vehicle dealer; providing that any person acting in violation of specified licensing requirements or misrepresenting to any person his or her relationship with any motor vehicle dealer is deemed to have committed an unfair and deceptive trade practice in violation of specified provisions; requiring, within a specified timeframe, the Department of Highway Safety and Motor Vehicles to deliver or mail to each licensee the necessary renewal forms along with a statement that the licensee is required to complete any applicable continuing education or industry certification requirements; deleting certain continuing education and certification requirements; requiring any licensee who does not file his or her application and fees and any other requisite documents, as required by law, before the license expiration date to cease engaging in business as a motor vehicle dealer on the license expiration date; requiring applications received by the department for renewal of independent motor vehicle dealer licenses to certify that the dealer has completed continuing education before filing the renewal forms with the department, subject to certain requirements; providing requirements for continuing education and dealer schools; authorizing such schools to charge a fee for providing continuing education; requiring applications received by the department for renewal of franchised motor vehicle dealer licenses to certify that the dealer has completed certain industry certification before filing the renewal forms with the department, subject to certain requirements; providing requirements for industry certification and certain statewide industry associations of franchised motor vehicle dealers; authorizing an association to charge up to a specified fee for providing the industry certification; providing for annual adjustments to the maximum fee, beginning on a specified date; authorizing industry certification for licensees belonging to a dealership group to be accomplished by a certain designated person; defining the term "dealership group"; requiring a licensee who seeks to satisfy the certification through a dealership group to provide the department with certain evidence at the time of filing the certificate of completion; providing an effective date.

—as amended March 2, was read the third time by title.

On motion by Senator Passidomo, **CS for CS for CS for SB 616**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Mr. President, Gainer, Rader, Baxley, Galvano, Rodriguez, Bean, Garcia, Rouson, Benacquisto, Gibson, Simmons, Book, Grimsley, Simpson, Bracy, Hukill, Stargel, Bradley, Hutson, Steube, Brandes, Lee, Stewart, Braynon, Mayfield, Taddeo, Broxson, Montford, Thurston, Campbell, Passidomo, Torres, Farmer, Perry, Young, Flores, Powell.

Nays—None

CS for SB 1046—A bill to be entitled An act relating to trust funds; creating s. 787.0611, F.S.; creating the Trust Fund for Victims of Human Trafficking and Prevention within the Department of Law Enforcement; providing the funding sources for the trust fund; requiring the department to administer the fund; providing the purpose of the trust fund; authorizing the department to contract with certain entities, subject to availability of funds and appropriations; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Book, **CS for SB 1046** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns: Mr. President, Gainer, Rader, Baxley, Galvano, Rodriguez, Bean, Garcia, Rouson, Benacquisto, Gibson, Simmons, Book, Grimsley, Simpson, Bracy, Hukill, Stargel, Bradley, Hutson, Steube, Brandes, Lee, Stewart, Braynon, Mayfield, Taddeo, Broxson, Montford, Thurston, Campbell, Passidomo, Torres, Farmer, Perry, Young, Flores, Powell.

Nays—None

CS for SB 382—A bill to be entitled An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; amending chapter 2017-193, Laws of Florida; providing for "The Hope and Healing Highway" designation, notwithstanding a specified provision; providing an effective date.

—as amended March 2, was read the third time by title.

On motion by Senator Book, **CS for SB 382**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Mr. President, Gainer, Rader, Baxley, Galvano, Rodriguez, Bean, Garcia, Rouson, Benacquisto, Gibson, Simmons, Book, Grimsley, Simpson, Bracy, Hukill, Stargel, Bradley, Hutson, Stewart, Brandes, Lee, Taddeo, Braynon, Mayfield, Thurston, Broxson, Montford, Torres, Campbell, Passidomo, Young, Farmer, Perry, Flores, Powell.

Nays—None

CS for SB 992—A bill to be entitled An act relating to the C-51 reservoir project; amending s. 373.4598, F.S.; revising requirements relating to the operation of water storage and use for Phase I and Phase II of the C-51 reservoir project if state funds are appropriated for such phases; authorizing the South Florida Water Management District to enter into certain capacity allocation agreements and to request a waiver for repayment of certain loans; authorizing the Department of Environmental Protection to waive such loan repayment under certain conditions; specifying that the district is not responsible for repayment of such waived loans; providing an effective date.

—was read the third time by title.

On motion by Senator Book, **CS for SB 992** was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns: Mr. President, Bracy, Campbell, Baxley, Bradley, Farmer, Bean, Brandes, Flores, Benacquisto, Braynon, Gainer, Book, Broxson, Galvano.

Garcia	Passidomo	Stargel	Powell	Simpson	Thurston
Gibson	Perry	Steube	Rader	Stargel	Torres
Grimsley	Powell	Taddeo	Rodriguez	Steube	Young
Hukill	Rader	Thurston	Rouson	Stewart	
Hutson	Rodriguez	Torres	Simmons	Taddeo	
Lee	Rouson	Young			
Mayfield	Simmons				
Montford	Simpson				

Nays—None

Vote after roll call:

Yea—Stewart

SB 1712—A bill to be entitled An act relating to postsecondary revenue bonds and debt; amending s. 1010.62, F.S.; authorizing state universities to use specified moneys to pay debt service on revenue bonds if required by a specified federal program; providing an effective date.

—was read the third time by title.

On motion by Senator Montford, **SB 1712** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gainer	Rader
Baxley	Galvano	Rodriguez
Bean	Garcia	Simmons
Benacquisto	Gibson	Simpson
Book	Grimsley	Stargel
Bracy	Hukill	Steube
Bradley	Hutson	Stewart
Brandes	Lee	Taddeo
Braynon	Mayfield	Thurston
Broxson	Montford	Torres
Campbell	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

Vote after roll call:

Yea—Rouson

On motion by Senator Steube, by unanimous consent—

SB 162—A bill to be entitled An act relating to the payment of health care claims; amending s. 627.6131, F.S.; prohibiting a health insurer from retroactively denying a claim under specified circumstances; providing applicability; amending s. 641.3155, F.S.; prohibiting a health maintenance organization from retroactively denying a claim under specified circumstances; providing applicability; providing an effective date.

—was taken up out of order and read the third time by title.

On motion by Senator Steube, **SB 162** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Broxson	Grimsley
Baxley	Campbell	Hukill
Bean	Farmer	Hutson
Benacquisto	Flores	Lee
Book	Gainer	Mayfield
Bradley	Galvano	Montford
Brandes	Garcia	Passidomo
Braynon	Gibson	Perry

Nays—None

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Galvano—

CS for SB 7026—A bill to be entitled An act relating to public safety; providing a short title; providing legislative findings; creating s. 16.63, F.S.; establishing the Medical Reimbursement Program for Victims of Mass Shootings in the Department of Legal Affairs; defining the term “mass shooting”; requiring the department to reimburse verified or designated trauma centers for certain costs associated with treating victims for injuries associated with a mass shooting; requiring a verified or designated trauma center that requests a reimbursement to accept it as payment in full; amending s. 20.15, F.S.; establishing the Office of Safe Schools within the Department of Education; amending s. 394.463, F.S.; authorizing a law enforcement officer to seize and hold firearms and ammunition if taking custody of a person who poses a potential danger to himself or herself or others and who has made a credible threat against another person; authorizing a law enforcement officer to seek the voluntary surrender of firearms and ammunition kept in the residence if the law enforcement officer takes custody of the person at the person’s residence and certain criteria are met; authorizing such law enforcement officer to petition an appropriate court for a risk protection order under certain circumstances; requiring that firearms and ammunition seized or voluntarily surrendered be returned within a certain timeframe under specified circumstances; requiring law enforcement agencies to develop policies and procedures relating to the seizure, storage, and return of firearms and ammunition; creating s. 790.064, F.S.; prohibiting a person who has been adjudicated mentally defective or been committed to a mental institution from owning or possessing a firearm until certain relief is obtained; specifying that the firearm possession and ownership disability runs concurrently with the firearm purchase disability under certain provisions; authorizing a person to petition for relief from the firearm possession and ownership disability; requiring that petitions for relief follow certain procedures; authorizing such person to petition for simultaneous relief; amending s. 790.065, F.S.; prohibiting a person younger than a certain age from purchasing a firearm; prohibiting the sale or transfer, or facilitation of a sale or transfer, of a firearm to a person younger than a certain age by a licensed importer, licensed manufacturer, or licensed dealer; providing criminal penalties; providing exceptions; amending s. 790.0655, F.S.; revising the mandatory waiting period to the later of either 3 days, excluding weekends and legal holidays, or upon the completion of certain records checks; revising and redefining terms; requiring that records of firearm sales be available for inspection by any law enforcement agency during normal business hours; revising applicability of the waiting period; conforming provisions to changes made by the act; creating s. 790.34, F.S.; defining the term “bump-fire stock”; prohibiting the importation, transfer, distribution, transport, sale, or giving of a bump-fire stock in this state; providing criminal penalties; providing legislative intent; providing a short title; creating s. 790.401, F.S.; defining terms; creating an action known as a petition for a risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms or ammunition; providing requirements for petitions for such orders; providing duties for courts and clerks of court; prohibiting fees for the filing of or service of process of such petitions; providing for jurisdiction for such petitions; requiring hearings on petitions within a specified period; providing service requirements; providing grounds that may be considered in determining whether to grant such a petition; providing requirements for proceedings; providing requirements for risk protection orders; requiring the court to inform a respondent of his or her right to request a certain hearing; authorizing temporary ex parte orders under certain circumstances; providing requirements for petitions for such ex parte orders; providing for service of orders; providing for the termination or extension of an order; providing

for the surrender and storage of firearms, ammunition, and licenses to carry a concealed weapon or firearm after issuance of a risk protection order; requiring law enforcement agencies to develop certain policies and procedures by a certain date; providing for return of firearms and ammunition upon the vacating or end without the extension of an order under certain circumstances; authorizing a respondent to elect to transfer all firearms and ammunition surrendered or seized by a law enforcement agency to another person under certain circumstances; requiring an issuing court to forward specified information concerning a respondent to the Department of Agriculture and Consumer Services within a specified timeframe; requiring the department to suspend a license to carry a concealed weapon or firearm which is held by a person subject to such an order; prohibiting a person from knowingly filing a petition for such an order which contains materially false or misleading information; providing criminal penalties; prohibiting violations of such an order; providing criminal penalties; providing construction; providing that the risk protection order provisions do not create liability for certain acts or omissions; requiring the Office of the State Courts Administrator to develop and distribute certain instructional and informational material; creating s. 943.082, F.S.; requiring the Department of Law Enforcement, in collaboration with the Department of Legal Affairs, to competitively procure a mobile suspicious activity tool with certain features; requiring the department to receive certain electronic reports; requiring the reporting tool to notify the reporting party of certain information; requiring the forwarding of certain information to appropriate law enforcement agencies; requiring that certain entities be made aware of the reporting tool; requiring the department, in collaboration with certain entities, to develop and provide certain training and awareness relating to the reporting tool; creating s. 943.687, F.S.; creating the Marjory Stoneman Douglas High School Public Safety Commission within the Florida Department of Law Enforcement; requiring the commission to convene by a certain date; specifying the composition of the commission; requiring Florida Department of Law Enforcement staff to assist the commission; specifying meeting requirements; authorizing reimbursement for per diem and travel expenses; providing the duties and authority of the commission; requiring the commission to submit an initial report to the Governor and the Legislature within a specified time; providing for the expiration of the commission; creating s. 1000.051, F.S.; providing legislative intent regarding school safety and security; creating s. 1001.217, F.S.; creating the Office of Safe Schools; providing the purpose and duties of the office; amending ss. 1002.221 and 1002.225, F.S.; providing for construction regarding the applicability of public records exemptions for security system plans and security systems; amending s. 1006.04, F.S.; establishing the Multiagency Service Network for Students with Severe Emotional Disturbance; specifying the goals and duties of the program; authorizing the Legislature to provide funding to the department to award grants; creating s. 1006.05, F.S.; providing a purpose of the mental health assistance allocation; requiring that school districts and charter schools annually develop and submit certain detailed plans; requiring that approved charter school plans be provided to the district for submission to the Commissioner of Education; providing that required plans must include certain elements; requiring school districts to annually submit approved plans to the commissioner by a specified date; requiring that entities receiving such allocations annually submit a final report on program outcomes and specific expenditures to the commissioner by a specified date; amending s. 1006.07, F.S.; requiring district school boards to formulate and prescribe policies and procedures for active shooter situations; requiring that active shooter situation training for each school be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus; requiring each school district to designate a threat assessment team; requiring each school district to conduct certain assessments in a specified format; requiring a district school superintendent to annually provide specified entities with certain findings and certain strategy and activity recommendations to improve school safety and security; requiring that district school boards allow campus tours by such law enforcement agency or agencies at specified times and for specified purposes; requiring that certain recommendations be documented by such board or principal; requiring each district school board to designate or appoint a district school safety specialist; providing duties of the school safety specialist; amending s. 1006.12, F.S.; requiring district school boards to establish or assign safe-school officers at each district school facility within the district; requiring school resource officers and school safety officers to undergo specified evaluations; specifying that participation in the Florida Sheriff's Marshal Program meets the requirement; creating s. 1006.149, F.S.; establishing the Public School Emer-

gency Response Learning System Program within the department; establishing the program as a partnership between local law enforcement agencies and public education entities; specifying activities, training, notification systems, and resources provided through the program; requiring each program participant to develop a preemptive plan of action; authorizing funding provided by the Legislature to implement the program; creating s. 1006.1491, F.S.; creating the Florida Sheriff's Marshal Program within the department; specifying a purpose; defining terms; establishing program eligibility requirements; authorizing special deputy sheriffs to perform certain duties, under specified circumstances; specifying training and instructional requirements; specifying grounds for termination and denial of participants; specifying implementation requirements; authorizing funding as provided by the Legislature; creating s. 1006.1493, F.S.; requiring the department to contract with a security consulting firm to develop, update, and implement a risk assessment tool; providing requirements for the Florida Safe Schools Assessment Tool; requiring reports, training, and advice in the security consulting firm contract; requiring a specified annual report to the Governor and Legislature by a specified date; providing for construction regarding the applicability of public records exemptions for certain security data and information; amending s. 1011.62, F.S.; expanding the safe schools allocation to provide funding for specified school safety provisions; creating the mental health assistance allocation; providing the purpose of the allocation; requiring that funds be allocated annually in the General Appropriations Act; providing for the annual allocation of such funds on a specified basis; providing that eligible charter schools are entitled to a proportionate share; prohibiting the use of allocated funds to supplant funds provided from other operating funds, to increase salaries, or to provide bonuses, except in certain circumstances; requiring that school districts and schools maximize certain third-party funding; reenacting ss. 397.6760(2) and 790.335(3)(e), F.S.; relating to the confidentiality of court records and exceptions to the prohibition of registration of firearms, respectively, to incorporate the amendment made to s. 790.065, F.S., in references thereto; requiring the Department of Agriculture and Consumer Services to transfer, annually and by a specified date, a percentage of the fees collected for new and renewal concealed weapon or firearm licenses from the Division of Licensing Trust Fund to the Department of Legal Affairs to reimburse the trauma centers; providing appropriations; providing an effective date.

—was read the second time by title.

MOTIONS

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 4:00 p.m.

Senator Galvano moved the following amendment:

Amendment 1 (234288) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the “Marjory Stoneman Douglas High School Public Safety Act.”*

Section 2. *The Legislature finds there is a need to comprehensively address the crisis of gun violence, including but not limited to, gun violence on school campuses. The Legislature intends to address this crisis by providing law enforcement and the courts with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence, and by promoting school safety and enhanced coordination between education and law enforcement entities at the state and local level.*

Section 3. Paragraph (d) is added to subsection (5) of section 16.555, Florida Statutes, to read:

16.555 Crime Stoppers Trust Fund; rulemaking.—

(5)

(d) *Grants may be awarded to fund student crime watch programs pursuant to s. 1006.07(3).*

Section 4. Paragraph (j) is added to subsection (3) of section 20.15, Florida Statutes, to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(j) *The Office of Safe Schools.*

Section 5. Paragraph (k) is added to subsection (1) of section 30.15, Florida Statutes, 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 school marshal program to aid in the prevention or abatement of active assailant incidents on school premises. A school marshal 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. The sheriff who chooses to establish the program shall appoint as school marshals, 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.*

c. *Eight hours of discretionary shooting instruction using state-of-the-art simulator exercises.*

d. *Eight hours of instruction in active shooter or assailant scenarios.*

e. *Eight hours of instruction in defensive tactics.*

f. *Twelve hours of instruction in legal issues.*

3. *Pass a psychological evaluation administered by a psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office. The Department of Law Enforcement is authorized to provide the sheriff's office with mental health and substance abuse data for compliance with this paragraph.*

4. *Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office.*

5. *Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.*

The sheriff shall issue a school marshal certificate to individuals who meet the requirements of subparagraph 2. The sheriff shall maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school marshal appointed by the sheriff.

Section 6. Paragraph (c) of subsection (9) of section 121.091, Florida Statutes, is amended, and paragraph (f) is added to that subsection to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department.

The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(c) Any person whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010, who is retired under this chapter, except under the disability retirement provisions of subsection (4) or as provided in s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer. However, a person may not be reemployed by an employer participating in the Florida Retirement System before meeting the definition of termination in s. 121.021 and may not receive both a salary from the employer and retirement benefits for 6 calendar months after meeting the definition of termination, *except as provided in paragraph (f)*. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. The reemployed retiree may not renew membership in the Florida Retirement System, except as provided in s. 121.122.

2. The employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the Florida Retirement System in addition to the contributions required by s. 121.76.

3. A retiree initially reemployed in violation of this paragraph and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any retirement benefits paid to the retirement trust fund from which the benefits were paid, including the Florida Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate. The employer must have a written statement from the employee that he or she is not retired from a state-administered retirement system. Retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retiree's 6-month reemployment limitation period shall apply toward the repayment of benefits received in violation of this paragraph.

(f) *A retired law enforcement officer may be reemployed as a school resource officer by an employer that participates in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021, but may not receive both a salary from the employer and retirement benefits for 6 calendar months immediately subsequent to the date of retirement. The reemployed retired law enforcement officer may not renew membership in the Florida Retirement System, except as provided in s. 121.122.*

Section 7. Paragraphs (c) and (d) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(c) A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may:

1. Serve and execute such order on any day of the week, at any time of the day or night; *and*

2. *Use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and take custody of the person who is the subject of the ex parte order. When practicable, a law enforcement officer who has received crisis intervention team (CIT) training shall be assigned to serve and execute the ex parte order.*

(d)1. *A law enforcement officer taking custody of a person under this subsection may seize and hold a firearm or any ammunition the person*

possesses at the time of taking him or her into custody if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person.

2. If the law enforcement officer takes custody of the person at the person's residence and the criteria in subparagraph 1. have been met, the law enforcement officer may seek the voluntary surrender of firearms or ammunition kept in the residence which have not already been seized under subparagraph 1. If such firearms or ammunition are not voluntarily surrendered, or if the person has other firearms or ammunition that were not seized or voluntarily surrendered when he or she was taken into custody, a law enforcement officer may petition the appropriate court under s. 790.401 for a risk protection order against the person.

3. Firearms or ammunition seized or voluntarily surrendered under this paragraph must be made available for return no later than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged from any inpatient or involuntary outpatient treatment provided or ordered under paragraph (g), unless a risk protection order entered under s. 790.401 directs the law enforcement agency to hold the firearms or ammunition for a longer period or the person is subject to a firearm purchase disability under s. 790.065(2), or a firearm possession and firearm ownership disability under s. 790.064. The process for the actual return of firearms or ammunition seized or voluntarily surrendered under this paragraph may not take longer than 7 days.

4. Law enforcement agencies must develop policies and procedures relating to the seizure, storage, and return of firearms or ammunition held under this paragraph. ~~A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and to take custody of the person who is the subject of the ex parte order.~~

Section 8. Section 394.495, Florida Statutes, is amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(1) The department shall establish, within available resources, an array of services to meet the individualized service and treatment needs of children and adolescents who are members of the target populations specified in s. 394.493, and of their families. It is the intent of the Legislature that a child or adolescent may not be admitted to a state mental health facility and such a facility may not be included within the array of services.

(2) The array of services must include assessment services that provide a professional interpretation of the nature of the problems of the child or adolescent and his or her family; family issues that may impact the problems; additional factors that contribute to the problems; and the assets, strengths, and resources of the child or adolescent and his or her family. The assessment services to be provided shall be determined by the clinical needs of each child or adolescent. Assessment services include, but are not limited to, evaluation and screening in the following areas:

- (a) Physical and mental health for purposes of identifying medical and psychiatric problems.
- (b) Psychological functioning, as determined through a battery of psychological tests.
- (c) Intelligence and academic achievement.
- (d) Social and behavioral functioning.
- (e) Family functioning.

The assessment for academic achievement is the financial responsibility of the school district. The department shall cooperate with other state agencies and the school district to avoid duplicating assessment services.

(3) Assessments must be performed by:

- (a) A professional as defined in s. 394.455(5), (7), (32), (35), or (36);

- (b) A professional licensed under chapter 491; or
- (c) A person who is under the direct supervision of a qualified professional as defined in s. 394.455(5), (7), (32), (35), or (36) or a professional licensed under chapter 491.
- (4) The array of services may include, but is not limited to:
 - (a) Prevention services.
 - (b) Home-based services.
 - (c) School-based services.
 - (d) Family therapy.
 - (e) Family support.
 - (f) Respite services.
 - (g) Outpatient treatment.
 - (h) Day treatment.
 - (i) Crisis stabilization.
 - (j) Therapeutic foster care.
 - (k) Residential treatment.
 - (l) Inpatient hospitalization.
 - (m) Case management.
 - (n) Services for victims of sex offenses.
 - (o) Transitional services.
 - (p) Trauma-informed services for children who have suffered sexual exploitation as defined in s. 39.01(71)(g).

(5) In order to enhance collaboration between agencies and to facilitate the provision of services by the child and adolescent mental health treatment and support system and the school district, the local child and adolescent mental health system of care shall include the local educational multiagency network for severely emotionally disturbed students specified in s. 1006.04.

(6) The department shall contract for community action treatment teams throughout the state with the managing entities. A community action treatment team shall:

(a) Provide community-based behavioral health and support services to children from 11 to 13 years of age, adolescents, and young adults from 18 to 21 years of age with serious behavioral health conditions who are at risk of out-of-home placement as demonstrated by:

- 1. Repeated failures at less intensive levels of care;
- 2. Two or more behavioral health hospitalizations;
- 3. Involvement with the Department of Juvenile Justice;
- 4. A history of multiple episodes involving law enforcement; or
- 5. A record of poor academic performance or suspensions.

Children younger than 11 years of age who otherwise meet the criteria in this paragraph may be candidates for such services if they demonstrate two or more of the characteristics listed in subparagraph 1.-5.

(b) Use an integrated service delivery approach to comprehensively address the needs of the child, adolescent, or young adult and strengthen his or her family and support systems to assist the child, adolescent, or young adult to live successfully in the community. A community action treatment team shall address the therapeutic needs of the child, adolescent, or young adult receiving services and assist parents and caregivers in obtaining services and support. The community action treatment team shall make referrals to specialized treatment providers if

necessary, with follow up by the community action treatment team to ensure services are received.

(c) Focus on engaging the child, adolescent, or young adult and his or her family as active participants in every phase of the treatment process. Community action treatment teams shall be available to the child, adolescent, or young adult and his or her family at all times.

(d) Coordinate with other key entities providing services and supports to the child, adolescent, or young adult and his or her family, including, but not limited to, the child's, adolescent's, or young adult's school, the local educational multiagency network for severely emotionally disturbed students under s. 1006.04, the child welfare system, and the juvenile justice system. Community action treatment teams shall also coordinate with the managing entity in their service location.

(e)1. Subject to appropriations and at a minimum, individually serve each of the following counties or regions:

- a. Alachua.
- b. Alachua, Columbia, Dixie, Hamilton, Lafayette, and Suwannee.
- c. Bay.
- d. Brevard.
- e. Collier.
- f. DeSoto and Sarasota.
- g. Duval.
- h. Escambia.
- i. Hardee, Highlands, and Polk.
- j. Hillsborough.
- k. Indian River, Martin, Okeechobee, and St. Lucie.
- l. Lake and Sumter.
- m. Lee.
- n. Manatee.
- o. Marion.
- p. Miami-Dade.
- q. Okaloosa.
- r. Orange.
- s. Palm Beach.
- t. Pasco.
- u. Pinellas.
- v. Walton.

2. Subject to appropriations, the department shall contract for additional teams through the managing entities to ensure the availability of community action treatment team services in the remaining areas of the state.

Section 9. Section 790.064, Florida Statutes, is created to read:

790.064 Firearm possession and firearm ownership disability.—

(1) A person who has been adjudicated mentally defective or who has been committed to a mental institution, as those terms are defined in s. 790.065(2), may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained.

(2) The firearm possession and firearm ownership disability runs concurrently with the firearm purchase disability provided in s. 790.065(2).

(3) A person may petition the court that made the adjudication or commitment, or that ordered that the record be submitted to the Department of Law Enforcement pursuant to s. 790.065(2), for relief from the firearm possession and firearm ownership disability.

(4) The person seeking relief must follow the procedures set forth in s. 790.065(2) for obtaining relief from the firearm purchase disability in seeking relief from the firearm possession and firearm ownership disability.

(5) The person may seek relief from the firearm possession and firearm ownership disability simultaneously with the relief being sought from the firearm purchase disability, if such relief is sought, pursuant to the procedure set forth in s. 790.065(2).

Section 10. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (14), and a new subsection (13) is added to that section, to read:

790.065 Sale and delivery of firearms.—

(13) A person younger than 21 years of age may not purchase a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by a licensed importer, licensed manufacturer, or licensed dealer. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The prohibitions of this subsection do not apply to the purchase of a rifle or shotgun by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

Section 11. Section 790.0655, Florida Statutes, is amended to read:

790.0655 Purchase and delivery of firearms ~~handguns~~; mandatory waiting period; exceptions; penalties.—

(1)(a) ~~There shall be~~ A mandatory ~~3-day~~ waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is, ~~which shall be~~ 3 days, excluding weekends and legal holidays, or expires upon the completion of the records checks required under s. 790.065, whichever occurs later ~~between the purchase and the delivery at retail of any handgun~~. "Purchase" means the transfer of money or other valuable consideration to the retailer. "Handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver. "Retailer" means and includes a licensed importer, licensed manufacturer, or licensed dealer ~~every person~~ engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

(b) Records of firearm ~~handgun~~ sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The ~~3-day~~ waiting period ~~does shall~~ not apply in the following circumstances:

(a) When a firearm ~~handgun~~ is being purchased by a holder of a concealed weapons permit as defined in s. 790.06.

(b) To a trade-in of another firearm ~~handgun~~.

(c) 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 issued under s. 379.3581. A person who is exempt from the hunter safety course requirements under s. 379.3581 and holds a valid Florida hunting license, is exempt from the mandatory waiting period under this section for the purchase of a rifle or shotgun.

(d) When a rifle or shotgun is being purchased by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

(3) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) For any retailer, or any employee or agent of a retailer, to deliver a ~~firearm handgun~~ before the expiration of the ~~3-day~~ waiting period, subject to the exceptions provided in subsection (2).

(b) For a purchaser to obtain delivery of a ~~firearm handgun~~ by fraud, false pretense, or false representation.

Section 12. Effective October 1, 2018, section 790.222, Florida Statutes, is created to read:

790.222 Bump-fire stocks prohibited.—A person may not import into this state or transfer, distribute, sell, keep for sale, offer for sale, possess, or give to another person a bump-fire stock. A person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this section, the term “bump-fire stock” means a conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic automatic weapon fire or which is used to increase the rate of fire to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device.

Section 13. (1) Section 790.401, Florida Statutes, is intended to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms or ammunition by allowing law enforcement officers to obtain a court order when there is 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.

(2) The purpose and intent of s. 790.401, Florida Statutes, is to reduce deaths and injuries as a result of certain individuals’ use of firearms while respecting constitutional rights by providing a judicial procedure for law enforcement officers to obtain a court order temporarily restricting a person’s access to firearms and ammunition. The process established by s. 790.401, Florida Statutes, is intended to apply only to situations in which the person poses a significant danger of harming himself or herself or others by possessing a firearm or ammunition and to include standards and safeguards to protect the rights of respondents and due process of law.

Section 14. Section 790.401, Florida Statutes, may be cited as “The Risk Protection Order Act.”

Section 15. Section 790.401, Florida Statutes, is created to read:

790.401 Risk protection orders.—

(1) **DEFINITIONS.**—As used in this section, the term:

(a) “Petitioner” means a law enforcement officer or a law enforcement agency that petitions a court for a risk protection order under this section.

(b) “Respondent” means the individual who is identified as the respondent in a petition filed under this section.

(c) “Risk protection order” means a temporary ex parte order or a final order granted under this section.

(2) **PETITION FOR A RISK PROTECTION ORDER.**—There is created an action known as a petition for a risk protection order.

(a) A petition for a risk protection order may be filed by a law enforcement officer or law enforcement agency.

(b) An action under this section must be filed in the county where the petitioner’s law enforcement office is located or the county where the respondent resides.

(c) Such petition for a risk protection order does not require either party to be represented by an attorney.

(d) Notwithstanding any other law, attorney fees may not be awarded in any proceeding under this section.

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any

ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;

2. Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent’s current ownership, possession, custody, or control; and

3. Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.

(f) The petitioner must make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for a risk protection order or has already done so and must include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice or must attest to the steps that will be taken to provide such notice.

(g) The petitioner must list the address of record on the petition as being where the appropriate law enforcement agency is located.

(h) A court or a public agency may not charge fees for filing or for service of process to a petitioner seeking relief under this section and must provide the necessary number of certified copies, forms, and instructional brochures free of charge.

(i) A person is not required to post a bond to obtain relief in any proceeding under this section.

(j) The circuit courts of this state have jurisdiction over proceedings under this section.

(3) **RISK PROTECTION ORDER HEARINGS AND ISSUANCE.**—

(a) Upon receipt of a petition, the court must order a hearing to be held no later than 14 days after the date of the order and must issue a notice of hearing to the respondent for the same.

1. The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as provided in subsection (5).

2. The court may, as provided in subsection (4), issue a temporary ex parte risk protection order pending the hearing ordered under this subsection. Such temporary ex parte order must be served concurrently with the notice of hearing and petition as provided in subsection (5).

3. The court may conduct a hearing by telephone pursuant to a local court rule to reasonably accommodate a disability or exceptional circumstances. The court must receive assurances of the petitioner’s identity before conducting a telephonic hearing.

(b) Upon notice and a hearing on the matter, if the court finds by clear and convincing evidence that the respondent 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 or any ammunition, the court must issue a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months.

(c) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

1. A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm.

2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others.

3. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.

4. A violation by the respondent of a risk protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.

5. A previous or existing risk protection order issued against the respondent.

6. A violation of a previous or existing risk protection order issued against the respondent.

7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled *nolo contendere* to a crime that constitutes domestic violence as defined in s. 741.28.

8. The respondent's ownership of, access to, or intent to possess firearms or ammunition.

9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.

10. The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.

11. Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled *nolo contendere* to a crime involving violence or a threat of violence.

12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.

13. Evidence of recent acquisition of firearms or ammunition by the respondent.

14. Any relevant information from family and household members concerning the respondent.

15. Witness testimony, taken while the witness is under oath, relating to the matter before the court.

(d) A person, including an officer of the court, who offers evidence or recommendations relating to the cause of action either must present the evidence or recommendations in writing to the court with copies to each party and his or her attorney, if one is retained, or must present the evidence under oath at a hearing at which all parties are present.

(e) In a hearing under this section, the rules of evidence apply to the same extent as in a domestic violence injunction proceeding under s. 741.30.

(f) During the hearing, the court must consider whether a mental health evaluation or chemical dependency evaluation is appropriate and, if such determination is made, may order such evaluations, if appropriate.

(g) A risk protection order must include all of the following:

1. A statement of the grounds supporting the issuance of the order;
2. The date the order was issued;
3. The date the order ends;
4. Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;
5. The address of the court in which any responsive pleading should be filed;
6. A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, under subsection (7); and
7. The following statement:

"To the subject of this protection order: This order will last until the date noted above. If you have not done so already, you must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition that you own in your custody, control, or pos-

session and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You have the right to request one hearing to vacate this order, starting after the date of the issuance of this order, and to request another hearing after every extension of the order, if any. You may seek the advice of an attorney as to any matter connected with this order."

(h) If the court issues a risk protection order, the court must inform the respondent that he or she is entitled to request a hearing to vacate the order in the manner provided by subsection (6). The court shall provide the respondent with a form to request a hearing to vacate.

(i) If the court denies the petitioner's request for a risk protection order, the court must state the particular reasons for the denial.

(4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.—

(a) A petitioner may request that a temporary ex parte risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.

(b) In considering whether to issue a temporary ex parte risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in paragraph (3)(c).

(c) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition, the court must issue a temporary ex parte risk protection order.

(d) The court must hold a temporary ex parte risk protection order hearing in person or by telephone on the day the petition is filed or on the business day immediately following the day the petition is filed.

(e) A temporary ex parte risk protection order must include all of the following:

1. A statement of the grounds asserted for the order;
2. The date the order was issued;
3. The address of the court in which any responsive pleading may be filed;
4. The date and time of the scheduled hearing;
5. A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, under subsection (7); and
6. The following statement:

"To the subject of this protection order: This order is valid until the date noted above. You are required to surrender all firearms and ammunition that you own in your custody, control, or possession. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. A hearing will be held on the date and at the time noted above to determine if a risk protection order should be issued. Failure to appear at that hearing may result in a court issuing an order against you which is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order."

(f) A temporary ex parte risk protection order ends upon the hearing on the risk protection order.

(g) A temporary ex parte risk protection order must be served by a law enforcement officer in the same manner as provided for in subsection (5) for service of the notice of hearing and petition and must be served concurrently with the notice of hearing and petition.

(h) If the court denies the petitioner's request for a temporary *ex parte* risk protection order, the court must state the particular reasons for the denial.

(5) SERVICE.—

(a) The clerk of the court shall furnish a copy of the notice of hearing, petition, and temporary *ex parte* risk protection order or risk protection order, as applicable, to the sheriff of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of a temporary *ex parte* risk protection order or a risk protection order that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. The clerk of the court shall be responsible for furnishing to the sheriff information on the respondent's physical description and location. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency effecting service pursuant to this section shall use service and verification procedures consistent with those of the sheriff. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(b) All orders issued, changed, continued, extended, or vacated after the original service of documents specified in paragraph (a) must be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

(6) TERMINATION AND EXTENSION OF ORDERS.—

(a) The respondent may submit one written request for a hearing to vacate a risk protection order issued under this section, starting after the date of the issuance of the order, and may request another hearing after every extension of the order, if any.

1. Upon receipt of the request for a hearing to vacate a risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with subsection (5). The hearing must occur no sooner than 14 days and no later than 30 days after the date of service of the request upon the petitioner.

2. The respondent shall have the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm or ammunition. The court may consider any relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds after the hearing that the respondent has met his or her burden of proof, the court must vacate the order.

4. The law enforcement agency holding any firearm or ammunition or license to carry a concealed weapon or firearm that has been surrendered pursuant to this section shall be notified of the court order to vacate the risk protection order.

(b) The court must notify the petitioner of the impending end of a risk protection order. Notice must be received by the petitioner at least 30 days before the date the order ends.

(c) The petitioner may, by motion, request an extension of a risk protection order at any time within 30 days before the end of the order.

1. Upon receipt of the motion to extend, the court shall order that a hearing be held no later than 14 days after the date the order is issued and shall schedule such hearing.

a. The court may schedule a hearing by telephone in the manner provided by subparagraph (3)(a)3.

b. The respondent must be personally serviced in the same manner provided by subsection (5).

2. In determining whether to extend a risk protection order issued under this section, the court may consider all relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds by clear and convincing evidence that the requirements for issuance of a risk protection order as provided in subsection (3) continue to be met, the court must extend the order. However, if, after notice, the motion for extension is uncontested and no modification of the order is sought, the order may be extended on the basis of a motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension.

4. The court may extend a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months, subject to an order to vacate as provided in paragraph (a) or to another extension order by the court.

(7) SURRENDER OF FIREARMS AND AMMUNITION.—

(a) Upon issuance of a risk protection order under this section, including a temporary *ex parte* risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition owned by the respondent in the respondent's custody, control, or possession except as provided in subsection (9), and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent.

(b) The law enforcement officer serving a risk protection order under this section, including a temporary *ex parte* risk protection order, shall request that the respondent immediately surrender all firearms and ammunition owned by the respondent in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent. The law enforcement officer shall take possession of all firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, which are surrendered. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent must surrender any firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present. Notwithstanding ss. 933.02 and 933.18, a law enforcement officer may seek a search warrant from a court of competent jurisdiction to conduct a search for firearms or ammunition owned by the respondent if the officer has probable cause to believe that there are firearms or ammunition owned by the respondent in the respondent's custody, control, or possession which have not been surrendered.

(c) At the time of surrender, a law enforcement officer taking possession of any firearm or ammunition owned by the respondent, or a license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered, and any license surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(d) Notwithstanding ss. 933.02 and 933.18, upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition owned by the respondent, as required by an order issued under this section, the court shall determine whether probable cause exists to believe that the re-

spondent has failed to surrender all firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. If the court finds that probable cause exists, the court must issue a warrant describing the firearms or ammunition owned by the respondent and authorizing a search of the locations where the firearms or ammunition owned by the respondent are reasonably believed to be found and the seizure of any firearms or ammunition owned by the respondent discovered pursuant to such search.

(e) If a person other than the respondent claims title to any firearms or ammunition surrendered pursuant to this section and he or she is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her, if:

1. The lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have access to or control of the firearm or ammunition.

2. The firearm or ammunition is not otherwise unlawfully possessed by the owner.

(f) Upon the issuance of a risk protection order, the court shall order a new hearing date and require the respondent to appear no later than 3 business days after the issuance of the order. The court shall require proof that the respondent has surrendered any firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. The court may cancel the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(g) All law enforcement agencies must develop policies and procedures regarding the acceptance, storage, and return of firearms, ammunition, or licenses required to be surrendered under this section.

(8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

(a) If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition owned by the respondent or a license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, that has been surrendered or seized pursuant to this section must return such surrendered firearm, ammunition, or license to carry a concealed weapon or firearm issued under s. 790.06, as requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or has ended without extension.

(b) If a risk protection order is vacated or ends without extension, the Department of Agriculture and Consumer Services, if it has suspended a license to carry a concealed weapon or firearm pursuant to this section, must reinstate such license only after confirming that the respondent is currently eligible to have a license to carry a concealed weapon or firearm pursuant to s. 790.06.

(c) A law enforcement agency must provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition owned by the respondent.

(d) Any firearm and ammunition surrendered by a respondent pursuant to subsection (7) which remains unclaimed for 1 year by the lawful owner after an order to vacate the risk protection order shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

(9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may elect to transfer all firearms and ammunition owned by the respondent that have been surrendered to or seized by a local law enforcement agency pursuant to subsection (7) to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency must allow such a transfer only if it is determined that the chosen recipient:

(a) Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;

(b) Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and

(c) Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the respondent is vacated or ends without extension.

(10) REPORTING OF ORDERS.—

(a) Within 24 hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.

(b) Within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the Florida Crime Information Center and National Crime Information Center. The order must remain in each system for the period stated in the order, and the law enforcement agency may only remove an order from the systems which has ended or been vacated. Entry of the order into the Florida Crime Information Center and National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.

(c) The issuing court shall, within 3 business days after issuance of a risk protection order or temporary ex parte risk protection order, forward all available identifying information concerning the respondent, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department must immediately suspend the license.

(d) If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the Department of Agriculture and Consumer Services and the appropriate law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to paragraph (b).

(11) PENALTIES.—

(a) A person who makes a false statement, which he or she does not believe to be true, under oath in a hearing under this section in regard to any material matter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by an order issued under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section does not affect the ability of a law enforcement officer to remove a firearm or ammunition or license to carry a concealed weapon or concealed firearm from any person or to conduct any search and seizure for firearms or ammunition pursuant to other lawful authority.

(13) LIABILITY.—Except as provided in subsection (8) or subsection (11), this section does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining a risk protection order or temporary ex parte risk protection order, including, but not limited to, providing notice to the petitioner, a family or household member of the respondent, and any known third party who may be at risk of violence or failure to provide such notice, or reporting, declining to report, investigating, declining to investigate, filing, or declining to file, a petition under this section.

(14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.—

(a) The Office of the State Courts Administrator shall develop and prepare instructions and informational brochures, standard petitions and risk protection order forms, and a court staff handbook on the risk

protection order process. The standard petition and order forms must be used after January 1, 2019, for all petitions filed and orders issued pursuant to this section. The office shall determine the significant non-English-speaking or limited English-speaking populations in the state and prepare the instructions and informational brochures and standard petitions and risk protection order forms in such languages. The instructions, brochures, forms, and handbook must be prepared in consultation with interested persons, including representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials must be based on best practices and must be available online to the public.

1. The instructions must be designed to assist petitioners in completing the petition and must include a sample of a standard petition and order for protection forms.

2. The instructions and standard petition must include a means for the petitioner to identify, with only layman's knowledge, the firearms or ammunition the respondent may own, possess, receive, or have in his or her custody or control. The instructions must provide pictures of types of firearms and ammunition that the petitioner may choose from to identify the relevant firearms or ammunition, or must provide an equivalent means to allow petitioners to identify firearms or ammunition without requiring specific or technical knowledge regarding the firearms or ammunition.

3. The informational brochure must describe the use of and the process for obtaining, extending, and vacating a risk protection order under this section and must provide relevant forms.

4. The risk protection order form must include, in a conspicuous location, notice of criminal penalties resulting from violation of the order and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written request."

5. The court staff handbook must allow for the addition of a community resource list by the clerk of the court.

(b) Any clerk of court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The court may make the community resource list available as part of or in addition to the informational brochures described in paragraph (a).

(c) The Office of the State Courts Administrator shall distribute a master copy of the petition and order forms, instructions, and informational brochures to the clerks of court. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and clerks of court in the state.

(d) Within 90 days after receipt of the master copy from the Office of the State Courts Administrator, the clerk of the court shall make available the standardized forms, instructions, and informational brochures required by this subsection.

(e) The Office of the State Courts Administrator shall update the instructions, brochures, standard petition and risk protection order forms, and court staff handbook as necessary, including when changes in the law make an update necessary.

Section 16. Section 836.10, Florida Statutes, is amended to read:

836.10 Written threats to kill, ~~or~~ do bodily injury, or conduct a mass shooting or an act of terrorism; punishment.—Any person who writes or composes and also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or to do bodily injury to the person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent, or any person who makes, posts, or transmits a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 17. Paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state prop-

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
		erty, or use of firearms in violent manner.	836.10	2nd	Written threats to kill, or do bodily injury, or conduct a mass shooting or an act of terrorism.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.	843.12	3rd	Aids or assists person to escape.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
794.05(1)	2nd	Unlawful sexual activity with specified minor.	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.	944.40	2nd	Escapes.
810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.	Section 18. Section 943.082, Florida Statutes, is created to read:		
812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.	943.082 <i>School Safety Awareness Program.</i> —		
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).	(1) <i>In collaboration with the Department of Legal Affairs, the department shall competitively procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials. As recommended by students of Marjory Stoneman Douglas High School, the program shall be named “FortifyFL.” At a minimum, the department must receive reports electronically through the mobile suspicious activity reporting tool that is available on both Android and Apple devices.</i>		
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.	(2) <i>The reporting tool must notify the reporting party of the following information:</i>		
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.	(a) <i>That the reporting party may provide his or her report anonymously.</i>		
825.102(1)	3rd	Abuse of an elderly person or disabled adult.	(b) <i>That if the reporting party chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials; however, the law enforcement agency and school officials shall be required to maintain the information as confidential.</i>		
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.	(3) <i>Information reported using the tool must be promptly forwarded to the appropriate law enforcement agency or school official.</i>		
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.	(4) <i>Law enforcement dispatch centers, school districts, schools, and other entities identified by the department shall be made aware of the mobile suspicious activity reporting tool.</i>		
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.	(5) <i>The department, in collaboration with the Division of Victims Services within the Office of the Attorney General and the Office of Safe Schools within the Department of Education, shall develop and provide</i>		
827.03(2)(c)	3rd	Abuse of a child.			
827.03(2)(d)	3rd	Neglect of a child.			
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.			
836.05	2nd	Threats; extortion.			

a comprehensive training and awareness program on the use of the mobile suspicious activity reporting tool.

Section 19. Section 943.687, Florida Statutes, is created to read:

943.687 *Marjory Stoneman Douglas High School Public Safety Commission.*—

(1) *There is created within the Department of Law Enforcement the Marjory Stoneman Douglas High School Public Safety Commission, a commission as defined in s. 20.03.*

(2)(a) *The commission shall convene no later than June 1, 2018, and shall be composed of 16 members. Five members shall be appointed by the President of the Senate, five members shall be appointed by the Speaker of the House of Representatives, and five members shall be appointed by the Governor. From the members of the commission, the Governor shall appoint the chair. Appointments must be made by April 30, 2018. The Commissioner of the Department of Law Enforcement shall serve as a member of the commission. The Secretary of Children and Families, the Secretary of Juvenile Justice, the Secretary of Health Care Administration, and the Commissioner of Education shall serve as ex officio, nonvoting members of the commission. Members shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment.*

(b) *The General Counsel of the Department of Law Enforcement shall serve as the general counsel for the commission.*

(c) *The Department of Law Enforcement staff, as assigned by the chair, shall assist the commission in performing its duties.*

(d) *The commission shall meet as necessary to conduct its work at the call of the chair and at the time designated by him or her at locations throughout the state. The commission may conduct its meetings through teleconferences or other similar means.*

(e) *Members of the commission are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061.*

(3) *The commission shall investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in this state and develop recommendations for system improvements. At a minimum, the commission shall analyze information and evidence from the Marjory Stoneman Douglas High School shooting and other mass violence incidents in this state. At a minimum the commission shall:*

(a) *Develop a timeline of the incident, incident response, and all relevant events preceding the incident, with particular attention to all perpetrator contacts with local, state and national government agencies and entities and any contract providers of such agencies and entities.*

(b) *Investigate any failures in incident responses by local law enforcement agencies and school resource officers.*

1. *Identify existing policies and procedures for active assailant incidents on school premises and evaluate the compliance with such policies and procedures in the execution of incident responses.*

2. *Evaluate existing policies and procedures for active assailant incidents on school premises in comparison with national best practices.*

3. *Evaluate the extent to which any failures in policy, procedure, or execution contributed to an inability to prevent deaths and injuries.*

4. *Make specific recommendations for improving law enforcement and school resource officer incident response in the future.*

5. *Make specific recommendations for determining the appropriate ratio of school resource officers per school by school type. At a minimum, the methodology for determining the ratio should include the school location, student population, and school design.*

(c) *Investigate any failures in interactions with perpetrators preceding mass violence incidents.*

1. *Identify the history of interactions between perpetrators and governmental entities such as schools, law enforcement agencies, courts and social service agencies, and identify any failures to adequately communicate or coordinate regarding indicators of risk or possible threats.*

2. *Evaluate the extent to which any such failures contributed to an inability to prevent deaths and injuries.*

3. *Make specific recommendations for improving communication and coordination among entities with knowledge of indicators of risk or possible threats of mass violence in the future.*

4. *Identify available state and local tools and resources for enhancing communication and coordination regarding indicators of risk or possible threats, including, but not limited to, the Department of Law Enforcement Fusion Center or Judicial Inquiry System, and make specific recommendations for using such tools and resources more effectively in the future.*

(4) *The commission has the power to investigate. The commission may delegate to its investigators the authority to administer oaths and affirmations.*

(5) *The Commissioner of the Department of Law Enforcement shall use his or her subpoena power to compel the attendance of witnesses to testify before the commission. The Commissioner of the Department of Law Enforcement shall use his or her subpoena power to compel the production of any books, papers, records, documentary evidence, and other items, including confidential information, relevant to the performance of the duties of the commission or to the exercise of its powers. The chair or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who appear before the commission for the purpose of testifying in any matter of which the commission desires evidence. In the case of a refusal to obey a subpoena, the commission may make application to any circuit court of this state having jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony relevant to the matter in question. Failure to obey the order may be punished by the court as contempt.*

(6) *The commission may call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties, and such agencies shall provide such assistance in a timely manner.*

(7) *Notwithstanding any other law, the commission may request and shall be provided with access to any information or records, including exempt or confidential and exempt information or records, which pertain to the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida being reviewed by the commission and which are necessary for the commission to carry out its duties. Information or records obtained by the commission which are otherwise exempt or confidential and exempt shall retain such exempt or confidential and exempt status and the commission may not disclose any such information or records.*

(8) *The commission shall submit an initial report on its findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2019, and may issue reports annually thereafter. The commission shall sunset July 1, 2023, and this section is repealed on that date.*

Section 20. Section 1001.212, Florida Statutes, is created 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) *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 safety and security and recommendations to address findings identified pursuant to s. 1006.07(6).

(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.

(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 not limited to, the following data sources by December 1, 2018:

- (a) Social Media;
- (b) Department of Children and Families;
- (c) Department of Law Enforcement;
- (d) Department of Juvenile Justice; and
- (e) Local law enforcement.

(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 ch. 119. The department shall only allow access to data from the source agencies in accordance with rules adopted by the respective source agencies.

(10) Award grants to schools to improve the safety and security of school buildings based upon recommendations of the security risk assessment developed pursuant to subsection (1).

(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.

Section 21. Paragraph (a) of subsection (10) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(10) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the lab schools, in addition to the exceptions to law specified in s. 1001.23(2), the following exceptions shall be permitted for lab schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 316.75; 1001.30; 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464;

1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(2) ~~1006.12(1); 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72; 1011.73; and 1011.74.~~

Section 22. Subsection (1) of section 1006.04, Florida Statutes, is amended to read:

1006.04 Educational multiagency services for students with severe emotional disturbance.—

(1)(a) ~~The multiagency network for students with emotional and behavioral disabilities works with education, mental health, child welfare, and juvenile justice professionals, along with other agencies and families, to provide children with mental illness or emotional and behavioral problems and their families with access to the services and supports they need to succeed. An intensive, integrated educational program; a continuum of mental health treatment services; and, when needed, residential services are necessary to enable students with severe emotional disturbance to develop appropriate behaviors and demonstrate academic and career education skills. The small incidence of severe emotional disturbance in the total school population requires multiagency programs to provide access to appropriate services for all students with severe emotional disturbance. District school boards should provide educational programs, and state departments and agencies administering children's mental health funds should provide mental health treatment and residential services when needed, as part of the forming a multiagency network to provide support for students with severe emotional disturbance.~~

(b) ~~The purpose of the multiagency network is to: The program goals for each component of the multiagency network are to~~

1. Enable students with severe emotional disturbance to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living. ~~;~~~~to~~

2. Develop individual programs for students with severe emotional disturbance, including necessary educational, residential, and mental health treatment services. ~~;~~~~to~~

3. Provide programs and services as close as possible to the student's home in the least restrictive manner consistent with the student's needs. ~~;~~~~and to~~

4. Integrate a wide range of services necessary to support students with severe emotional disturbance and their families.

(c) ~~The multiagency network shall:~~

1. Support and represent the needs of students in each school district in joint planning with fiscal agents of children's mental health funds, including the expansion of school-based mental health services, transition services, and integrated education and treatment programs.

2. Improve coordination of services for children with or at risk of emotional or behavioral disabilities and their families by assisting multi-agency collaborative initiatives to identify critical issues and barriers of mutual concern and develop local response systems that increase home and school connections and family engagement.

3. Increase parent and youth involvement and development with local systems of care.

4. Facilitate student and family access to effective services and programs for students with and at risk of emotional or behavioral disabilities that include necessary educational, residential, and mental health treatment services, enabling these students to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living.

Section 23. Paragraph (b) of subsection (1), paragraphs (k) through (m) of subsection (2), and subsections (3), (4), and (6) of section 1006.07, Florida Statutes, are amended, and subsections (7) and (8) are 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, ~~and~~ juvenile justice actions, *and referrals to mental health services* 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.

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.

(2) CODE OF STUDENT CONDUCT.—Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(k) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program *or referral of such students to mental health services identified by the school district pursuant to s. 1012.584(4)*.

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to *mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system*. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

(m) Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution and *mental health services identified by the school district pursuant to s.*

1012.584(4) for evaluation or treatment, when appropriate. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(3) STUDENT CRIME WATCH PROGRAM.—By resolution of the district school board, implement a student crime watch program to promote responsibility among students and *improve school safety*. *The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials to assist in the control of criminal behavior within the schools.*

(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 ~~the~~ *students and faculty at all the public schools of the district comprised of which comprise grades K-12*. *Drills for active shooter and hostage situations shall be conducted at least as often as other emergency drills*. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. *The emergency response 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 must be listed in the district's emergency response policy.*

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

1. ~~Weapon-use, and~~ *hostage, and active shooter situations*. *The active shooter situation training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.*

2. Hazardous materials or toxic chemical spills.

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

4. Exposure as a result of a manmade emergency.

(c) *Establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of the school's campus.*

(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 policies and procedures for compliance with state law and rules.*

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.

4. Conduct a school security risk assessment in accordance with s. 1006.1493 at each public school using the school security risk assessment tool developed by the Office of Safe Schools ~~Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to conduct a self-assessment of the school districts' current safety and security practices.~~ Based on the assessment ~~these self-assessment findings,~~ the district's school safety specialist ~~district school superintendent~~ shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually, each district school board must receive such findings and the school safety specialist's recommendations ~~the self-assessment results~~ at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the ~~report~~ findings and recommendations. Each school safety specialist ~~district school superintendent~~ shall report such findings ~~the self-assessment results~~ and school board action to the Office of Safe Schools commissioner within 30 days after the district school board meeting.

(b) Each school safety specialist shall coordinate with the appropriate public safety agencies, as defined in s. 365.171, that are designated as first responders to a school's campus to conduct a tour of such campus once every 3 years and provide recommendations related to school safety. The recommendations by the public safety agencies must be considered as part of the recommendations by the school safety specialist pursuant to paragraph (a).

(7) **THREAT ASSESSMENT TEAMS.**—Each district school board 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 the model policies developed by the Office of Safe Schools. Such policies shall include procedures for 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.

(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.

(c) Upon a preliminary determination by the 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, the threat assessment team may obtain criminal history record information, 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 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.

(f) Each threat assessment team established pursuant to this subsection shall report quantitative data on its activities to the Office of Safe Schools in accordance with guidance from the office.

(8) **SAFETY IN CONSTRUCTION PLANNING.**—A district school board must allow the law enforcement agency or agencies that are designated as first responders to the district's campus and school's campuses to tour such campuses once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board.

Section 24. Subsection (2) of section 1006.08, Florida Statutes, is amended to read:

1006.08 District school superintendent duties relating to student discipline and school safety.—

(2) Notwithstanding the provisions of s. 985.04(7) or any other provision of law to the contrary, the court shall, within 48 hours of the finding, notify the appropriate district school superintendent of the name and address of any student found to have committed a delinquent act, or who has had adjudication of a delinquent act withheld which, if committed by an adult, would be a felony, ~~or~~ the name and address of any student found guilty of a felony, ~~or the name and address of any student the court refers to mental health services.~~ Notification shall include the specific delinquent act found to have been committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.

Section 25. Section 1006.12, Florida Statutes, is amended to read:

1006.12 ~~Safe-school school resource~~ ~~school resource~~ officers at each public school ~~and school safety officers.~~—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 safe-school officers at each school facility within the district by implementing any combination of the following options which best meets the needs of the school district:

(1) ~~District school boards may~~ Establish school resource officer programs, through a cooperative agreement with law enforcement agencies ~~or in accordance with subsection (2).~~

(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). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers 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.

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

~~(2)(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 district school board may 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 superintendent may recommend and the district school board may appoint one or more school safety officers.

~~(b)(e)~~ 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.

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

(3) At the school district's discretion, participate in the school marshal program if such program is established pursuant to s. 30.15, to meet the requirement of establishing a safe-school officer.

Section 26. Subsection (1), paragraph (c) of subsection (4), and subsection (8) of section 1006.13, Florida Statutes, are amended, and paragraph (f) is added to subsection (2) of that section, to read:

1006.13 Policy of zero tolerance for crime and victimization.—

(1) District school boards shall ~~It is the intent of the Legislature to promote a safe and supportive learning environment in schools by protecting, to protect~~ students and staff from conduct that poses a serious threat to school safety. A threat assessment team may, ~~and to encourage schools to use alternatives to expulsion or referral to law enforcement agencies to address by addressing~~ disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Zero-tolerance ~~The Legislature finds that zero-tolerance policies may are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to minor fights or disturbances. Zero-tolerance policies The Legislature finds that zero-tolerance policies~~ must apply equally to all students regardless of their economic status, race, or disability.

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

(f) Requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.

(4)

(c) Zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, including, but not limited to, disorderly conduct, ~~disrupting a school function,~~ simple assault or battery, affray, theft of less than \$300, trespassing,

and vandalism of less than \$1,000. However, if a student commits more than one misdemeanor, the threat assessment team must consult with law enforcement to determine if the act should be reported to law enforcement.

(8) A threat assessment team may ~~School districts are encouraged to use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety.~~

Section 27. Section 1006.1493, Florida Statutes, is created to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(1) The department through the Office of Safe Schools pursuant s. 1001.212 shall contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be used by school officials at each school district and public school site in the state in conducting security assessments for use by school officials at each school district and public school site in the state.

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

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

1. School emergency and crisis preparedness planning;
2. Security, crime, and violence prevention policies and procedures;
3. Physical security measures;
4. Professional development training needs;
5. An examination of support service roles in school safety, security, and emergency planning;
6. School security and school police staffing, operational practices, and related services;
7. School and community collaboration on school safety; and
8. A return on investment analysis of the recommended physical security controls.

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

1. Generate written automated reports on assessment findings for review by the department and school and district officials;
2. Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and
3. Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.

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

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

Section 28. Subsections (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (17) and (18), respectively, paragraph (a) of subsection (4), paragraph (b) of subsection (6), subsection (14), and subsection (15) of that section are amended, and a new subsection (16) is added to that section, to read:

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

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

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

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

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

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

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

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction or improve school safety, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

~~2. Funds for safe schools.~~

~~2.3.~~ Funds for supplemental academic instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (1)(f).

3.4. Funds for research-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (9)(a).

~~4.5.~~ Funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (17) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (17) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is created to provide funding to assist school districts in their compliance with s. 1006.07 ~~ss. 1006.07-1006.148~~, with priority given to *implementing the district's establishing a school resource officer program* pursuant to s. 1006.12. Each school district shall receive a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, two-thirds shall be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. *Any additional funds appropriated to this allocation in the 2018-2019 fiscal year to the school resource officer program established pursuant to s. 1006.12 shall be used exclusively for employing or contracting for school resource officers, which shall be in addition to the number of officers employed or contracted for in the 2017-2018 fiscal year.*

(16) MENTAL HEALTH ASSISTANCE ALLOCATION.—*The mental health assistance allocation is created to provide funding to assist school districts in establishing or expanding school-based mental health care. These funds shall be allocated annually in the General Appropriations Act or other law to each eligible school district. Each school district shall receive a minimum of \$100,000 with the remaining balance allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Eligible charter schools are entitled to a proportionate share of district funding. At least 90 percent of a district's allocation must be expended on the elements specified in subparagraphs (b)1. and 2. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses. School districts are encouraged to maximize third party health insurance benefits and Medicaid claiming for services, where appropriate.*

(a) Before the distribution of the allocation:

1. The school district must develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.

2. A charter school must develop and submit a detailed plan outlining the local program and planned expenditures to its governing body for approval. After the plan is approved by the governing body, it must be provided to the charter school's sponsor.

(b) The plans required under paragraph (a) must be focused on delivering evidence-based mental health care treatment to children and include the following elements:

1. Provision of mental health assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and students at high risk of such diagnoses.

2. Coordination of such services with a student's primary care provider and with other mental health providers involved in the student's care.

3. Direct employment of such service providers, or a contract-based collaborative effort or partnership with one or more local community mental health programs, agencies, or providers.

(c) School districts shall submit approved plans, including approved plans of each charter school in the district, to the commissioner by August 1 of each fiscal year.

(d) Beginning September 30, 2019, and annually by September 30 thereafter, each school district shall submit to the Department of Education a report on its program outcomes and expenditures for the previous fiscal year that, at a minimum, must include the number of each of the following:

1. Students who receive screenings or assessments.
2. Students who are referred for services or assistance.
3. Students who receive services or assistance.
4. Direct employment service providers employed by each school district.
5. Contract-based collaborative efforts or partnerships with community mental health programs, agencies, or providers.

Section 29. Section 1012.584, Florida Statutes, is created to read:

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(1) Beginning with the 2018-2019 school year, the Department of Education shall establish an evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem.

(2) The Department of Education shall select a national authority on youth mental health awareness and assistance to facilitate providing youth mental health awareness and assistance training, using a trainer certification model, to all school personnel in elementary, middle, and high schools. Each school safety specialist shall earn, or designate one or more individuals to earn, certification as a youth mental health awareness and assistance trainer. The school safety specialist shall ensure that all school personnel within his or her school district receive youth mental health awareness and assistance training.

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

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

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

(c) Information on how to engage at-risk students with the skills, resources, and knowledge required to assess the situation, and how to identify and encourage the student to use appropriate professional help and other support strategies, including, but not limited to, peer, social, or self-help care.

(4) Each school district shall notify all school personnel who have received training pursuant to this section of mental health services that are available in the school district, and the individual to contact if a student needs services. The term "mental health services" includes, but is not limited to, community mental health services, health care providers, and services provided under ss. 1006.04 and 1011.62(17).

Section 30. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, subsection (2) of section 397.6760, Florida Statutes, is reenacted to read:

397.6760 Court records; confidentiality.—

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

Section 31. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 790.335, Florida Statutes, is reenacted to read:

790.335 Prohibition of registration of firearms; electronic records.—

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

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

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

Section 32. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, subsection (1) of section 794.056, Florida Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 33. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, section 938.085, Florida Statutes, is reenacted to read:

*938.085 Additional cost to fund rape crisis centers.—*In addition to any sanction imposed when a person pleads guilty or nolo contendere to,

or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 34. *For the 2018-2019 fiscal year, the sum of \$69,237,286 in recurring funds is appropriated from the General Revenue Fund to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Education Finance Program to fund the mental health assistance allocation created pursuant to s. 1011.62(16), Florida Statutes.*

Section 35. *For the 2018-2019 fiscal year, the sums of \$500,000 in recurring funds and \$6,200,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education to implement the youth mental health awareness and assistance training as directed pursuant to s. 1012.584, Florida Statutes.*

Section 36. *For the 2018-2019 fiscal year, the sum of \$1 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School in Broward County. The department shall collaborate with the students and faculty of Marjory Stoneman Douglas High School, the families of the victims, the Broward County School District, and other relevant entities of the Parkland community on the design and placement of the memorial.*

Section 37. *For the 2018-2019 fiscal year, the sum of \$25,262,714 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education combined with an equal amount of local matching funds for the purpose of replacing Building 12, as listed in the Florida Inventory of School Houses, at Marjory Stoneman Douglas High School in Broward County.*

Section 38. *For the 2018-2019 fiscal year, the sums of \$500,000 in recurring funds and \$67 million in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education to allocate to sheriffs' offices who establish a school marshal program pursuant to s. 30.15, Florida Statutes. The funds shall be used for screening-related and training-related costs and providing a one-time stipend of \$500 to school marshals who participate in the school marshal program.*

Section 39. *For the 2018-2019 fiscal year, three full-time equivalent positions, with associated salary rate of 150,000, are authorized, and the sum of \$344,393 in recurring funds is appropriated from the General Revenue Fund to the Department of Education to fund the Office of Safe Schools created pursuant to s. 1001.212, Florida Statutes.*

Section 40. *For the 2018-2019 fiscal year, the sum of \$97,500,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Education Finance Program category for the safe schools allocation. These funds are in addition to the safe schools allocation funds appropriated in the Florida Education Finance Program in the Fiscal Year 2018-2019 General Appropriations Act. From these funds, \$187,340 shall be distributed to each school district and developmental research school to increase each school districts' minimum amount to \$250,000 when combined with the minimum amount appropriated in the 2018-2019 General Appropriations Act. Notwithstanding s. 1011.62(15), Florida Statutes, the balance of the funds appropriated in this section shall be distributed to school districts based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Each school district must use these funds exclusively for hiring or contracting for school resource officers pursuant to s. 1006.12, Florida Statutes.*

Section 41. *For the 2018-2019 fiscal year, the sum of \$100,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Education to competitively procure the active shooter training component of the school safety specialist training program pursuant to s. 1001.212, Florida Statutes.*

Section 42. *For the 2018-2019 fiscal year, the sum of \$98,962,286 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to implement a grant program that will provide awards to schools to fund, in whole or in part, the fixed capital outlay costs associated with improving the physical security of school buildings as identified by a security risk assessment completed before August 1, 2018, by a school district or charter school. By August 31, 2018, the department shall submit the grant guidelines, which must include an application submission deadline of no later than December 1, 2018, and the specific evaluation criteria, to all school districts and charter schools. The department shall award grants no later than January 15, 2019, based upon the evaluation criteria set forth in the application guidelines.*

Section 43. *For the 2018-2019 fiscal year, the sums of \$300,000 in nonrecurring funds and \$100,000 in recurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement to competitively procure proposals for the development or acquisition of the mobile suspicious activity reporting tool pursuant to s. 943.082, Florida Statutes. The tool shall be implemented no later than January 31, 2019.*

Section 44. *For the 2018-2019 fiscal year, five full-time equivalent positions, with associated salary rate of 345,000, are authorized and the recurring sum of \$600,000 and the nonrecurring sum of \$50,000 are appropriated from the General Revenue Fund to the Department of Law Enforcement to fund the operations of the Marjory Stoneman Douglas High School Public Safety Commission.*

Section 45. *For the 2018-2019 fiscal year, the sum of \$9,800,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Children and Families to competitively procure for additional community action treatment teams to ensure reasonable access among all counties. The department shall consider the geographic location of existing community action treatment teams and select providers to serve the areas of greatest need.*

Section 46. *For the 2018-2019 fiscal year, the sums of \$18,300,000 in recurring funds are appropriated from the General Revenue Fund to the Department of Children and Families to competitively procure proposals for additional mobile crisis teams to ensure reasonable access among all counties. The department shall consider the geographic location of existing mobile crisis teams and select providers to serve the areas of greatest need.*

Section 47. *For the 2018-2019 fiscal year, the sums of \$18,321 in recurring funds and \$225,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education in the Special Categories – Teacher and School Administrator Death Benefits category to provide for the benefits awarded pursuant to s. 112.1915, Florida Statutes, to the eligible recipients of the three Marjory Stoneman Douglas High School staff members who lost their lives on February 14, 2018.*

Section 48. *For the 2018-2019 fiscal year, the sum of \$3 million in recurring funds is appropriated from the General Revenue Fund to the Department of Education to competitively procure for the development or acquisition of the centralized data repository and analytics resources pursuant to s. 1001.212, Florida Statutes. The department shall collaborate with the Department of Law Enforcement and school districts to identify the requirements and functionality of the data repository and analytics resources and shall make such resources available to the school districts no later than December 1, 2018.*

Section 49. *For the 2018-2019 fiscal year, the sum of \$1 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to competitively procure a contract with a third-party security consultant with experience in conducting security risk assessments of public schools. Contract funds shall be used to review and analyze the department's current security risk assessment tool known as the Florida Safe Schools Assessment Tool (FSSAT) and a sample of self-assessments conducted by school districts using the*

FSSAT to determine the effectiveness of the recommendations produced based upon the FSSAT. The review shall include any recommended updates and enhancements with associated costs for their implementation to aid districts in developing recommendations to address safety and security issues discovered by the FSSAT. The department shall submit the completed review to the State Board of Education, the Executive Office of the Governor's Office of Policy and Budget, the chair of the Senate Committee on Appropriations, and the House of Representatives Appropriations Committee no later than January 1, 2019.

Section 50. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public safety; providing a short title; providing legislative findings; amending 16.555, F.S.; authorizing the awarding of grants through the Crime Stoppers Trust Fund for student crime watch programs; amending s. 20.15, F.S.; establishing the Office of Safe Schools within the Department of Education; amending s. 30.15, F.S.; providing that each sheriff may establish a school marshal program and appoint certain volunteer school employees as school marshals; providing sheriff and school marshal requirements; requiring certain documentation and records be maintained relating to such school marshals; amending s. 121.091, F.S.; authorizing certain retired law enforcement officers to be reemployed as school resource officers after meeting specified termination requirements; authorizing such retired law enforcement officers to receive compensation and retirement benefits after a specified period; providing that such retired law enforcement officers may not renew membership in the Florida Retirement System, except as otherwise provided; amending s. 394.463, F.S.; requiring when practicable that a law enforcement officer with certain training be assigned to serve and execute certain ex parte orders; authorizing a law enforcement officer to seize and hold firearms and ammunition if taking custody of a person who poses a potential danger to himself or herself or others and who has made a credible threat against another person; authorizing a law enforcement officer to seek the voluntary surrender of firearms and ammunition kept in the residence if the law enforcement officer takes custody of the person at the person's residence and certain criteria are met; authorizing such law enforcement officer to petition an appropriate court for a risk protection order under certain circumstances; requiring that firearms and ammunition seized or voluntarily surrendered be returned within a certain timeframe under specified circumstances; providing exceptions; requiring law enforcement agencies to develop policies and procedures relating to the seizure, storage, and return of firearms and ammunition; amending s. 394.495, F.S.; requiring the Department of Children and Families to contract for community action treatment teams throughout the state with the managing entities; specifying requirements for community action treatment teams; subject to legislative appropriation, requiring the department to contract for additional teams to ensure statewide availability of services; creating s. 790.064, F.S.; prohibiting a person who has been adjudicated mentally defective or been committed to a mental institution from owning or possessing a firearm until certain relief is obtained; specifying that the firearm possession and ownership disability runs concurrently with the firearm purchase disability under certain provisions; authorizing a person to petition for relief from the firearm possession and ownership disability; requiring that petitions for relief follow certain procedures; authorizing such person to petition for simultaneous relief; amending s. 790.065, F.S.; prohibiting a person younger than a certain age from purchasing a firearm; prohibiting the sale or transfer, or facilitation of a sale or transfer, of a firearm to a person younger than a certain age by a licensed importer, licensed manufacturer, or licensed dealer; providing criminal penalties; providing exceptions; amending s. 790.0655, F.S.; revising the mandatory waiting period to the later of either 3 days, excluding weekends and legal holidays, or upon the completion of certain records checks; revising and redefining terms; requiring that records of firearm sales be available for inspection by any law enforcement agency during normal business hours; revising applicability of the waiting period; conforming provisions to changes made by the act; creating s. 790.222, F.S.; defining the term "bump-fire stock"; prohibiting specified acts relating to the sale and possession of bump-fire stocks; providing criminal penalties; providing legislative intent; providing a short title; creating s. 790.401, F.S.; defining terms; creating an action known as a petition for a risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms or ammunition; providing

requirements for petitions for such orders; providing duties for courts and clerks of court; prohibiting fees for the filing of or service of process of such petitions; providing for jurisdiction for such petitions; requiring hearings on petitions within a specified period; providing service requirements; providing grounds that may be considered in determining whether to grant such a petition; providing requirements for proceedings; providing requirements for risk protection orders; requiring the court to inform a respondent of his or her right to request a certain hearing; authorizing temporary ex parte orders under certain circumstances; providing requirements for petitions for such ex parte orders; providing for service of orders; providing for the termination or extension of an order; providing for the surrender and storage of firearms, ammunition, and licenses to carry a concealed weapon or firearm after issuance of a risk protection order; requiring law enforcement agencies to develop certain policies and procedures; providing for return of firearms and ammunition upon the vacating or end without the extension of an order under certain circumstances; authorizing a respondent to elect to transfer all firearms and ammunition surrendered or seized by a law enforcement agency to another person under certain circumstances; requiring a clerk of the court to forward a copy of a risk protection order to the appropriate law enforcement agency within a specified timeframe; requiring the law enforcement agency to enter the order into the Florida Crime Information Center and the National Crime Information Center systems; requiring that the order be maintained in the systems for a specified period and prohibiting a law enforcement from removing an order from the systems which has not ended or been vacated; providing that entry of an order into the systems constitutes notice to law enforcement agencies; requiring an issuing court to forward specified information concerning a respondent to the Department of Agriculture and Consumer Services within a specified timeframe; requiring the department to suspend a license to carry a concealed weapon or firearm which is held by a person subject to such an order; prohibiting a person from making a false statement under oath; providing criminal penalties; prohibiting violations of such an order; providing criminal penalties; providing construction; providing that the risk protection order provisions do not create liability for certain acts or omissions; requiring the Office of the State Courts Administrator to develop and distribute certain instructional and informational material; amending s. 836.10, F.S.; prohibiting a person from making, posting, or transmitting a threat to conduct a mass shooting or an act of terrorism in a writing or other record in any manner that would allow another person to view the threat; providing criminal penalties; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; creating s. 943.082, F.S.; requiring the Department of Law Enforcement, in collaboration with the Department of Legal Affairs, to competitively procure a mobile suspicious activity tool with certain features; requiring the department to receive certain electronic reports; requiring the reporting tool to notify the reporting party of certain information; requiring the forwarding of certain information to appropriate law enforcement agencies; requiring that certain entities be made aware of the reporting tool; requiring the department, in collaboration with certain entities, to develop and provide certain training and awareness relating to the reporting tool; creating s. 943.687, F.S.; creating the Marjory Stoneman Douglas High School Public Safety Commission within the Department of Law Enforcement; requiring the commission to convene by a certain date; specifying the composition of the commission; requiring Department of Law Enforcement staff to assist the commission; specifying meeting requirements; authorizing reimbursement for per diem and travel expenses; providing the duties and authority of the commission; requiring the commission to submit an initial report to the Governor and the Legislature within a specified time; providing for the expiration of the commission; creating s. 1001.212, F.S.; creating the Office of Safe Schools within the Department of Education; providing duties of the office; amending s. 1002.32, F.S.; conforming a cross-reference; amending s. 1006.04, F.S.; revising the purpose and duties of the educational multiagency network for students with emotional and behavioral disabilities; amending s. 1006.07, F.S.; revising district school board duties relating to student discipline and school safety; requiring students to note referrals to mental health services upon initial registration for school within a school district; authorizing a district school board to refer a student to certain mental health services under certain circumstances; revising the code of student conduct relating to the referral of certain students to certain mental health services and law enforcement; providing requirements for student crime watch programs; revising the policies and procedures for emergency drills to include drills for active shooter and hostage situations; providing requirements for such drills; revising requirements for the emergency

response policy; requiring model emergency management and emergency preparedness procedures for active shooter situations; requiring school districts to establish a schedule to test emergency communication systems; requiring district school superintendents to establish certain policies and procedures relating to the prevention of violence on school grounds and designate a school safety specialist for the school district; providing requirements and duties for school safety specialists; providing school safety specialist requirements relating to the required school security risk assessments; requiring each district school board to establish a threat assessment team at each school within the district; providing requirements and duties for threat assessment teams; authorizing a threat assessment team to obtain certain criminal history record information under certain circumstances; prohibiting a member of a threat assessment team from disclosing or using such information except for a specified purpose; authorizing certain entities to share specified confidential information and records relating to students for specified purposes; authorizing school personnel to address an immediate mental health or substance abuse crisis; providing requirements for addressing such situations; providing threat assessment team reporting requirements; amending s. 1006.08, F.S.; requiring a district school superintendent to be notified by the court of a student referred to mental health services; amending s. 1006.12, F.S.; requiring district school boards to establish or assign safe-school officers at each district school facility within the district; requiring school resource officers and school safety officers to undergo specified evaluations; specifying that participation in the school marshal program meets the requirement, if such a program is available; amending s. 1006.13, F.S.; revising the policy of zero tolerance for crime and victimization; providing district school board responsibilities; authorizing a threat assessment team to use specified alternatives to expulsion or referral to law enforcement to address disruptive behavior; providing requirements for zero-tolerance policies; requiring a threat assessment team to consult with law enforcement under certain circumstances; creating s. 1006.1493, F.S.; requiring the department to contract with a security consulting firm to develop, update, and implement a risk assessment tool; providing requirements for the Florida Safe Schools Assessment Tool; requiring reports, training, and advice in the security consulting firm contract; requiring a specified annual report to the Governor and Legislature by a specified date; providing for construction regarding the applicability of public records exemptions for certain security data and information; amending s. 1011.62, F.S.; authorizing a district school board to use certain categorical appropriations to improve school safety; revising the safe schools allocation; creating the mental health assistance allocation; providing the purpose of the allocation; requiring that funds be allocated annually in the General Appropriations Act; providing for the annual allocation of such funds on a specified basis; providing that eligible charter schools are entitled to a proportionate share; prohibiting the use of allocated funds to supplant funds provided from other operating funds, to increase salaries, or to provide bonuses, except in certain circumstances; requiring that school districts and schools maximize certain third-party funding; requiring that school districts and charter schools annually develop and submit certain detailed plans; requiring that approved charter school plans be provided to the district for submission to the commissioner; providing that required plans must include certain elements; requiring school districts to annually submit approved plans to the Commissioner of Education by a specified date; requiring that entities receiving such allocations annually submit a final report on program outcomes and specific expenditures to the commissioner by a specified date; creating s. 1012.584, F.S.; requiring the department to establish a youth mental health awareness and assistance training program for specified purposes; providing department and program requirements; requiring certain school personnel to receive such training; requiring the school safety specialist to ensure certain personnel receive such training; requiring school districts to inform such personnel of the mental health services available in the district; providing appropriations for specified purposes; reenacting ss. 397.6760(2) and 790.335(3)(e), F.S.; relating to the confidentiality of court records and exceptions to the prohibition of registration of firearms, respectively, to incorporate the amendment made to s. 790.065, F.S., in references thereto; providing appropriations; reenacting ss. 794.056 and 938.085, F.S.; relating to the Rape Crises Program Trust Fund and additional cost to fund rape crises centers, respectively, to incorporate the amendment made to s. 836.10, F.S.; providing appropriations; providing effective dates.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Rodriguez moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1A (188798) (with title amendment)—Between lines 423 and 424 insert:

Section 12. Section 790.174, Florida Statutes, is amended to read:

790.174 Safe storage of firearms required.—

(1) *As used in this section, the term “minor” means a person younger than 18 years of age.*

(2)(1) A person who stores or leaves, on a premise under his or her control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor 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 the supervision required by law, shall keep the firearm in a securely locked box or container ~~or in a location which a reasonable person would believe to be secure~~ or shall secure it with a trigger lock, ~~except when the person is carrying the firearm on his or her body or within such close proximity thereto that he or she can retrieve and use it as easily and quickly as if he or she carried it on his or her body.~~

(3)(2) ~~It is~~ A person who violates subsection (2) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, ~~if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof a minor gains access to the firearm, without the lawful permission of the minor’s parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law.~~

(a) ~~In a public place; or~~

(b) ~~In a rude, careless, angry, or threatening manner in violation of s. 790.10.~~

~~This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.~~

(3) ~~As used in this act, the term “minor” means any person under the age of 16.~~

Section 13. For the purpose of incorporating the amendment made by this act to section 790.174, Florida Statutes, in a reference thereto, paragraph (f) of subsection (5) of section 409.175, Florida Statutes, is reenacted to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(5)

(f) The department’s rules shall include adoption of a form to be used by child-placing agencies during an adoption home study that requires all prospective adoptive applicants to acknowledge in writing the receipt of a document containing solely and exclusively the language provided for in s. 790.174 verbatim.

And the title is amended as follows:

Between lines 2448 and 2449 insert: amending s. 790.174, F.S.; redefining the term “minor”; requiring that, in specified circumstances, a loaded firearm be kept in a securely locked box or container or be secured with a trigger lock; deleting conditions that pertain to the crime of failing to safely store, leave, or secure a loaded firearm in a specified manner; reenacting s. 409.175(5)(f), F.S., relating to certain rules of the Department of Children and Families, to incorporate the amendment made to s. 790.174, F.S., in a reference thereto;

The vote was:

Yeas—14

Book	Gibson	Stewart
Bracy	Montford	Taddeo
Braynon	Powell	Thurston
Campbell	Rodriguez	Torres
Farmer	Rouson	

Nays—19

Mr. President	Gainer	Passidomo
Baxley	Galvano	Perry
Bean	Grimsley	Simmons
Benacquisto	Hukill	Simpson
Bradley	Hutson	Stargel
Broxson	Lee	
Flores	Mayfield	

Vote preference:

March 5, 2018: Nay—Young

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendments was allowed:

Senator Montford moved the following amendments to **Amendment 1 (234288)** which failed:

Amendment 1B (897612)—Delete lines 1732-1738 and insert: ~~school and school safety officers.~~ *The purpose of this section is to provide for the protection and safety of students, school personnel, visitors, and property through the provision of one or more school resource officers or school safety officers at each school facility within the district, to the extent that funds are available for that purpose in the safe schools allocation established pursuant to s. 1011.62 to fund such officers authorized in subsections (1) and (2). Funds appropriated for the Florida Sheriff's Marshal Program may also be used to fund school resource officers or school safety officers authorized in subsections (1) and (2). District school boards shall implement at least one of the following options:*

Amendment 1C (821890)—Delete line 2251 and insert: *program. Funds appropriated pursuant to this section may also be used to fund school resource officers or school safety officers authorized in s. 1006.12(1) and (2), Florida Statutes.*

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Gibson moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1D (521176)—Delete lines 463-988 and insert:

(a) "Petitioner" means a law enforcement officer, a law enforcement agency, or a family or household member that petitions a court for a risk protection order under this section. As used in this paragraph, the term "family or household member" has the same meaning as provided in s. 741.28 and includes a person who:

1. Has a biological or legal parent-child relationship with the respondent, including stepparents and stepchildren and grandparents and grandchildren; and
2. Is acting or has acted as the respondent's legal guardian.

(b) "Respondent" means the individual who is identified as the respondent in a petition filed under this section.

(c) "Risk protection order" means a temporary ex parte order or a final order granted under this section.

(2) **PETITION FOR A RISK PROTECTION ORDER.**—There is created an action known as a petition for a risk protection order.

(a) A petition for a risk protection order may be filed by a law enforcement officer, a law enforcement agency, or a family or household member.

(b) An action under this section must be filed in the county where the petitioner is located or the county where the respondent resides.

(c) Such petition for a risk protection order does not require either party to be represented by an attorney.

(d) Notwithstanding any other law, attorney fees may not be awarded in any proceeding under this section.

(e) A petition must:

1. *Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;*

2. *Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and*

3. *Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.*

(f) *If the petitioner is a law enforcement officer or a law enforcement agency, the petitioner must make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for a risk protection order or has already done so and must include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice or must attest to the steps that will be taken to provide such notice.*

(g) *If the petitioner is a law enforcement officer or a law enforcement agency, the petitioner must list the address of record on the petition as being where the appropriate law enforcement agency is located. If the petitioner is a family or household member, the petitioner must list the address of his or her residential address unless he or she has a reasonable fear that including his or her residential address might result in harm to himself or herself or to a person living at that address, and if so, the petitioner may list a post office box address.*

(h) *A court or a public agency may not charge fees for filing or for service of process to a petitioner seeking relief under this section and must provide the necessary number of certified copies, forms, and instructional brochures free of charge.*

(i) *A person is not required to post a bond to obtain relief in any proceeding under this section.*

(j) *The circuit courts of this state have jurisdiction over proceedings under this section.*

(3) **RISK PROTECTION ORDER HEARINGS AND ISSUANCE.**—

(a) *Upon receipt of a petition, the court must order a hearing to be held no later than 14 days after the date of the order and must issue a notice of hearing to the respondent for the same.*

1. *The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as provided in subsection (5).*

2. *The court may, as provided in subsection (4), issue a temporary ex parte risk protection order pending the hearing ordered under this subsection. Such temporary ex parte order must be served concurrently with the notice of hearing and petition as provided in subsection (5).*

3. *The court may conduct a hearing by telephone pursuant to a local court rule to reasonably accommodate a disability or exceptional circumstances. The court must receive assurances of the petitioner's identity before conducting a telephonic hearing.*

(b) *Upon notice and a hearing on the matter, if the court finds by clear and convincing evidence that the respondent 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 or any ammunition, the court must issue a risk protection order for a period that it deems appropriate, up to and including, but not exceeding 12 months.*

(c) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

1. A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm.
2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others.
3. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.
4. A violation by the respondent of a risk protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.
5. A previous or existing risk protection order issued against the respondent.
6. A violation of a previous or existing risk protection order issued against the respondent.
7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. 741.28.
8. The respondent's ownership of, access to, or intent to possess firearms or ammunition.
9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.
10. The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.
11. Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence.
12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.
13. Evidence of recent acquisition of firearms or ammunition by the respondent.
14. Any relevant information from family and household members concerning the respondent.
15. Witness testimony, taken while the witness is under oath, relating to the matter before the court.

(d) A person, including an officer of the court, who offers evidence or recommendations relating to the cause of action either must present the evidence or recommendations in writing to the court with copies to each party and his or her attorney, if one is retained, or must present the evidence under oath at a hearing at which all parties are present.

(e) In a hearing under this section, the rules of evidence apply to the same extent as in a domestic violence injunction proceeding under s. 741.30.

(f) During the hearing, the court must consider whether a mental health evaluation or chemical dependency evaluation is appropriate and, if such determination is made, may order such evaluations, if appropriate.

(g) A risk protection order must include all of the following:

1. A statement of the grounds supporting the issuance of the order;
2. The date the order was issued;
3. The date the order ends;
4. Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;

5. The address of the court in which any responsive pleading should be filed;

6. A description of the requirements for the surrender of firearms and ammunition under subsection (7); and

7. The following statement:

“To the subject of this protection order: This order will last until the date noted above. If you have not done so already, you must surrender immediately to the _____ (insert name of local law enforcement agency) all firearms and ammunition that you own in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You have the right to request one hearing to vacate this order, starting after the date of the issuance of this order, and to request another hearing after every extension of the order, if any. You may seek the advice of an attorney as to any matter connected with this order.”

(h) If the court issues a risk protection order, the court must inform the respondent that he or she is entitled to request a hearing to vacate the order in the manner provided by subsection (6). The court shall provide the respondent with a form to request a hearing to vacate.

(i) If the court denies the petitioner's request for a risk protection order, the court must state the particular reasons for the denial.

(4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.—

(a) A petitioner may request that a temporary ex parte risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.

(b) In considering whether to issue a temporary ex parte risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in paragraph (3)(c).

(c) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition, the court must issue a temporary ex parte risk protection order.

(d) The court must hold a temporary ex parte risk protection order hearing in person or by telephone on the day the petition is filed or on the business day immediately following the day the petition is filed.

(e) A temporary ex parte risk protection order must include all of the following:

1. A statement of the grounds asserted for the order;
2. The date the order was issued;
3. The address of the court in which any responsive pleading may be filed;
4. The date and time of the scheduled hearing;
5. A description of the requirements for surrender of firearms and ammunition under subsection (7); and
6. The following statement:

“To the subject of this protection order: This order is valid until the date noted above. You are required to surrender all firearms and ammunition that you own in your custody, control, or possession. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You must surrender immediately to the _____ (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. A hearing will be held on the

date and at the time noted above to determine if a risk protection order should be issued. Failure to appear at that hearing may result in a court issuing an order against you which is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order.”

(f) A temporary ex parte risk protection order ends upon the hearing on the risk protection order.

(g) A temporary ex parte risk protection order must be served by a law enforcement officer in the same manner as provided for in subsection (5) for service of the notice of hearing and petition and must be served concurrently with the notice of hearing and petition.

(h) If the court denies the petitioner’s request for a temporary ex parte risk protection order, the court must state the particular reasons for the denial.

(5) SERVICE.—

(a) The clerk of the court shall furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of a temporary ex parte risk protection order or a risk protection order that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. The clerk of the court shall be responsible for furnishing to the sheriff information on the respondent’s physical description and location. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency effecting service pursuant to this section shall use service and verification procedures consistent with those of the sheriff. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(b) All orders issued, changed, continued, extended, or vacated after the original service of documents specified in paragraph (a) must be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

(6) TERMINATION AND EXTENSION OF ORDERS.—

(a) The respondent may submit one written request for a hearing to vacate a risk protection order issued under this section, starting after the date of the issuance of the order, and may request another hearing after every extension of the order, if any.

1. Upon receipt of the request for a hearing to vacate a risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with subsection (5). The hearing must occur no sooner than 14 days and no later than 30 days after the date of service of the request upon the petitioner.

2. The respondent shall have the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm or ammunition. The court may consider any relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds after the hearing that the respondent has met his or her burden of proof, the court must vacate the order.

4. The law enforcement agency holding any firearm or ammunition or license to carry a concealed weapon or firearm that has been surrendered pursuant to this section shall be notified of the court order to vacate the risk protection order.

(b) The court must notify the petitioner of the impending end of a risk protection order. Notice must be received by the petitioner at least 30 days before the date the order ends.

(c) The petitioner may, by motion, request an extension of a risk protection order at any time within 30 days before the end of the order.

1. Upon receipt of the motion to extend, the court shall order that a hearing be held no later than 14 days after the date the order is issued and shall schedule such hearing.

a. The court may schedule a hearing by telephone in the manner provided by subparagraph (3)(a)3.

b. The respondent must be personally served in the same manner provided by subsection (5).

2. In determining whether to extend a risk protection order issued under this section, the court may consider all relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds by clear and convincing evidence that the requirements for issuance of a risk protection order as provided in subsection (3) continue to be met, the court must extend the order. However, if, after notice, the motion for extension is uncontested and no modification of the order is sought, the order may be extended on the basis of a motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension.

4. The court may extend a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months, subject to an order to vacate as provided in paragraph (a) or to another extension order by the court.

(7) SURRENDER OF FIREARMS AND AMMUNITION.—

(a) Upon issuance of a risk protection order under this section, including a temporary ex parte risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition owned by the respondent in the respondent’s custody, control, or possession except as provided in subsection (9), and any license to carry a concealed weapon or firearm issued under s. 790.06.

(b) The law enforcement officer serving a risk protection order under this section, including a temporary ex parte risk protection order, shall request that the respondent immediately surrender all firearms and ammunition owned by the respondent in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06. The law enforcement officer shall take possession of all firearms and ammunition owned by the respondent which are surrendered. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent must surrender any firearms, ammunition, and license to carry a concealed weapon or firearm owned by the respondent in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present. Notwithstanding ss. 933.02 and 933.18, a law enforcement officer may seek a search warrant from a court of competent jurisdiction to conduct a search for firearms or ammunition owned by the respondent if the officer has probable cause to believe that there are firearms or ammunition owned by the respondent in the respondent’s custody, control, or possession which have not been surrendered.

(c) At the time of surrender, a law enforcement officer taking possession of a firearm, any ammunition, or a license to carry a concealed weapon or firearm owned by the respondent shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer serving the order shall file the original receipt with the court and

shall ensure that his or her law enforcement agency retains a copy of the receipt.

(d) Notwithstanding ss. 933.02 and 933.18, upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition that he or she owns as required by an order issued under this section, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms or ammunition that he or she owns in his or her custody, control, or possession. If the court finds that probable cause exists, the court must issue a warrant describing the firearms or ammunition and authorizing a search of the locations where the firearms or ammunition owned by the respondent are reasonably believed to be found and the seizure of any firearms or ammunition discovered pursuant to such search.

(e) If a person other than the respondent claims title to any firearms or ammunition surrendered pursuant to this section and he or she is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her, if:

1. The lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have access to or control of the firearm or ammunition.

2. The firearm or ammunition is not otherwise unlawfully possessed by the owner.

(f) Upon the issuance of a risk protection order, the court shall order a new hearing date and require the respondent to appear no later than 3 business days after the issuance of the order. The court shall require proof that the respondent has surrendered any firearms or ammunition in his or her custody, control, or possession. The court may cancel the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(g) All law enforcement agencies must develop policies and procedures by January 1, 2019, regarding the acceptance, storage, and return of firearms, ammunition, or licenses required to be surrendered under this section.

(8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

(a) If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition that has been surrendered or seized pursuant to this section must return such surrendered firearm or ammunition requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or has ended without extension.

(b) If a risk protection order is vacated or ends without extension, the Department of Agriculture and Consumer Services, if it has suspended a license to carry a concealed weapon or firearm pursuant to this section, must reinstate such license only after confirming that the respondent is currently eligible to have a license to carry a concealed weapon or firearm pursuant to s. 790.06.

(c) A law enforcement agency must provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition.

(d) Any firearm and ammunition surrendered by a respondent pursuant to subsection (7) which remains unclaimed by the lawful owner after an order to vacate the risk protection order shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

(9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may elect to transfer all firearms and ammunition that have been surrendered to or seized by a local law enforcement agency pursuant to subsection (7) to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency may allow such a transfer only if it is determined that the chosen recipient:

(a) Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;

(b) Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and

(c) Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the respondent is vacated or ends without extension.

(10) REPORTING OF ORDERS.—

(a) Within 24 hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.

(b) Within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the Florida Crime Information Center and National Crime Information Center. The order must remain in each system for the period stated in the order, and the law enforcement agency may only remove an order from the systems which has ended or been vacated. Entry of the order into the Florida Crime Information Center and National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.

(c) The issuing court shall, within 3 business days after issuance of a risk protection order or temporary ex parte risk protection order, forward all available identifying information concerning the respondent, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department must immediately suspend the license.

(d) If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the Department of Agriculture and Consumer Services and the appropriate law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to paragraph (b).

(11) PENALTIES.—

(a) A person who makes a false statement, which he or she does not believe to be true, under oath in a hearing under this section in regard to any material matter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by an order issued under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section does not affect the ability of a law enforcement officer to remove a firearm or ammunition or license to carry a concealed weapon or concealed firearm from any person or to conduct any search and seizure for firearms or ammunition pursuant to other lawful authority.

(13) LIABILITY.—Except as provided in subsection (8) or subsection (11), this section does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining a risk protection order or temporary ex parte risk protection order, including, but not limited to, providing notice to the petitioner and any known third party that may be at risk of

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Braynon moved the following amendment to **Amendment 1 (234288)** which was adopted:

Amendment 1E (621942) (with title amendment)—Between lines 437 and 438 insert:

Section 13. Section 790.301, Florida Statutes, is created to read:

790.301 AR-15 assault rifles; moratorium; study.—Upon this act becoming a law, a moratorium is imposed on the sale, delivery, and transfer of all AR-15-style assault rifles and it must remain in effect for a minimum period of 2 years. The Department of Law Enforcement is directed to conduct a study to determine whether banning the AR-15-style assault rifle should be permanent or whether regulations can sufficiently be implemented to eliminate or significantly reduce the risk of mass shootings posed by the availability of AR-15-style assault rifles. The department shall submit its resulting findings and recommendations to the Governor, the President of the Senate, the Speaker of the House or Representatives, and the Majority and Minority Leaders of the Senate and the House of Representatives. The moratorium imposed by this section may not be repealed until the Legislature enacts a law that adopts, modifies, or rejects the department’s recommendations.

And the title is amended as follows:

Delete line 2452 and insert: criminal penalties; creating s. 790.301, F.S.; imposing a moratorium on the sale, delivery, and transfer of all AR-15-style assault rifles for at least a specified period of time; directing the Department of Law Enforcement to conduct a certain study on the AR-15-style assault rifle; requiring the department to submit a report to the Governor and the Legislature; providing conditions under which the moratorium may be repealed; providing legislative intent;

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendments was allowed:

Senator Torres moved the following amendments to **Amendment 1 (234288)** which failed:

Amendment 1F (104202) (with title amendment)—Delete lines 364-367 and insert:

Section 10. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (14), a new subsection (13) is added to that section, and paragraph (c) of subsection (1) of that section is amended, to read:

790.065 Sale and delivery of firearms.—

(1)

~~(c) This subsection does not apply to the purchase, trade, or transfer of a rifle or shotgun by a resident of this state when the resident makes such purchase, trade, or transfer from a licensed importer, licensed manufacturer, or licensed dealer in another state.~~

And the title is amended as follows:

Delete line 2434 and insert: F.S.; revising applicability of the prohibition against certain sales or deliveries of firearms to include certain purchases, trades, and transfers of a rifle or shotgun; prohibiting a person younger than a certain age

Amendment 1G (728046) (with title amendment)—Delete line 80 and insert:

the sheriff. Section 776.012 does not apply to a person acting as a school marshal under this paragraph.

And the title is amended as follows:

Delete line 2385 and insert: such school marshals; providing that specified provisions of law do not apply to persons acting as school marshals; amending s. 121.091, F.S.;

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Rodriguez moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1H (426796) (with title amendment)—Delete lines 2144-2160 and insert:

Section 31. Section 790.335, Florida Statutes, is amended to read:

~~790.335 Prohibition of registration of firearms; electronic records.—~~

~~(1) LEGISLATIVE FINDINGS AND INTENT.—~~

~~(a) The Legislature finds and declares that:~~

~~1. The right of individuals to keep and bear arms is guaranteed under both the Second Amendment to the United States Constitution and s. 8, Art. I of the State Constitution.~~

~~2. A list, record, or registry of legally owned firearms or law abiding firearm owners is not a law enforcement tool and can become an instrument for profiling, harassing, or abusing law abiding citizens based on their choice to own a firearm and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution. Further, such a list, record, or registry has the potential to fall into the wrong hands and become a shopping list for thieves.~~

~~3. A list, record, or registry of legally owned firearms or law abiding firearm owners is not a tool for fighting terrorism, but rather is an instrument that can be used as a means to profile innocent citizens and to harass and abuse American citizens based solely on their choice to own firearms and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution.~~

~~4. Law abiding firearm owners whose names have been illegally recorded in a list, record, or registry are entitled to redress.~~

~~(b) The Legislature intends through the provisions of this section to:~~

~~1. Protect the right of individuals to keep and bear arms as guaranteed under both the Second Amendment to the United States Constitution and s. 8, Art. I of the State Constitution.~~

~~2. Protect the privacy rights of law abiding firearm owners.~~

~~(2) PROHIBITIONS. No state governmental agency or local government, special district, or other political subdivision or official, agent, or employee of such state or other governmental entity or any other person, public or private, shall knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms.~~

~~(3) EXCEPTIONS. The provisions of this section shall not apply to:~~

~~(a) Records of firearms that have been used in committing any crime.~~

~~(b) Records relating to any person who has been convicted of a crime.~~

~~(c) Records of firearms that have been reported stolen that are retained for a period not in excess of 10 days after such firearms are recovered. Official documentation recording the theft of a recovered weapon may be maintained no longer than the balance of the year entered, plus 2 years.~~

~~(d) Firearm records that must be retained by firearm dealers under federal law, including copies of such records transmitted to law enforcement agencies. However, no state governmental agency or local government, special district, or other political subdivision or official, agent, or employee of such state or other governmental entity or any other person, private or public, shall accumulate, compile, computerize, or otherwise collect or convert such written records into any form of list, registry, or database for any purpose.~~

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

~~2. Nothing in this paragraph shall be construed to allow the maintaining of records containing the names of purchasers or transferees~~

who receive unique approval numbers or the maintaining of records of firearm transactions.

~~(f) Firearm records, including paper pawn transaction forms and contracts on firearm transactions, required by chapters 538 and 539.~~

1. ~~Electronic firearm records held pursuant to chapter 538 may only be kept by a secondhand dealer for 30 days after the date of the purchase of the firearm by the secondhand dealer.~~

2. ~~Electronic firearm records held pursuant to chapter 539 may only be kept by a pawnbroker for 30 days after the expiration of the loan that is secured by a firearm or 30 days after the date of purchase of a firearm, whichever is applicable.~~

3. ~~Except as required by federal law, any firearm records kept pursuant to chapter 538 or chapter 539 shall not, at any time, be electronically transferred to any public or private entity, agency, business, or enterprise, nor shall any such records be copied or transferred for purposes of accumulation of such records into lists, registries, or databases.~~

4. ~~Notwithstanding subparagraph 3., secondhand dealers and pawnbrokers may electronically submit firearm transaction records to the appropriate law enforcement agencies as required by chapters 538 and 539; however, the law enforcement agencies may not electronically submit such records to any other person or entity and must destroy such records within 60 days after receipt of such records.~~

5. ~~Notwithstanding subparagraph 3., secondhand dealers and pawnbrokers may electronically submit limited firearms records consisting solely of the manufacturer, model, serial number, and caliber of pawned or purchased firearms to a third party private provider that is exclusively incorporated, exclusively owned, and exclusively operated in the United States and that restricts access to such information to only appropriate law enforcement agencies for legitimate law enforcement purposes. Such records must be destroyed within 30 days by the third party provider. As a condition of receipt of such records, the third party provider must agree in writing to comply with the requirements of this section. Any pawnbroker or secondhand dealer who contracts with a third party provider other than as provided in this act or electronically transmits any records of firearms transactions to any third party provider other than the records specifically allowed by this paragraph commits a felony of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(g) Records kept by the Department of Law Enforcement of NCIC transactions to the extent required by federal law and a log of dates of requests for criminal history record checks, unique approval and non-approval numbers, license identification numbers, and transaction numbers corresponding to such dates.~~

~~(h) Records of an insurer that, as a condition to providing insurance against theft or loss of a firearm, identify such firearm. Such records may not be sold, commingled with records relating to other firearms, or transferred to any other person or entity. The insurer may not keep a record of such firearm more than 60 days after the policy of insurance expires or after notification by the insured that the insured is no longer the owner of such firearm.~~

~~(i) Lists of customers of a firearm dealer retained by such dealer, provided that such lists do not disclose the particular firearms purchased. Such lists, or any parts thereof, may not be sold, commingled with records relating to other firearms, or transferred to any other person or entity.~~

~~(j) Sales receipts retained by the seller of firearms or by a person providing credit for such purchase, provided that such receipts shall not serve as or be used for the creation of a database for registration of firearms.~~

~~(k) Personal records of firearms maintained by the owner of such firearms.~~

~~(l) Records maintained by a business that stores or acts as the selling agent of firearms on behalf of the lawful owner of the firearms.~~

~~(m) Membership lists of organizations comprised of firearm owners.~~

~~(n) Records maintained by an employer or contracting entity of the firearms owned by its officers, employees, or agents, if such firearms are used in the course of business performed on behalf of the employer.~~

~~(o) Records maintained pursuant to s. 790.06 by the Department of Agriculture and Consumer Services of a person who was a licensee within the prior 2 years.~~

~~(p) Records of firearms involved in criminal investigations, criminal prosecutions, criminal appeals, and postconviction motions, civil proceedings relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.~~

~~(q) Paper documents relating to firearms involved in criminal cases, criminal investigations, and criminal prosecutions, civil proceedings relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.~~

~~(r) Noncriminal records relating to the receipt, storage or return of firearms, including, but not limited to, records relating to firearms impounded for storage or safekeeping, receipts proving that a firearm was returned to the rightful owner and supporting records of identification and proof of ownership, or records relating to firearms impounded pursuant to levies or court orders, provided, however, that such records shall not be compiled, sorted, or otherwise arranged into any lists, indexes, or registries of firearms or firearms owners.~~

~~(4) PENALTIES.—~~

~~(a) Any person who, or entity that, violates a provision of this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(b) Except as required by the provisions of s. 16, Art. I of the State Constitution or the Sixth Amendment to the United States Constitution, no public funds shall be used to defend the unlawful conduct of any person charged with a violation of this section, unless the charges against such person are dismissed or such person is determined to be not guilty at trial. Notwithstanding this paragraph, public funds may be expended to provide the services of the office of public defender or court-appointed conflict counsel as provided by law.~~

~~(c) The governmental entity, or the designee of such governmental entity, in whose service or employ a list, record, or registry was compiled in violation of this section may be assessed a fine of not more than \$5 million, if the court determines that the evidence shows that the list, record, or registry was compiled or maintained with the knowledge or complicity of the management of the governmental entity. The Attorney General may bring a civil cause of action to enforce the fines assessed under this paragraph.~~

~~(d) The state attorney in the appropriate jurisdiction shall investigate complaints of criminal violations of this section and, where evidence indicates a violation may have occurred, shall prosecute violators.~~

~~(5) ELECTRONIC RECORDS.—Secondhand dealers and pawnbrokers who electronically submit firearms transaction records to the appropriate law enforcement agencies as required by chapters 538 and 539 shall submit the name of the manufacturer and caliber information of each firearm in Florida Crime Information Center coding, and shall include the model and serial number of each firearm.~~

~~(6) CONSTRUCTION.—This section shall be construed to effectuate its remedial and deterrent purposes. This section may not be construed to grant any substantive, procedural privacy right or civil claim to any criminal defendant, and a violation of this section may not be grounds for the suppression of evidence in any criminal case.~~

Section 32. Section 790.336, Florida Statutes, is amended to read:

790.336—Lists, records, or registries to be destroyed.—Any list, record, or registry maintained or under construction on the effective date of this act shall be destroyed, unless prohibited by law, within 60 cal-

endar days after this act becomes law. Thereafter, failure to destroy any such list, record, or registry may result in prosecution under this act.

Section 33. Section 790.339, Florida Statutes, is created to read:

790.339 Registration of firearms.—

(1) It is the intent of the Legislature to keep our communities and schools safe. The Legislature believes that a step toward that objective is knowing who owns a firearm in our state and knowing the quantity and type of firearms owned by each person.

(2) The Department of Law Enforcement shall implement and administer a registry of all firearms sold in the state through a licensed importer, licensed manufacturer, or licensed dealer and create procedures through which such firearm sellers must report to the department, on a form approved by the department, the following information related to the sale, including, but not limited to:

- (a) The buyer's and seller's full legal names.
- (b) The seller's business name and business address.
- (c) The driver license or identification card number of the buyer.
- (d) The date and time of the sale.
- (e) The serial number of the firearm.
- (f) The make and model of the firearm.

(3) The Department of Law Enforcement shall adopt rules to administer this section.

Section 34. Paragraph (b) of subsection (5) and paragraph (b) of subsection (9) of section 409.175, Florida Statutes, are amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(5)

(b) The requirements for the licensure and operation of a child-placing agency shall also include compliance with the requirements of s. 63.0422 ~~ss. 63.0422 and 790.335.~~

(9)

(b) Any of the following actions by a home or agency or its personnel is a ground for denial, suspension, or revocation of a license:

1. An intentional or negligent act materially affecting the health or safety of children in the home or agency.
2. A violation of the provisions of this section or of licensing rules promulgated pursuant to this section.
3. Noncompliance with the requirements for good moral character as specified in paragraph (5)(a).
4. Failure to dismiss personnel found in noncompliance with requirements for good moral character.
5. Failure to comply with the requirements of s. 63.0422 ~~ss. 63.0422 and 790.335.~~

Section 35. Paragraph (a) of subsection (6) of section 790.0625, Florida Statutes, is amended to read:

790.0625 Appointment of tax collectors to accept applications for a concealed weapon or firearm license; fees; penalties.—

(6)(a) A tax collector appointed under this section may not maintain a list or record of persons who apply for or are granted a new or renewal license to carry a concealed weapon or firearm. A tax collector who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083 ~~violation of this paragraph is subject to s. 790.335.~~

And the title is amended as follows:

Delete lines 2653-2658 and insert: reenacting s. 397.6760(2), F.S., relating to the confidentiality of court records, to incorporate the amendment made to s. 790.065, F.S., in a reference thereto; repealing s. 790.335, F.S., relating to the prohibition of registration of firearms and the treatment of electronic records; repealing s. 790.336, F.S., relating to lists, records, or registries required to be destroyed; creating s. 790.339, F.S.; providing legislative intent; requiring the Department of Law Enforcement to implement and administer a firearms registry of all firearms sold in the state through a licensed importer, a licensed manufacturer, or a licensed dealer; requiring the department to create procedures through which such firearm sellers must report, on a form approved by the department, specified information; requiring the department to adopt rules; amending ss. 409.175 and 790.0625, F.S.; conforming provisions to changes made by the act; reenacting ss. 794.056 and

The vote was:

Yeas—15

Book	Gibson	Rouson
Bracy	Montford	Stewart
Braynon	Powell	Taddeo
Campbell	Rader	Thurston
Farmer	Rodriguez	Torres

Nays—23

Mr. President	Gainer	Passidomo
Baxley	Galvano	Perry
Bean	Garcia	Simmons
Benacquisto	Grimsley	Simpson
Bradley	Hukill	Stargel
Brandes	Hutson	Steube
Broxson	Lee	Young
Flores	Mayfield	

RECONSIDERATION OF AMENDMENT

On motion by Senator Bradley, the Senate reconsidered the vote by which **Amendment 1E (621942)** was adopted.

POINT OF ORDER

Senator Thurston raised a point of order that pursuant to Rule 6.4(1), Senator Bradley's motion to reconsider **Amendment 1E (621942)** was out of order.

The President referred the point of order and the amendment to Senator Benacquisto, Chair of the Committee on Rules.

RULING ON POINT OF ORDER

The President recognized Senator Benacquisto, Chair of the Committee on Rules, on **CS for SB 7026** with pending **Amendment 1E (621942)** and pending point of order.

On recommendation of Senator Benacquisto, Chair of the Committee on Rules, the President ruled the point not well taken and the motion to reconsider **Amendment 1E (621942)** was in order.

The question recurred on **Amendment 1E (621942)** which failed.

The vote was:

Yeas—17

Book	Garcia	Rouson
Bracy	Gibson	Stewart
Braynon	Montford	Taddeo
Campbell	Powell	Thurston
Farmer	Rader	Torres
Flores	Rodriguez	

Nays—21

Mr. President	Gainer	Passidomo
Baxley	Galvano	Perry
Bean	Grimsley	Simmons
Benacquisto	Hukill	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Steube
Broxson	Mayfield	Young

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Garcia moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1I (716994) (with title amendment)—Between lines 2135 and 2136 insert:

Section 30. Subsection (6) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(6)(a) Each district school board must meet all educational plant space needs of its elementary, middle, and high schools before spending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any ancillary plant or any other new construction, renovation, or remodeling of ancillary space. Expenditures to meet such space needs may include expenditures for site acquisition; new construction of educational plants; renovation, remodeling, and maintenance and repair of existing educational plants, including auxiliary facilities; and the directly related costs of such services of school district personnel. It is not the intent of the Legislature to preclude the use of capital outlay funding for the labor costs necessary to accomplish the authorized uses for the capital outlay funding. Day-labor contracts or any other educational facilities contracting and construction techniques pursuant to s. 1013.45 are authorized. Additionally, if a school district has salaried maintenance staff whose duties consist solely of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, such funding may be used for those salaries; however, if a school district has salaried staff whose duties consist partially of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, the district shall prorate the portion of salary of each such employee that is based on labor for authorized capital outlay funding, and such funding may be used to pay that portion.

(b)1. A district school board may not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms First Program funds provided in s. 1013.68; nonvoted 1.5-mill levy of ad valorem property taxes provided in s. 1011.71(2); Classrooms for Kids Program funds provided in s. 1013.735; District Effort Recognition Program funds provided in s. 1013.736; or High Growth District Capital Outlay Assistance Grant Program funds provided in s. 1013.738 for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

- a. \$17,952 for an elementary school,
- b. \$19,386 for a middle school, or
- c. \$25,181 for a high school,

(January 2006) as adjusted annually to reflect increases or decreases in the Consumer Price Index.

2. School districts shall maintain accurate documentation related to the costs of all new construction of educational plant space reported to the Department of Education pursuant to paragraph (d). The Auditor General shall review the documentation maintained by the school dis-

tricts and verify compliance with the limits under this paragraph during its scheduled operational audits of the school district. The department shall make the final determination on district compliance based on the recommendation of the Auditor General.

3. The Office of Economic and Demographic Research, in consultation with the department, shall conduct a study of the cost per student station amounts using the most recent available information on construction costs. In this study, the costs per student station should represent the costs of classroom construction and administrative offices as well as the supplemental costs of core facilities, including required media centers, gymnasiums, music rooms, cafeterias and their associated kitchens and food service areas, vocational areas, and other defined specialty areas, including exceptional student education areas. The study must take into account appropriate cost-effectiveness factors in school construction and should include input from industry experts. The Office of Economic and Demographic Research must provide the results of the study and recommendations on the cost per student station to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2017.

4. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of the State Requirements for Education Facilities (SREF) to identify current requirements that can be eliminated or modified in order to decrease the cost of construction of educational facilities while ensuring student safety. OPPAGA must provide the results of the study, and an overall recommendation as to whether SREF should be retained, to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2017.

5. Effective July 1, 2017, in addition to the funding sources listed in subparagraph 1., a district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station, including change orders, which equals more than the current adjusted amounts provided in sub-subparagraphs 1.a.-c. which shall subsequently be adjusted annually to reflect increases or decreases in the Consumer Price Index. However, if a contract has been executed for architectural and design services or for construction management services before July 1, 2017, a district school board may use funds from any source for the new construction of educational plant space and such funds are exempt from the total cost per student station requirements.

6. A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all schools.

(c) Except as otherwise provided, new construction for which a contract has been executed for architectural and design services or for construction management services by a district school board on or after July 1, 2017, may not exceed the cost per student station as provided in paragraph (b). A school district that exceeds the cost per student station provided in paragraph (b), as determined by the Auditor General, shall be subject to sanctions. If the Auditor General determines that the cost per student station overage is de minimus or due to extraordinary circumstances outside the control of the district, the sanctions shall not apply. The sanctions are as follows:

1. The school district shall be ineligible for allocations from the Public Education Capital Outlay and Debt Service Trust Fund for the next 3 years in which the school district would have received allocations had the violation not occurred.

2. The school district shall be subject to the supervision of a district capital outlay oversight committee. The oversight committee is authorized to approve all capital outlay expenditures of the school district, including new construction, renovations, and remodeling, for 3 fiscal years following the violation.

- a. Each oversight committee shall be composed of the following:

(I) One appointee of the Commissioner of Education who has significant financial management, school facilities construction, or related experience.

(II) One appointee of the office of the state attorney with jurisdiction over the district.

(III) One appointee of the Chief Financial Officer who is a licensed certified public accountant.

b. An appointee to the oversight committee may not be employed by the school district; be a relative, as defined in s. 1002.33(24)(a)2., of any school district employee; or be an elected official. Each appointee must sign an affidavit attesting to these conditions and affirming that no conflict of interest exists in his or her oversight role.

(d) The department shall:

1. Compute for each calendar year the statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute the statewide average costs per student station for each instructional level.

2. Annually review the actual completed construction costs of educational facilities in each school district. For any school district in which the total actual cost per student station, including change orders, exceeds the statewide limits established in paragraph (b), the school district shall report to the department the actual cost per student station and the reason for the school district's inability to adhere to the limits established in paragraph (b). The department shall collect all such reports and shall provide these reports to the Auditor General for verification purposes.

Cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing or leasing the site for the construction, or the cost of related offsite improvements, or the cost of providing building and site improvements related to enhanced safety and security, including, but not limited to, perimeter walls, special gates and enclosure mechanisms, enhanced security systems, and additional hardening of the building envelope.

And the title is amended as follows:

Between lines 2652 and 2653 insert: amending s. 1013.64, F.S.; specifying that the cost per student station does not include certain improvements related to enhanced safety and security;

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Stewart moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1J (838080) (with title amendment)—Between lines 437 and 438 insert:

Section 13. Section 790.30, Florida Statutes, is created to read:

790.30 *Assault weapons.*—

(1) *DEFINITIONS.*—As used in this section, the term:

(a) “Assault weapon” means:

1. A selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the option of the user.

2. A part or combination of parts that converts a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

3. A semiautomatic firearm that meets the criteria of one of the following sub-subparagraphs:

a. A semiautomatic rifle that has an ability to accept a detachable magazine and that has one or more of the following:

(I) A folding or telescoping stock.

(II) A pistol grip that protrudes conspicuously beneath the action of the weapon or any feature functioning as a protruding grip that can be held by the nontrigger hand or a thumbhole stock.

(III) A bayonet mount.

(IV) A flash suppressor or threaded barrel designed to accommodate a flash suppressor.

(V) A grenade launcher.

(VI) A shroud that is attached to the barrel, or that partially or completely encircles the barrel and allows the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel.

b. A semiautomatic pistol that has an ability to accept a detachable magazine and that has one or more of the following:

(I) The capacity to accept an ammunition magazine that attaches to the pistol at any location outside the pistol grip.

(II) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer.

(III) A slide that encloses the barrel and that allows the shooter to hold the firearm with the nontrigger hand without being burned.

(IV) A manufactured weight of 50 ounces or more when the pistol is unloaded.

(V) A semiautomatic version of an automatic firearm.

(VI) Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand.

(VII) A folding, telescoping, or thumbhole stock.

c. A semiautomatic shotgun that has one or more of the following:

(I) A folding or telescoping stock.

(II) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(III) A thumbhole stock.

(IV) A fixed-magazine capacity in excess of 5 rounds.

(V) An ability to accept a detachable magazine.

d. A semiautomatic pistol or a semiautomatic, centerfire, or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition.

e. A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

(b) “Detachable magazine” means an ammunition feeding device that can be removed from a firearm without disassembly of the firearm action.

(c) “Fixed magazine” means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(d) “Large-capacity magazine” means any ammunition feeding device with the capacity to accept more than 7 rounds, or any conversion kit, part, or combination of parts from which such a device can be assembled if those parts are in the possession or under the control of the same person, but does not include any of the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than 7 rounds;

2. A .22 caliber tube ammunition feeding device; or

3. A tubular magazine that is contained in a lever-action firearm.

(e) “Licensed gun dealer” means a person who has a federal firearms license.

(2) **SALE OR TRANSFER.**—

(a) A person may not import into this state or, within this state, distribute, transport, sell, keep for sale, offer or expose for sale, or give an assault weapon or large-capacity magazine. Except as provided in paragraph (b), any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person may not transfer, sell, or give an assault weapon or large-capacity magazine to a person under 21 years of age. Any person who violates this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Paragraph (a) does not apply to:

1. The sale of assault weapons or large-capacity magazines to the Department of Law Enforcement, to a law enforcement agency as defined in s. 934.02, to the Department of Corrections, or to the military, air, or naval forces of this state or the United States for use in the discharge of their official duties.

2. A person who is the executor or administrator of an estate that includes an assault weapon or large-capacity magazine which is disposed of as authorized by the probate court, if the disposition is otherwise authorized under this section.

3. The transfer by bequest or intestate succession of an assault weapon or large-capacity magazine.

(3) **POSSESSION.**—

(a) Except as otherwise provided in this section or authorized by any other law, a person may not, within this state, possess an assault weapon or large-capacity magazine. Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Paragraph (a) does not apply to the possession of an assault weapon or large-capacity magazine by a member or employee of the Department of Law Enforcement, a law enforcement agency as defined in s. 934.02, the Department of Corrections, or the military, air, or naval forces of this state or of the United States for use in the discharge of his or her official duties; nor does this section prohibit the possession or use of an assault weapon or large-capacity magazine by a sworn member of one of these agencies when on duty and when the use is within the scope of his or her duties.

(c) Paragraph (a) does not apply to the possession of an assault weapon or large-capacity magazine by any person before July 1, 2019, if all of the following are applicable:

1. The person is eligible to apply for a certificate of possession for the assault weapon or large-capacity magazine by July 1, 2019;

2. The person lawfully possessed the assault weapon or large-capacity magazine before October 1, 2018; and

3. The person is otherwise in compliance with this section and the applicable requirements of this chapter for possession of a firearm.

(d) Paragraph (a) does not apply to a person who is the executor or administrator of an estate that includes an assault weapon or large-capacity magazine, if the assault weapon or large-capacity magazine is possessed at a place authorized by the probate court.

And the title is amended as follows:

Delete line 2452 and insert: criminal penalties; creating s. 790.30, F.S.; defining terms; prohibiting the sale or transfer of an assault weapon or large-capacity magazine; providing criminal penalties; providing applicability; providing exceptions; prohibiting possession of an assault weapon or large-capacity magazine; providing exceptions; providing applicability; providing criminal penalties; providing legislative intent;

The vote was:

Yeas—17

Book	Garcia	Rouson
Bracy	Gibson	Stewart
Braynon	Montford	Taddeo
Campbell	Powell	Thurston
Farmer	Rader	Torres
Flores	Rodriguez	

Nays—20

Mr. President	Gainer	Passidomo
Baxley	Galvano	Perry
Bean	Grimsley	Simmons
Benacquisto	Hukill	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Steube
Broxson	Mayfield	

Vote after roll call:

Nay—Young

MOMENT OF SILENCE

With today marking the seventeenth day since the loss of 17 lives at Marjory Stoneman Douglas High School, the President led the Senate in a moment of silence.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendments was allowed:

Senator Taddeo moved the following amendments to **Amendment 1 (234288)** which failed:

Amendment 1K (358114) (with title amendment)—Delete lines 40-80 insert:
incident on a school premises.

1. The sheriff who chooses to establish the program shall appoint as school marshals, without the power of arrest, school employees who volunteer and who are selected by a school district or a governing board of a public or nonpublic school and who:

a. Hold a valid license issued under s. 790.06.

b. Complete 132 total hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Training and Standards Commission-certified instructors, which must include:

(I) 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.

(II) Sixteen hours of instruction in precision pistol.

(III) Eight hours of discretionary shooting instruction using state-of-the-art simulator exercises.

(IV) Eight hours of instruction in active shooter or assailant scenarios.

(V) Eight hours of instruction in defensive tactics.

(VI) Twelve hours of instruction in legal issues.

c. Pass a psychological evaluation administered by a psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff’s office. The Department of Law Enforcement is authorized to provide the

sheriff's office with mental health and substance abuse data for compliance with this paragraph.

d. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office.

e. Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.

The sheriff shall issue a school marshal certificate to individuals who meet the requirements of this subparagraph. The sheriff shall maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school marshal appointed by the sheriff.

2. A parent may remove his or her child who is a student in a classroom from such classroom if a sheriff's marshal carrying a firearm is assigned to the classroom or if, for any reason, a firearm is present in the classroom, unless the person carrying such firearm is a law enforcement officer as defined in s. 943.10(1).

And the title is amended as follows:

Delete line 2385 and insert: such school marshals; authorizing a parent to remove his or her child who is a student in a classroom from such classroom under certain circumstances; providing an exception; amending s. 121.091, F.S.;

Amendment 1L (500568) (with title amendment)—Delete lines 364-367 and insert:

Section 10. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (14), a new subsection (13) is added to that section, and paragraph (c) of subsection (2) of that section is amended, to read:

790.065 Sale and delivery of firearms.—

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(c)1. Review any records available to it to determine whether the potential buyer or transferee has been indicted or has had an information filed against her or him for an offense that is a felony under either state or federal law, or, as mandated by federal law, has had an injunction for protection against domestic violence entered against the potential buyer or transferee under s. 741.30, has had an injunction for protection against repeat violence entered against the potential buyer or transferee under s. 784.046, or has been arrested for a dangerous crime as specified in s. 907.041(4)(a) or for any of the following enumerated offenses:

- a. Criminal anarchy under ss. 876.01 and 876.02.
- b. Extortion under s. 836.05.
- c. Explosives violations under s. 552.22(1) and (2).
- d. Controlled substances violations under chapter 893.
- e. Resisting an officer with violence under s. 843.01.
- f. Weapons and firearms violations under this chapter.
- g. Treason under s. 876.32.
- h. Assisting self-murder under s. 782.08.
- i. Sabotage under s. 876.38.
- j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the li-

censee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, "working hours" means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the department cannot determine the disposition information within the allotted time period, the department shall provide the licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional nonapproval number shall become a nonapproval number and the department must notify by telephone or by electronic means, followed by written notice, the appropriate sheriff's office and the local law enforcement agency and identify the potential buyer who is prohibited from receiving or possessing a firearm.

7. The department shall continue its attempts to obtain the disposition information and may retain a record of all approval numbers granted without sufficient disposition information. If the department later obtains disposition information which indicates:

- a. That the potential buyer is not prohibited from owning a firearm, it shall treat the record of the transaction in accordance with this section; or
- b. That the potential buyer is prohibited from owning a firearm, it shall immediately revoke the conditional approval number and notify local law enforcement.

8. During the time that disposition of the indictment, information, or arrest is pending and until the department is notified by the potential buyer that there has been a final disposition of the indictment, information, or arrest, the conditional nonapproval number shall remain in effect.

And the title is amended as follows:

Delete line 2434 and insert: F.S.; requiring the Department of Law Enforcement to notify, by telephone or by electronic means, and in writing, the appropriate sheriff's office and local law enforcement agency and identify potential buyers who are prohibited from receiving or possessing a firearm; prohibiting a person younger than a certain age

The vote was:

Yeas—15

Book	Gibson	Rouson
Bracy	Montford	Stewart
Braynon	Powell	Taddeo
Campbell	Rader	Thurston
Farmer	Rodriguez	Torres

Nays—21

Mr. President	Gainer	Mayfield
Baxley	Galvano	Passidomo
Bean	Garcia	Perry
Benacquisto	Grimsley	Simmons
Brandes	Hukill	Simpson
Broxson	Hutson	Stargel
Flores	Lee	Steube

Vote after roll call:

Nay—Young

Amendment 1M (158246) (with title amendment)—Between lines 437 and 438 insert:

Section 13. Section 790.33, Florida Statutes, is amended to read:

790.33 ~~Field of Regulation of firearms and ammunition pre-empted.~~—

(1) *It is the intent of the Legislature to set minimum statewide firearm and ammunition standards and to allow local governments, through their elected officials, to enact ordinances, regulations, or rules that fit the unique makeup and demographics of their respective communities.*

(2) *Local government officials may enact ordinances, regulations, or rules that are more stringent than the laws established by the Legislature which they deem appropriate for their respective communities.*

(1) ~~PREEMPTION.~~ Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.

(2) ~~POLICY AND INTENT.~~—

(a) It is the intent of this section to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal, which regulate firearms, ammunition, or components thereof; to prohibit the enactment of any future ordinances or regulations relating to firearms, ammunition, or components thereof unless specifically authorized by this section or general law; and to require local jurisdictions to enforce state firearms laws.

(b) It is further the intent of this section to deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority.

(3) ~~PROHIBITIONS; PENALTIES.~~—

(a) Any person, county, agency, municipality, district, or other entity that violates the Legislature's occupation of the whole field of regulation of firearms and ammunition, as declared in subsection (1), by enacting or causing to be enforced any local ordinance or administrative rule or regulation impinging upon such exclusive occupation of the field shall be liable as set forth herein.

(b) If any county, city, town, or other local government violates this section, the court shall declare the improper ordinance, regulation, or rule invalid and issue a permanent injunction against the local government prohibiting it from enforcing such ordinance, regulation, or rule. It is no defense that in enacting the ordinance, regulation, or rule the local government was acting in good faith or upon advice of counsel.

(c) If the court determines that a violation was knowing and willful, the court shall assess a civil fine of up to \$5,000 against the elected or appointed local government official or officials or administrative agency head under whose jurisdiction the violation occurred.

(d) Except as required by applicable law, public funds may not be used to defend or reimburse the unlawful conduct of any person found to have knowingly and willfully violated this section.

(e) A knowing and willful violation of any provision of this section by a person acting in an official capacity for any entity enacting or causing to be enforced a local ordinance or administrative rule or regulation prohibited under paragraph (a) or otherwise under color of law shall be cause for termination of employment or contract or removal from office by the Governor.

(f) A person or an organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced in violation of this section may file suit against any county, agency, municipality, district, or other entity in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief and for actual damages, as limited herein, caused by the violation. A court shall award the prevailing plaintiff in any such suit:

1. Reasonable attorney's fees and costs in accordance with the laws of this state, including a contingency fee multiplier, as authorized by law; and

2. The actual damages incurred, but not more than \$100,000.

Interest on the sums awarded pursuant to this subsection shall accrue at the legal rate from the date on which suit was filed.

(4) ~~EXCEPTIONS.~~ This section does not prohibit:

(a) Zoning ordinances that encompass firearms businesses along with other businesses, except that zoning ordinances that are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited;

(b) A duly organized law enforcement agency from enacting and enforcing regulations pertaining to firearms, ammunition, or firearm accessories issued to or used by peace officers in the course of their official duties;

(c) Except as provided in s. 790.251, any entity subject to the prohibitions of this section from regulating or prohibiting the carrying of firearms and ammunition by an employee of the entity during and in the course of the employee's official duties;

(d) A court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of that court or judge; or

(e) The Florida Fish and Wildlife Conservation Commission from regulating the use of firearms or ammunition as a method of taking wildlife and regulating the shooting ranges managed by the commission.

(5) ~~SHORT TITLE.~~ As created by chapter 87-23, Laws of Florida, this section may be cited as the "Joe Carlucci Uniform Firearms Act."

Section 14. Subsection (4) of section 790.251, Florida Statutes, is amended to read:

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

(4) ~~PROHIBITED ACTS.~~—No public or private employer may violate the constitutional rights of any customer, employee, or invitee as provided in paragraphs (a)-(e):

(a) No public or private employer may prohibit any customer, employee, or invitee from possessing any legally owned firearm when such firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and when the customer, employee, or invitee is lawfully in such area.

(b) No public or private employer may violate the privacy rights of a customer, employee, or invitee by verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or by an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. Further, no public or private employer may take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by on-

duty law enforcement personnel, based upon due process and must comply with constitutional protections.

(c) No public or private employer shall condition employment upon either:

1. The fact that an employee or prospective employee holds or does not hold a license issued pursuant to s. 790.06; or

2. Any agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot when such firearm is kept for lawful purposes.

(d) No public or private employer shall prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot of the employer's place of business because the customer's, employee's, or invitee's private motor vehicle contains a legal firearm being carried for lawful purposes, that is out of sight within the customer's, employee's, or invitee's private motor vehicle.

(e) No public or private employer may terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising his or her constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes.

~~This subsection applies to all public sector employers, including those already prohibited from regulating firearms under the provisions of s. 790.33.~~

And the title is amended as follows:

Delete line 2452 and insert: criminal penalties; amending s. 790.33, F.S.; providing legislative intent; authorizing local government officials to enact ordinances, regulations, or rules more stringent than the laws established by the Legislature in the regulation of firearms and ammunition; deleting preemption provisions; deleting policy and intent provisions; deleting prohibitions on enacting certain ordinances, regulations, or rules; deleting civil penalties; deleting exceptions; deleting a short title; amending s. 790.251, F.S.; conforming a provision to changes made by the act; providing legislative intent;

The vote was:

Yeas—13

Book	Montford	Taddeo
Braynon	Rader	Thurston
Campbell	Rodriguez	Torres
Farmer	Rouson	
Gibson	Stewart	

Nays—23

Mr. President	Gainer	Passidomo
Baxley	Galvano	Perry
Bean	Garcia	Simmons
Benacquisto	Grimsley	Simpson
Bradley	Hukill	Stargel
Brandes	Hutson	Steube
Broxson	Lee	Young
Flores	Mayfield	

Vote after roll call:

Yea—Bracy, Powell

MOTIONS

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 9:00 p.m.

SENATOR BENACQUISTO PRESIDING

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendments was allowed:

Senator Rouson moved the following amendments to **Amendment 1 (234288)** which failed:

Amendment 1N (407394) (with title amendment)—Delete lines 370-371 and insert: *than 21 years of age may not be made or facilitated by any individual or entity. A*

And the title is amended as follows:

Delete lines 2437-2439 and insert: firearm to a person younger than a certain age by any individual or entity; providing criminal penalties; providing

The vote was:

Yeas—15

Book	Gibson	Rouson
Bracy	Montford	Stewart
Braynon	Powell	Taddeo
Campbell	Rader	Thurston
Farmer	Rodriguez	Torres

Nays—22

Baxley	Galvano	Perry
Bean	Garcia	Simmons
Benacquisto	Grimsley	Simpson
Bradley	Hukill	Stargel
Brandes	Hutson	Steube
Broxson	Lee	Young
Flores	Mayfield	
Gainer	Passidomo	

Amendment 1O (188092)—Delete line 2055 and insert:

1. The school district, in collaboration with the local behavioral health managing entity, must annually develop and submit a detailed

Amendment 1P (749698) (with title amendment)—Delete lines 368-369 and insert:

(13) A person younger than 21 years of age may not purchase a firearm and a person may not transfer a firearm to another person younger than 21 years of age. The sale or transfer of a firearm to a person younger

And the title is amended as follows:

Delete line 2435 and insert: from purchasing a firearm; prohibiting a person from transferring a firearm to another person younger than a certain age; prohibiting the sale or

THE PRESIDENT PRESIDING

SENATOR BENACQUISTO PRESIDING

THE PRESIDENT PRESIDING

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Braynon moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1Q (130062) (with title amendment)—Delete lines 30-2251 and insert:

Section 5. Paragraph (c) of subsection (9) of section 121.091, Florida Statutes, is amended, and paragraph (f) is added to that subsection to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(c) Any person whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010, who is retired under this chapter, except under the disability retirement provisions of subsection (4) or as provided in s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer. However, a person may not be reemployed by an employer participating in the Florida Retirement System before meeting the definition of termination in s. 121.021 and may not receive both a salary from the employer and retirement benefits for 6 calendar months after meeting the definition of termination, *except as provided in paragraph (f)*. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. The reemployed retiree may not renew membership in the Florida Retirement System, except as provided in s. 121.122.

2. The employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the Florida Retirement System in addition to the contributions required by s. 121.76.

3. A retiree initially reemployed in violation of this paragraph and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any retirement benefits paid to the retirement trust fund from which the benefits were paid, including the Florida Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate. The employer must have a written statement from the employee that he or she is not retired from a state-administered retirement system. Retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retiree's 6-month reemployment limitation period shall apply toward the repayment of benefits received in violation of this paragraph.

(f) *A retired law enforcement officer may be reemployed as a school resource officer by an employer that participates in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021, but may not receive both a salary from the employer and retirement benefits for 6 calendar months immediately subsequent to the date of retirement. The reemployed retired law enforcement officer may not renew membership in the Florida Retirement System, except as provided in s. 121.122.*

Section 6. Paragraphs (c) and (d) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(c) A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may:

1. Serve and execute such order on any day of the week, at any time of the day or night; *and*

2. *Use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and take custody of the person who is the subject of the ex parte order. When practicable, a law enforcement officer who has*

received crisis intervention team (CIT) training shall be assigned to serve and execute the ex parte order.

(d)1. *A law enforcement officer taking custody of a person under this subsection may seize and hold a firearm or any ammunition the person possesses at the time of taking him or her into custody if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person.*

2. *If the law enforcement officer takes custody of the person at the person's residence and the criteria in subparagraph 1. have been met, the law enforcement officer may seek the voluntary surrender of firearms or ammunition kept in the residence which have not already been seized under subparagraph 1. If such firearms or ammunition are not voluntarily surrendered, or if the person has other firearms or ammunition that were not seized or voluntarily surrendered when he or she was taken into custody, a law enforcement officer may petition the appropriate court under s. 790.401 for a risk protection order against the person.*

3. *Firearms or ammunition seized or voluntarily surrendered under this paragraph must be made available for return no later than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged from any inpatient or involuntary outpatient treatment provided or ordered under paragraph (g), unless a risk protection order entered under s. 790.401 directs the law enforcement agency to hold the firearms or ammunition for a longer period or the person is subject to a firearm purchase disability under s. 790.065(2), or a firearm possession and firearm ownership disability under s. 790.064. The process for the actual return of firearms or ammunition seized or voluntarily surrendered under this paragraph may not take longer than 7 days.*

4. *Law enforcement agencies must develop policies and procedures relating to the seizure, storage, and return of firearms or ammunition held under this paragraph. A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and to take custody of the person who is the subject of the ex parte order.*

Section 7. Section 394.495, Florida Statutes, is amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(1) The department shall establish, within available resources, an array of services to meet the individualized service and treatment needs of children and adolescents who are members of the target populations specified in s. 394.493, and of their families. It is the intent of the Legislature that a child or adolescent may not be admitted to a state mental health facility and such a facility may not be included within the array of services.

(2) The array of services must include assessment services that provide a professional interpretation of the nature of the problems of the child or adolescent and his or her family; family issues that may impact the problems; additional factors that contribute to the problems; and the assets, strengths, and resources of the child or adolescent and his or her family. The assessment services to be provided shall be determined by the clinical needs of each child or adolescent. Assessment services include, but are not limited to, evaluation and screening in the following areas:

(a) Physical and mental health for purposes of identifying medical and psychiatric problems.

(b) Psychological functioning, as determined through a battery of psychological tests.

(c) Intelligence and academic achievement.

(d) Social and behavioral functioning.

(e) Family functioning.

The assessment for academic achievement is the financial responsibility of the school district. The department shall cooperate with other state

agencies and the school district to avoid duplicating assessment services.

(3) Assessments must be performed by:

- (a) A professional as defined in s. 394.455(5), (7), (32), (35), or (36);
- (b) A professional licensed under chapter 491; or

(c) A person who is under the direct supervision of a qualified professional as defined in s. 394.455(5), (7), (32), (35), or (36) or a professional licensed under chapter 491.

(4) The array of services may include, but is not limited to:

- (a) Prevention services.
- (b) Home-based services.
- (c) School-based services.
- (d) Family therapy.
- (e) Family support.
- (f) Respite services.
- (g) Outpatient treatment.
- (h) Day treatment.
- (i) Crisis stabilization.
- (j) Therapeutic foster care.
- (k) Residential treatment.
- (l) Inpatient hospitalization.
- (m) Case management.
- (n) Services for victims of sex offenses.
- (o) Transitional services.

(p) Trauma-informed services for children who have suffered sexual exploitation as defined in s. 39.01(71)(g).

(5) In order to enhance collaboration between agencies and to facilitate the provision of services by the child and adolescent mental health treatment and support system and the school district, the local child and adolescent mental health system of care shall include the local educational multiagency network for severely emotionally disturbed students specified in s. 1006.04.

(6) *The department shall contract for community action treatment teams throughout the state with the managing entities. A community action treatment team shall:*

(a) *Provide community-based behavioral health and support services to children from 11 to 13 years of age, adolescents, and young adults from 18 to 21 years of age with serious behavioral health conditions who are at risk of out-of-home placement as demonstrated by:*

1. *Repeated failures at less intensive levels of care;*
2. *Two or more behavioral health hospitalizations;*
3. *Involvement with the Department of Juvenile Justice;*
4. *A history of multiple episodes involving law enforcement; or*
5. *A record of poor academic performance or suspensions.*

Children younger than 11 years of age who otherwise meet the criteria in this paragraph may be candidates for such services if they demonstrate two or more of the characteristics listed in subparagraph 1.-5.

(b) *Use an integrated service delivery approach to comprehensively address the needs of the child, adolescent, or young adult and strengthen his or her family and support systems to assist the child, adolescent, or*

young adult to live successfully in the community. A community action treatment team shall address the therapeutic needs of the child, adolescent, or young adult receiving services and assist parents and caregivers in obtaining services and support. The community action treatment team shall make referrals to specialized treatment providers if necessary, with follow up by the community action treatment team to ensure services are received.

(c) *Focus on engaging the child, adolescent, or young adult and his or her family as active participants in every phase of the treatment process. Community action treatment teams shall be available to the child, adolescent, or young adult and his or her family at all times.*

(d) *Coordinate with other key entities providing services and supports to the child, adolescent, or young adult and his or her family, including, but not limited to, the child's, adolescent's, or young adult's school, the local educational multiagency network for severely emotionally disturbed students under s. 1006.04, the child welfare system, and the juvenile justice system. Community action treatment teams shall also coordinate with the managing entity in their service location.*

(e)1. *Subject to appropriations and at a minimum, individually serve each of the following counties or regions:*

- a. *Alachua.*
- b. *Alachua, Columbia, Dixie, Hamilton, Lafayette, and Suwannee.*
- c. *Bay.*
- d. *Brevard.*
- e. *Collier.*
- f. *DeSoto and Sarasota.*
- g. *Duval.*
- h. *Escambia.*
- i. *Hardee, Highlands, and Polk.*
- j. *Hillsborough.*
- k. *Indian River, Martin, Okeechobee, and St. Lucie.*
- l. *Lake and Sumter.*
- m. *Lee.*
- n. *Manatee.*
- o. *Marion.*
- p. *Miami-Dade.*
- q. *Okaloosa.*
- r. *Orange.*
- s. *Palm Beach.*
- t. *Pasco.*
- u. *Pinellas.*
- v. *Walton.*

2. *Subject to appropriations, the department shall contract for additional teams through the managing entities to ensure the availability of community action treatment team services in the remaining areas of the state.*

Section 8. Section 790.064, Florida Statutes, is created to read:

790.064 *Firearm possession and firearm ownership disability.—*

(1) *A person who has been adjudicated mentally defective or who has been committed to a mental institution, as those terms are defined in s.*

790.065(2), may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained.

(2) The firearm possession and firearm ownership disability runs concurrently with the firearm purchase disability provided in s. 790.065(2).

(3) A person may petition the court that made the adjudication or commitment, or that ordered that the record be submitted to the Department of Law Enforcement pursuant to s. 790.065(2), for relief from the firearm possession and firearm ownership disability.

(4) The person seeking relief must follow the procedures set forth in s. 790.065(2) for obtaining relief from the firearm purchase disability in seeking relief from the firearm possession and firearm ownership disability.

(5) The person may seek relief from the firearm possession and firearm ownership disability simultaneously with the relief being sought from the firearm purchase disability, if such relief is sought, pursuant to the procedure set forth in s. 790.065(2).

Section 9. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (14), and a new subsection (13) is added to that section, to read:

790.065 Sale and delivery of firearms.—

(13) A person younger than 21 years of age may not purchase a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by a licensed importer, licensed manufacturer, or licensed dealer. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The prohibitions of this subsection do not apply to the purchase of a rifle or shotgun by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

Section 10. Section 790.0655, Florida Statutes, is amended to read:

790.0655 Purchase and delivery of firearms ~~handguns~~; mandatory waiting period; exceptions; penalties.—

(1)(a) ~~There shall be~~ A mandatory ~~3-day~~ waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is, ~~which shall be~~ 3 days, excluding weekends and legal holidays, or expires upon the completion of the records checks required under s. 790.065, whichever occurs later ~~between the purchase and the delivery at retail of any handgun.~~ “Purchase” means the transfer of money or other valuable consideration to the retailer. ~~“Handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver.~~ “Retailer” means and includes a licensed importer, licensed manufacturer, or licensed dealer ~~every person~~ engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

(b) Records of ~~firearm handgun~~ sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The ~~3-day~~ waiting period ~~does shall~~ not apply in the following circumstances:

(a) When a ~~firearm handgun~~ is being purchased by a holder of a concealed weapons permit as defined in s. 790.06.

(b) To a trade-in of another ~~firearm handgun~~.

(c) 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 issued under s. 379.3581. A person who is exempt from the hunter safety course requirements under s. 379.3581 and holds a valid Florida hunting license, is exempt from the mandatory waiting period under this section for the purchase of a rifle or shotgun.

(d) When a rifle or shotgun is being purchased by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

(3) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) For any retailer, or any employee or agent of a retailer, to deliver a ~~firearm handgun~~ before the expiration of the ~~3-day~~ waiting period, subject to the exceptions provided in subsection (2).

(b) For a purchaser to obtain delivery of a ~~firearm handgun~~ by fraud, false pretense, or false representation.

Section 11. Effective October 1, 2018, section 790.222, Florida Statutes, is created to read:

790.222 Bump-fire stocks prohibited.—A person may not import into this state or transfer, distribute, sell, keep for sale, offer for sale, possess, or give to another person a bump-fire stock. A person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this section, the term “bump-fire stock” means a conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic automatic weapon fire or which is used to increase the rate of fire to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device.

Section 12. (1) Section 790.401, Florida Statutes, is intended to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms or ammunition by allowing law enforcement officers to obtain a court order when there is 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.

(2) The purpose and intent of s. 790.401, Florida Statutes, is to reduce deaths and injuries as a result of certain individuals’ use of firearms while respecting constitutional rights by providing a judicial procedure for law enforcement officers to obtain a court order temporarily restricting a person’s access to firearms and ammunition. The process established by s. 790.401, Florida Statutes, is intended to apply only to situations in which the person poses a significant danger of harming himself or herself or others by possessing a firearm or ammunition and to include standards and safeguards to protect the rights of respondents and due process of law.

Section 13. Section 790.401, Florida Statutes, may be cited as “The Risk Protection Order Act.”

Section 14. Section 790.401, Florida Statutes, is created to read:

790.401 Risk protection orders.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Petitioner” means a law enforcement officer or a law enforcement agency that petitions a court for a risk protection order under this section.

(b) “Respondent” means the individual who is identified as the respondent in a petition filed under this section.

(c) “Risk protection order” means a temporary ex parte order or a final order granted under this section.

(2) PETITION FOR A RISK PROTECTION ORDER.—There is created an action known as a petition for a risk protection order.

(a) A petition for a risk protection order may be filed by a law enforcement officer or law enforcement agency.

(b) An action under this section must be filed in the county where the petitioner’s law enforcement office is located or the county where the respondent resides.

(c) Such petition for a risk protection order does not require either party to be represented by an attorney.

(d) Notwithstanding any other law, attorney fees may not be awarded in any proceeding under this section.

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;

2. Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and

3. Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.

(f) The petitioner must make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for a risk protection order or has already done so and must include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice or must attest to the steps that will be taken to provide such notice.

(g) The petitioner must list the address of record on the petition as being where the appropriate law enforcement agency is located.

(h) A court or a public agency may not charge fees for filing or for service of process to a petitioner seeking relief under this section and must provide the necessary number of certified copies, forms, and instructional brochures free of charge.

(i) A person is not required to post a bond to obtain relief in any proceeding under this section.

(j) The circuit courts of this state have jurisdiction over proceedings under this section.

(3) **RISK PROTECTION ORDER HEARINGS AND ISSUANCE.**—

(a) Upon receipt of a petition, the court must order a hearing to be held no later than 14 days after the date of the order and must issue a notice of hearing to the respondent for the same.

1. The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as provided in subsection (5).

2. The court may, as provided in subsection (4), issue a temporary ex parte risk protection order pending the hearing ordered under this subsection. Such temporary ex parte order must be served concurrently with the notice of hearing and petition as provided in subsection (5).

3. The court may conduct a hearing by telephone pursuant to a local court rule to reasonably accommodate a disability or exceptional circumstances. The court must receive assurances of the petitioner's identity before conducting a telephonic hearing.

(b) Upon notice and a hearing on the matter, if the court finds by clear and convincing evidence that the respondent 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 or any ammunition, the court must issue a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months.

(c) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

1. A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm.

2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others.

3. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.

4. A violation by the respondent of a risk protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.

5. A previous or existing risk protection order issued against the respondent.

6. A violation of a previous or existing risk protection order issued against the respondent.

7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. 741.28.

8. The respondent's ownership of, access to, or intent to possess firearms or ammunition.

9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.

10. The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.

11. Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence.

12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.

13. Evidence of recent acquisition of firearms or ammunition by the respondent.

14. Any relevant information from family and household members concerning the respondent.

15. Witness testimony, taken while the witness is under oath, relating to the matter before the court.

(d) A person, including an officer of the court, who offers evidence or recommendations relating to the cause of action either must present the evidence or recommendations in writing to the court with copies to each party and his or her attorney, if one is retained, or must present the evidence under oath at a hearing at which all parties are present.

(e) In a hearing under this section, the rules of evidence apply to the same extent as in a domestic violence injunction proceeding under s. 741.30.

(f) During the hearing, the court must consider whether a mental health evaluation or chemical dependency evaluation is appropriate and, if such determination is made, may order such evaluations, if appropriate.

(g) A risk protection order must include all of the following:

1. A statement of the grounds supporting the issuance of the order;

2. The date the order was issued;

3. The date the order ends;

4. Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;

5. The address of the court in which any responsive pleading should be filed;

6. A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, under subsection (7); and

7. The following statement:

“To the subject of this protection order: This order will last until the date noted above. If you have not done so already, you must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition that you own in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You have the right to request one hearing to vacate this order, starting after the date of the issuance of this order, and to request another hearing after every extension of the order, if any. You may seek the advice of an attorney as to any matter connected with this order.”

(h) If the court issues a risk protection order, the court must inform the respondent that he or she is entitled to request a hearing to vacate the order in the manner provided by subsection (6). The court shall provide the respondent with a form to request a hearing to vacate.

(i) If the court denies the petitioner’s request for a risk protection order, the court must state the particular reasons for the denial.

(4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.—

(a) A petitioner may request that a temporary ex parte risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.

(b) In considering whether to issue a temporary ex parte risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in paragraph (3)(c).

(c) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition, the court must issue a temporary ex parte risk protection order.

(d) The court must hold a temporary ex parte risk protection order hearing in person or by telephone on the day the petition is filed or on the business day immediately following the day the petition is filed.

(e) A temporary ex parte risk protection order must include all of the following:

1. A statement of the grounds asserted for the order;
2. The date the order was issued;
3. The address of the court in which any responsive pleading may be filed;
4. The date and time of the scheduled hearing;
5. A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, under subsection (7); and
6. The following statement:

“To the subject of this protection order: This order is valid until the date noted above. You are required to surrender all firearms and ammunition that you own in your custody, control, or possession. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. A hearing will be held on the date and at the time noted above to determine if a risk protection order should be issued. Failure to appear at that hearing may result in a

court issuing an order against you which is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order.”

(f) A temporary ex parte risk protection order ends upon the hearing on the risk protection order.

(g) A temporary ex parte risk protection order must be served by a law enforcement officer in the same manner as provided for in subsection (5) for service of the notice of hearing and petition and must be served concurrently with the notice of hearing and petition.

(h) If the court denies the petitioner’s request for a temporary ex parte risk protection order, the court must state the particular reasons for the denial.

(5) SERVICE.—

(a) The clerk of the court shall furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of a temporary ex parte risk protection order or a risk protection order that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. The clerk of the court shall be responsible for furnishing to the sheriff information on the respondent’s physical description and location. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency effecting service pursuant to this section shall use service and verification procedures consistent with those of the sheriff. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(b) All orders issued, changed, continued, extended, or vacated after the original service of documents specified in paragraph (a) must be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

(6) TERMINATION AND EXTENSION OF ORDERS.—

(a) The respondent may submit one written request for a hearing to vacate a risk protection order issued under this section, starting after the date of the issuance of the order, and may request another hearing after every extension of the order, if any.

1. Upon receipt of the request for a hearing to vacate a risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with subsection (5). The hearing must occur no sooner than 14 days and no later than 30 days after the date of service of the request upon the petitioner.

2. The respondent shall have the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm or ammunition. The court may consider any relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds after the hearing that the respondent has met his or her burden of proof, the court must vacate the order.

4. The law enforcement agency holding any firearm or ammunition or license to carry a concealed weapon or firearm that has been surren-

dered pursuant to this section shall be notified of the court order to vacate the risk protection order.

(b) The court must notify the petitioner of the impending end of a risk protection order. Notice must be received by the petitioner at least 30 days before the date the order ends.

(c) The petitioner may, by motion, request an extension of a risk protection order at any time within 30 days before the end of the order.

1. Upon receipt of the motion to extend, the court shall order that a hearing be held no later than 14 days after the date the order is issued and shall schedule such hearing.

a. The court may schedule a hearing by telephone in the manner provided by subparagraph (3)(a)3.

b. The respondent must be personally serviced in the same manner provided by subsection (5).

2. In determining whether to extend a risk protection order issued under this section, the court may consider all relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds by clear and convincing evidence that the requirements for issuance of a risk protection order as provided in subsection (3) continue to be met, the court must extend the order. However, if, after notice, the motion for extension is uncontested and no modification of the order is sought, the order may be extended on the basis of a motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension.

4. The court may extend a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months, subject to an order to vacate as provided in paragraph (a) or to another extension order by the court.

(7) SURRENDER OF FIREARMS AND AMMUNITION.—

(a) Upon issuance of a risk protection order under this section, including a temporary ex parte risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition owned by the respondent in the respondent's custody, control, or possession except as provided in subsection (9), and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent.

(b) The law enforcement officer serving a risk protection order under this section, including a temporary ex parte risk protection order, shall request that the respondent immediately surrender all firearms and ammunition owned by the respondent in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent. The law enforcement officer shall take possession of all firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, which are surrendered. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent must surrender any firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present. Notwithstanding ss. 933.02 and 933.18, a law enforcement officer may seek a search warrant from a court of competent jurisdiction to conduct a search for firearms or ammunition owned by the respondent if the officer has probable cause to believe that there are firearms or ammunition owned by the respondent in the respondent's custody, control, or possession which have not been surrendered.

(c) At the time of surrender, a law enforcement officer taking possession of any firearm or ammunition owned by the respondent, or a license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered, and any license surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforce-

ment officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(d) Notwithstanding ss. 933.02 and 933.18, upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition owned by the respondent, as required by an order issued under this section, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. If the court finds that probable cause exists, the court must issue a warrant describing the firearms or ammunition owned by the respondent and authorizing a search of the locations where the firearms or ammunition owned by the respondent are reasonably believed to be found and the seizure of any firearms or ammunition owned by the respondent discovered pursuant to such search.

(e) If a person other than the respondent claims title to any firearms or ammunition surrendered pursuant to this section and he or she is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her, if:

1. The lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have access to or control of the firearm or ammunition.

2. The firearm or ammunition is not otherwise unlawfully possessed by the owner.

(f) Upon the issuance of a risk protection order, the court shall order a new hearing date and require the respondent to appear no later than 3 business days after the issuance of the order. The court shall require proof that the respondent has surrendered any firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. The court may cancel the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(g) All law enforcement agencies must develop policies and procedures regarding the acceptance, storage, and return of firearms, ammunition, or licenses required to be surrendered under this section.

(8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

(a) If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition owned by the respondent or a license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, that has been surrendered or seized pursuant to this section must return such surrendered firearm, ammunition, or license to carry a concealed weapon or firearm issued under s. 790.06, as requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or has ended without extension.

(b) If a risk protection order is vacated or ends without extension, the Department of Agriculture and Consumer Services, if it has suspended a license to carry a concealed weapon or firearm pursuant to this section, must reinstate such license only after confirming that the respondent is currently eligible to have a license to carry a concealed weapon or firearm pursuant to s. 790.06.

(c) A law enforcement agency must provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition owned by the respondent.

(d) Any firearm and ammunition surrendered by a respondent pursuant to subsection (7) which remains unclaimed for 1 year by the lawful owner after an order to vacate the risk protection order shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

(9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may elect to transfer all firearms and ammunition owned by the respondent that have been surrendered to or seized by a local law enforcement agency pursuant to subsection (7) to another person who is

willing to receive the respondent's firearms and ammunition. The law enforcement agency must allow such a transfer only if it is determined that the chosen recipient:

(a) Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;

(b) Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and

(c) Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the respondent is vacated or ends without extension.

(10) REPORTING OF ORDERS.—

(a) Within 24 hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.

(b) Within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the Florida Crime Information Center and National Crime Information Center. The order must remain in each system for the period stated in the order, and the law enforcement agency may only remove an order from the systems which has ended or been vacated. Entry of the order into the Florida Crime Information Center and National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.

(c) The issuing court shall, within 3 business days after issuance of a risk protection order or temporary ex parte risk protection order, forward all available identifying information concerning the respondent, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department must immediately suspend the license.

(d) If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the Department of Agriculture and Consumer Services and the appropriate law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to paragraph (b).

(11) PENALTIES.—

(a) A person who makes a false statement, which he or she does not believe to be true, under oath in a hearing under this section in regard to any material matter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by an order issued under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.— This section does not affect the ability of a law enforcement officer to remove a firearm or ammunition or license to carry a concealed weapon or concealed firearm from any person or to conduct any search and seizure for firearms or ammunition pursuant to other lawful authority.

(13) LIABILITY.—Except as provided in subsection (8) or subsection (11), this section does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining a risk protection order or temporary ex parte risk protection order, including, but not limited to, providing notice to the petitioner, a family or household member of the respondent, and any known third party who may be at risk of violence or failure to provide such notice, or reporting, declining to report, in-

vestigating, declining to investigate, filing, or declining to file, a petition under this section.

(14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.—

(a) The Office of the State Courts Administrator shall develop and prepare instructions and informational brochures, standard petitions and risk protection order forms, and a court staff handbook on the risk protection order process. The standard petition and order forms must be used after January 1, 2019, for all petitions filed and orders issued pursuant to this section. The office shall determine the significant non-English-speaking or limited English-speaking populations in the state and prepare the instructions and informational brochures and standard petitions and risk protection order forms in such languages. The instructions, brochures, forms, and handbook must be prepared in consultation with interested persons, including representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials must be based on best practices and must be available online to the public.

1. The instructions must be designed to assist petitioners in completing the petition and must include a sample of a standard petition and order for protection forms.

2. The instructions and standard petition must include a means for the petitioner to identify, with only layman's knowledge, the firearms or ammunition the respondent may own, possess, receive, or have in his or her custody or control. The instructions must provide pictures of types of firearms and ammunition that the petitioner may choose from to identify the relevant firearms or ammunition, or must provide an equivalent means to allow petitioners to identify firearms or ammunition without requiring specific or technical knowledge regarding the firearms or ammunition.

3. The informational brochure must describe the use of and the process for obtaining, extending, and vacating a risk protection order under this section and must provide relevant forms.

4. The risk protection order form must include, in a conspicuous location, notice of criminal penalties resulting from violation of the order and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written request."

5. The court staff handbook must allow for the addition of a community resource list by the clerk of the court.

(b) Any clerk of court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The court may make the community resource list available as part of or in addition to the informational brochures described in paragraph (a).

(c) The Office of the State Courts Administrator shall distribute a master copy of the petition and order forms, instructions, and informational brochures to the clerks of court. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and clerks of court in the state.

(d) Within 90 days after receipt of the master copy from the Office of the State Courts Administrator, the clerk of the court shall make available the standardized forms, instructions, and informational brochures required by this subsection.

(e) The Office of the State Courts Administrator shall update the instructions, brochures, standard petition and risk protection order forms, and court staff handbook as necessary, including when changes in the law make an update necessary.

Section 15. Section 836.10, Florida Statutes, is amended to read:

836.10 Written threats to kill, or do bodily injury, or conduct a mass shooting or an act of terrorism; punishment.—Any person who writes or composes and also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or to do bodily injury to the person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any

member of the family of the person to whom such letter or communication is sent, or any person who makes, posts, or transmits a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
			790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
			790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
			790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
			794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
			794.05(1)	2nd	Unlawful sexual activity with specified minor.
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
775.0875(1)	3rd	Taking firearm from law enforcement officer.	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
784.041	3rd	Felony battery; domestic battery by strangulation.	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
784.048(3)	3rd	Aggravated stalking; credible threat.	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
784.048(5)	3rd	Aggravated stalking of person under 16.	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
784.081(2)	2nd	Aggravated assault on specified official or employee.	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	827.03(2)(c)	3rd	Abuse of a child.
784.083(2)	2nd	Aggravated assault on code inspector.	827.03(2)(d)	3rd	Neglect of a child.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.			
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.			

Florida Statute	Felony Degree	Description
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill, or do bodily injury, or conduct a mass shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

Section 17. Section 943.082, Florida Statutes, is created to read:

943.082 School Safety Awareness Program.—

(1) In collaboration with the Department of Legal Affairs, the department shall competitively procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials. As recommended by students of Marjory Stoneman Douglas High School, the program shall be named "FortifyFL." At a minimum, the department must receive reports electronically through the mobile suspicious activity reporting tool that is available on both Android and Apple devices.

(2) The reporting tool must notify the reporting party of the following information:

(a) That the reporting party may provide his or her report anonymously.

(b) That if the reporting party chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials; however, the law enforcement agency and school officials shall be required to maintain the information as confidential.

(3) Information reported using the tool must be promptly forwarded to the appropriate law enforcement agency or school official.

(4) Law enforcement dispatch centers, school districts, schools, and other entities identified by the department shall be made aware of the mobile suspicious activity reporting tool.

(5) The department, in collaboration with the Division of Victims Services within the Office of the Attorney General and the Office of Safe Schools within the Department of Education, shall develop and provide a comprehensive training and awareness program on the use of the mobile suspicious activity reporting tool.

Section 18. Section 943.687, Florida Statutes, is created to read:

943.687 Marjory Stoneman Douglas High School Public Safety Commission.—

(1) There is created within the Department of Law Enforcement the Marjory Stoneman Douglas High School Public Safety Commission, a commission as defined in s. 20.03.

(2)(a) The commission shall convene no later than June 1, 2018, and shall be composed of 16 members. Five members shall be appointed by the President of the Senate, five members shall be appointed by the Speaker of the House of Representatives, and five members shall be appointed by the Governor. From the members of the commission, the Governor shall appoint the chair. Appointments must be made by April 30, 2018. The Commissioner of the Department of Law Enforcement shall serve as a member of the commission. The Secretary of Children and Families, the Secretary of Juvenile Justice, the Secretary of Health Care Administration, and the Commissioner of Education shall serve as ex officio, nonvoting members of the commission. Members shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment.

(b) The General Counsel of the Department of Law Enforcement shall serve as the general counsel for the commission.

(c) The Department of Law Enforcement staff, as assigned by the chair, shall assist the commission in performing its duties.

(d) The commission shall meet as necessary to conduct its work at the call of the chair and at the time designated by him or her at locations throughout the state. The commission may conduct its meetings through teleconferences or other similar means.

(e) Members of the commission are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061.

(3) The commission shall investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in this state and develop recommendations for system improvements. At a minimum, the commission shall analyze information and evidence from the Marjory Stoneman Douglas High School shooting and other mass violence incidents in this state. At a minimum the commission shall:

(a) Develop a timeline of the incident, incident response, and all relevant events preceding the incident, with particular attention to all perpetrator contacts with local, state and national government agencies and entities and any contract providers of such agencies and entities.

(b) Investigate any failures in incident responses by local law enforcement agencies and school resource officers.

1. Identify existing policies and procedures for active assailant incidents on school premises and evaluate the compliance with such policies and procedures in the execution of incident responses.

2. Evaluate existing policies and procedures for active assailant incidents on school premises in comparison with national best practices.

3. Evaluate the extent to which any failures in policy, procedure, or execution contributed to an inability to prevent deaths and injuries.

4. Make specific recommendations for improving law enforcement and school resource officer incident response in the future.

5. Make specific recommendations for determining the appropriate ratio of school resource officers per school by school type. At a minimum,

the methodology for determining the ratio should include the school location, student population, and school design.

(c) Investigate any failures in interactions with perpetrators preceding mass violence incidents.

1. Identify the history of interactions between perpetrators and governmental entities such as schools, law enforcement agencies, courts and social service agencies, and identify any failures to adequately communicate or coordinate regarding indicators of risk or possible threats.

2. Evaluate the extent to which any such failures contributed to an inability to prevent deaths and injuries.

3. Make specific recommendations for improving communication and coordination among entities with knowledge of indicators of risk or possible threats of mass violence in the future.

4. Identify available state and local tools and resources for enhancing communication and coordination regarding indicators of risk or possible threats, including, but not limited to, the Department of Law Enforcement Fusion Center or Judicial Inquiry System, and make specific recommendations for using such tools and resources more effectively in the future.

(4) The commission has the power to investigate. The commission may delegate to its investigators the authority to administer oaths and affirmations.

(5) The Commissioner of the Department of Law Enforcement shall use his or her subpoena power to compel the attendance of witnesses to testify before the commission. The Commissioner of the Department of Law Enforcement shall use his or her subpoena power to compel the production of any books, papers, records, documentary evidence, and other items, including confidential information, relevant to the performance of the duties of the commission or to the exercise of its powers. The chair or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who appear before the commission for the purpose of testifying in any matter of which the commission desires evidence. In the case of a refusal to obey a subpoena, the commission may make application to any circuit court of this state having jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony relevant to the matter in question. Failure to obey the order may be punished by the court as contempt.

(6) The commission may call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties, and such agencies shall provide such assistance in a timely manner.

(7) Notwithstanding any other law, the commission may request and shall be provided with access to any information or records, including exempt or confidential and exempt information or records, which pertain to the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida being reviewed by the commission and which are necessary for the commission to carry out its duties. Information or records obtained by the commission which are otherwise exempt or confidential and exempt shall retain such exempt or confidential and exempt status and the commission may not disclose any such information or records.

(8) The commission shall submit an initial report on its findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2019, and may issue reports annually thereafter. The commission shall sunset July 1, 2023, and this section is repealed on that date.

Section 19. Section 1001.212, Florida Statutes, is created 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) 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 safety and security and recommendations to address findings identified pursuant to s. 1006.07(6).

(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.

(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 not limited to, the following data sources by December 1, 2018:

- (a) Social Media;
- (b) Department of Children and Families;
- (c) Department of Law Enforcement;
- (d) Department of Juvenile Justice; and
- (e) Local law enforcement.

(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 ch. 119. The department shall only allow access to data from the source agencies in accordance with rules adopted by the respective source agencies.

(10) Award grants to schools to improve the safety and security of school buildings based upon recommendations of the security risk assessment developed pursuant to subsection (1).

(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.

Section 20. Paragraph (a) of subsection (10) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(10) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the lab schools, in addition to the exceptions

to law specified in s. 1001.23(2), the following exceptions shall be permitted for lab schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 316.75; 1001.30; 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(2) ~~1006.12(1)~~; 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72; 1011.73; and 1011.74.

Section 21. Subsection (1) of section 1006.04, Florida Statutes, is amended to read:

1006.04 Educational multiagency services for students with severe emotional disturbance.—

(1)(a) ~~The multiagency network for students with emotional and behavioral disabilities works with education, mental health, child welfare, and juvenile justice professionals, along with other agencies and families, to provide children with mental illness or emotional and behavioral problems and their families with access to the services and supports they need to succeed. An intensive, integrated educational program; a continuum of mental health treatment services; and, when needed, residential services are necessary to enable students with severe emotional disturbance to develop appropriate behaviors and demonstrate academic and career education skills. The small incidence of severe emotional disturbance in the total school population requires multiagency programs to provide access to appropriate services for all students with severe emotional disturbance. District school boards should provide educational programs, and state departments and agencies administering children's mental health funds should provide mental health treatment and residential services when needed, as part of the forming a multiagency network to provide support for students with severe emotional disturbance.~~

(b) ~~The purpose of the multiagency network is to: The program goals for each component of the multiagency network are to~~

1. Enable students with severe emotional disturbance to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living; ~~to~~
2. Develop individual programs for students with severe emotional disturbance, including necessary educational, residential, and mental health treatment services; ~~to~~
3. Provide programs and services as close as possible to the student's home in the least restrictive manner consistent with the student's needs; ~~and to~~
4. Integrate a wide range of services necessary to support students with severe emotional disturbance and their families.

(c) *The multiagency network shall:*

1. *Support and represent the needs of students in each school district in joint planning with fiscal agents of children's mental health funds, including the expansion of school-based mental health services, transition services, and integrated education and treatment programs.*
2. *Improve coordination of services for children with or at risk of emotional or behavioral disabilities and their families by assisting multi-agency collaborative initiatives to identify critical issues and barriers of mutual concern and develop local response systems that increase home and school connections and family engagement.*
3. *Increase parent and youth involvement and development with local systems of care.*
4. *Facilitate student and family access to effective services and programs for students with and at risk of emotional or behavioral disabilities that include necessary educational, residential, and mental health treatment services, enabling these students to learn appropriate*

behaviors, reduce dependency, and fully participate in all aspects of school and community living.

Section 22. Paragraph (b) of subsection (1), paragraphs (k) through (m) of subsection (2), and subsections (3), (4), and (6) of section 1006.07, Florida Statutes, are amended, and subsections (7) and (8) are 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, ~~and~~ juvenile justice actions, ~~and referrals to mental health services~~ 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.
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.

(2) CODE OF STUDENT CONDUCT.—Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(k) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program or referral of such students to mental health services identified by the school district pursuant to s. 1012.584(4).

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

(m) Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution and mental health services identified by the school district pursuant to s. 1012.584(4) for evaluation or treatment, when appropriate. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(3) **STUDENT CRIME WATCH PROGRAM.**—By resolution of the district school board, implement a student crime watch program to promote responsibility among students and improve school safety. *The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials to assist in the control of criminal behavior within the schools.*

(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 the public schools of the district comprised of which comprise grades K-12. *Drills for active shooter and hostage situations shall be conducted at least as often as other emergency drills.* District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. *The emergency response 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 must be listed in the district's emergency response policy.*

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

1. *Weapon-use, and hostage, and active shooter situations. The active shooter situation training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.*
2. *Hazardous materials or toxic chemical spills.*
3. *Weather emergencies, including hurricanes, tornadoes, and severe storms.*
4. *Exposure as a result of a manmade emergency.*

(c) *Establish a schedule to test the functionality and coverage capability of all emergency communication systems and determine if adequate signal strength is available in all areas of the school's campus.*

(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 policies and procedures for compliance with state law and rules.*
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.*

4. *Conduct a school security risk assessment in accordance with s. 1006.1493 at each public school using the school security risk assessment tool developed by the Office of Safe Schools Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to conduct a self-assessment of the school districts' current safety and security practices. Based on the assessment these self-assessment findings, the district's school safety specialist district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually, each district school board must receive such findings and the school safety specialist's recommendations the self-assessment results at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the report findings and recommendations. Each school safety specialist district school superintendent shall report such findings the self-assessment results and school board action to the Office of Safe Schools commissioner within 30 days after the district school board meeting.*

(b) *Each school safety specialist shall coordinate with the appropriate public safety agencies, as defined in s. 365.171, that are designated as first responders to a school's campus to conduct a tour of such campus once every 3 years and provide recommendations related to school safety. The recommendations by the public safety agencies must be considered as part of the recommendations by the school safety specialist pursuant to paragraph (a).*

(7) **THREAT ASSESSMENT TEAMS.**—*Each district school board 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 the model policies developed by the Office of Safe Schools. Such policies shall include procedures for 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.*

(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.*

(c) *Upon a preliminary determination by the 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, the threat assessment team may obtain criminal history record information, 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 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.

(f) Each threat assessment team established pursuant to this subsection shall report quantitative data on its activities to the Office of Safe Schools in accordance with guidance from the office.

(8) **SAFETY IN CONSTRUCTION PLANNING.**—A district school board must allow the law enforcement agency or agencies that are designated as first responders to the district's campus and school's campuses to tour such campuses once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board.

Section 23. Subsection (2) of section 1006.08, Florida Statutes, is amended to read:

1006.08 District school superintendent duties relating to student discipline and school safety.—

(2) Notwithstanding the provisions of s. 985.04(7) or any other provision of law to the contrary, the court shall, within 48 hours of the finding, notify the appropriate district school superintendent of the name and address of any student found to have committed a delinquent act, or who has had adjudication of a delinquent act withheld which, if committed by an adult, would be a felony, or the name and address of any student found guilty of a felony, or the name and address of any student the court refers to mental health services. Notification shall include the specific delinquent act found to have been committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.

Section 24. Section 1006.12, Florida Statutes, is amended to read:

1006.12 ~~Safe-school school resource officers at each public school and school safety officers.~~—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 safe-school officers at each school facility within the district by implementing any combination of the following options which best meets the needs of the school district:

(1) ~~District school boards may~~ Establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with subsection (2).

(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). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers 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.

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

~~(2)(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 district school board may 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 superintendent may recommend and the district school board may appoint one or more school safety officers.

~~(b)(e)~~ 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.

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

Section 25. Subsection (1), paragraph (c) of subsection (4), and subsection (8) of section 1006.13, Florida Statutes, are amended, and paragraph (f) is added to subsection (2) of that section, to read:

1006.13 Policy of zero tolerance for crime and victimization.—

(1) District school boards shall ~~It is the intent of the Legislature to promote a safe and supportive learning environment in schools by protecting, to protect~~ students and staff from conduct that poses a serious threat to school safety. A threat assessment team may, ~~and to encourage schools to use alternatives to expulsion or referral to law enforcement agencies to address by addressing~~ disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. ~~The Legislature finds that zero tolerance policies may are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances. Zero-tolerance policies The Legislature finds that zero-tolerance policies~~ must apply equally to all students regardless of their economic status, race, or disability.

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

(f) Requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.

(4)

(c) Zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, includ-

ing, but not limited to, disorderly conduct, ~~disrupting a school function,~~ simple assault or battery, affray, theft of less than \$300, trespassing, and vandalism of less than \$1,000. *However, if a student commits more than one misdemeanor, the threat assessment team must consult with law enforcement to determine if the act should be reported to law enforcement.*

(8) *A threat assessment team may ~~School districts are encouraged to~~ use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety.*

Section 26. Section 1006.1493, Florida Statutes, is created to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(1) *The department through the Office of Safe Schools pursuant s. 1001.212 shall contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be used by school officials at each school district and public school site in the state in conducting security assessments for use by school officials at each school district and public school site in the state.*

(2) *The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).*

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

1. *School emergency and crisis preparedness planning;*
2. *Security, crime, and violence prevention policies and procedures;*
3. *Physical security measures;*
4. *Professional development training needs;*
5. *An examination of support service roles in school safety, security, and emergency planning;*
6. *School security and school police staffing, operational practices, and related services;*
7. *School and community collaboration on school safety; and*
8. *A return on investment analysis of the recommended physical security controls.*

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

1. *Generate written automated reports on assessment findings for review by the department and school and district officials;*
2. *Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and*
3. *Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.*

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

(4) *In accordance with ss. 119.071(3)(a) and 281.301, data and information related to security risk assessments administered pursuant to this section and s. 1006.07(6) and the security information contained in*

the annual report required pursuant to subsection (3) are confidential and exempt from public records requirements.

Section 27. Subsection (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (17) and (18), respectively, paragraph (a) of subsection (4), paragraph (b) of subsection (6), subsection (14), and subsection (15) of that section are amended, and a new subsection (16) is added to that section, to read:

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

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.—*

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

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

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

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

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

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction *or improve school safety*, the school board may consider and approve an amendment to the school district operating budget transferring the

identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

~~2. Funds for safe schools.~~

~~2.3.~~ Funds for supplemental academic instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (1)(f).

3.4. Funds for research-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (9)(a).

~~4.5.~~ Funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

(14) **QUALITY ASSURANCE GUARANTEE.**—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (17) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (17) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(15) **SAFE SCHOOLS ALLOCATION.**—A safe schools allocation is created to provide funding to assist school districts in their compliance with s. 1006.07 ~~ss. 1006.07-1006.148~~, with priority given to ~~implementing the district's establishing a school resource officer program~~ pursuant to s. 1006.12. Each school district shall receive a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, two-thirds shall be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. *Any additional funds appropriated to this allocation in the 2018-2019 fiscal year to the school resource officer program established pursuant to s. 1006.12 shall be used exclusively for employing or contracting for school resource officers, which shall be in addition to the number of officers employed or contracted for in the 2017-2018 fiscal year.*

(16) **MENTAL HEALTH ASSISTANCE ALLOCATION.**—*The mental health assistance allocation is created to provide funding to assist school districts in establishing or expanding school-based mental health care. These funds shall be allocated annually in the General Appropriations Act or other law to each eligible school district. Each school district shall receive a minimum of \$100,000 with the remaining balance allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Eligible charter schools are entitled to a proportionate share of district funding. At least 90 percent of a district's allocation must be expended on the elements specified in subparagraphs (b)1. and 2. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses. School districts are encouraged to maximize third party health*

insurance benefits and Medicaid claiming for services, where appropriate.

(a) *Before the distribution of the allocation:*

1. *The school district must develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.*

2. *A charter school must develop and submit a detailed plan outlining the local program and planned expenditures to its governing body for approval. After the plan is approved by the governing body, it must be provided to the charter school's sponsor.*

(b) *The plans required under paragraph (a) must be focused on delivering evidence-based mental health care treatment to children and include the following elements:*

1. *Provision of mental health assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and students at high risk of such diagnoses.*

2. *Coordination of such services with a student's primary care provider and with other mental health providers involved in the student's care.*

3. *Direct employment of such service providers, or a contract-based collaborative effort or partnership with one or more local community mental health programs, agencies, or providers.*

(c) *School districts shall submit approved plans, including approved plans of each charter school in the district, to the commissioner by August 1 of each fiscal year.*

(d) *Beginning September 30, 2019, and annually by September 30 thereafter, each school district shall submit to the Department of Education a report on its program outcomes and expenditures for the previous fiscal year that, at a minimum, must include the number of each of the following:*

1. *Students who receive screenings or assessments.*

2. *Students who are referred for services or assistance.*

3. *Students who receive services or assistance.*

4. *Direct employment service providers employed by each school district.*

5. *Contract-based collaborative efforts or partnerships with community mental health programs, agencies, or providers.*

Section 28. Section 1012.584, Florida Statutes, is created to read:

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(1) *Beginning with the 2018-2019 school year, the Department of Education shall establish an evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem.*

(2) *The Department of Education shall select a national authority on youth mental health awareness and assistance to facilitate providing youth mental health awareness and assistance training, using a trainer certification model, to all school personnel in elementary, middle, and high schools. Each school safety specialist shall earn, or designate one or more individuals to earn, certification as a youth mental health awareness and assistance trainer. The school safety specialist shall ensure that all school personnel within his or her school district receive youth mental health awareness and assistance training.*

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

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

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

(c) *Information on how to engage at-risk students with the skills, resources, and knowledge required to assess the situation, and how to identify and encourage the student to use appropriate professional help and other support strategies, including, but not limited to, peer, social, or self-help care.*

(4) *Each school district shall notify all school personnel who have received training pursuant to this section of mental health services that are available in the school district, and the individual to contact if a student needs services. The term "mental health services" includes, but is not limited to, community mental health services, health care providers, and services provided under ss. 1006.04 and 1011.62(17).*

Section 29. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, subsection (2) of section 397.6760, Florida Statutes, is reenacted to read:

397.6760 Court records; confidentiality.—

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

Section 30. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 790.335, Florida Statutes, is reenacted to read:

790.335 Prohibition of registration of firearms; electronic records.—

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

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

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

Section 31. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, subsection (1) of section 794.056, Florida Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 32. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, section 938.085, Florida Statutes, is reenacted to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 33. For the 2018-2019 fiscal year, the sum of \$69,237,286 in recurring funds is appropriated from the General Revenue Fund to the Department of Education in the Aid to Local Governments Grants and Aids - Florida Education Finance Program to fund the mental health assistance allocation created pursuant to s. 1011.62(16), Florida Statutes.

Section 34. For the 2018-2019 fiscal year, the sums of \$500,000 in recurring funds and \$6,200,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education to implement the youth mental health awareness and assistance training as directed pursuant to s. 1012.584, Florida Statutes.

Section 35. For the 2018-2019 fiscal year, the sum of \$1 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School in Broward County. The department shall collaborate with the students and faculty of Marjory Stoneman Douglas High School, the families of the victims, the Broward County School District, and other relevant entities of the Parkland community on the design and placement of the memorial.

Section 36. For the 2018-2019 fiscal year, the sum of \$25,262,714 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education combined with an equal amount of local matching funds for the purpose of replacing Building 12, as listed in the Florida Inventory of School Houses, at Marjory Stoneman Douglas High School in Broward County.

And the title is amended as follows:

Delete lines 2379-2598 and insert: Department of Education; amending s. 121.091, F.S.; authorizing certain retired law enforcement officers to be reemployed as school resource officers after meeting specified termination requirements; authorizing such retired law enforcement officers to receive compensation and retirement benefits after a specified period; providing that such retired law enforcement officers may not renew membership in the Florida Retirement System, except as otherwise provided; amending s. 394.463, F.S.; requiring when practicable that a law enforcement officer with certain training be assigned to serve and execute certain ex parte orders; authorizing a law enforcement officer to seize and hold firearms and ammunition if taking custody of a person who poses a potential danger to himself or herself or others and who has made a credible threat against another person; authorizing a law enforcement officer to seek the voluntary surrender of firearms and ammunition kept in the residence if the law enforcement officer takes custody of the person at the person's residence and certain criteria are met; authorizing such law enforcement officer to petition an appropriate court for a risk protection order under certain circumstances; requiring that firearms and ammunition seized or voluntarily surrendered be returned within a certain timeframe under specified circumstances; providing exceptions; requiring law enforcement agencies to develop policies and procedures relating to the seizure, storage, and return of firearms and ammunition; amending s. 394.495, F.S.; requiring the Department of Children and Families to contract for community action treatment teams throughout the state with the managing entities; specifying requirements for community action treatment teams; subject to legislative appropriation, requiring the

department to contract for additional teams to ensure statewide availability of services; creating s. 790.064, F.S.; prohibiting a person who has been adjudicated mentally defective or been committed to a mental institution from owning or possessing a firearm until certain relief is obtained; specifying that the firearm possession and ownership disability runs concurrently with the firearm purchase disability under certain provisions; authorizing a person to petition for relief from the firearm possession and ownership disability; requiring that petitions for relief follow certain procedures; authorizing such person to petition for simultaneous relief; amending s. 790.065, F.S.; prohibiting a person younger than a certain age from purchasing a firearm; prohibiting the sale or transfer, or facilitation of a sale or transfer, of a firearm to a person younger than a certain age by a licensed importer, licensed manufacturer, or licensed dealer; providing criminal penalties; providing exceptions; amending s. 790.0655, F.S.; revising the mandatory waiting period to the later of either 3 days, excluding weekends and legal holidays, or upon the completion of certain records checks; revising and redefining terms; requiring that records of firearm sales be available for inspection by any law enforcement agency during normal business hours; revising applicability of the waiting period; conforming provisions to changes made by the act; creating s. 790.222, F.S.; defining the term "bump-fire stock"; prohibiting specified acts relating to the sale and possession of bump-fire stocks; providing criminal penalties; providing legislative intent; providing a short title; creating s. 790.401, F.S.; defining terms; creating an action known as a petition for a risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms or ammunition; providing requirements for petitions for such orders; providing duties for courts and clerks of court; prohibiting fees for the filing of or service of process of such petitions; providing for jurisdiction for such petitions; requiring hearings on petitions within a specified period; providing service requirements; providing grounds that may be considered in determining whether to grant such a petition; providing requirements for proceedings; providing requirements for risk protection orders; requiring the court to inform a respondent of his or her right to request a certain hearing; authorizing temporary ex parte orders under certain circumstances; providing requirements for petitions for such ex parte orders; providing for service of orders; providing for the termination or extension of an order; providing for the surrender and storage of firearms, ammunition, and licenses to carry a concealed weapon or firearm after issuance of a risk protection order; requiring law enforcement agencies to develop certain policies and procedures; providing for return of firearms and ammunition upon the vacating or end without the extension of an order under certain circumstances; authorizing a respondent to elect to transfer all firearms and ammunition surrendered or seized by a law enforcement agency to another person under certain circumstances; requiring a clerk of the court to forward a copy of a risk protection order to the appropriate law enforcement agency within a specified timeframe; requiring the law enforcement agency to enter the order into the Florida Crime Information Center and the National Crime Information Center systems; requiring that the order be maintained in the systems for a specified period and prohibiting a law enforcement from removing an order from the systems which has not ended or been vacated; providing that entry of an order into the systems constitutes notice to law enforcement agencies; requiring an issuing court to forward specified information concerning a respondent to the Department of Agriculture and Consumer Services within a specified timeframe; requiring the department to suspend a license to carry a concealed weapon or firearm which is held by a person subject to such an order; prohibiting a person from making a false statement under oath; providing criminal penalties; prohibiting violations of such an order; providing criminal penalties; providing construction; providing that the risk protection order provisions do not create liability for certain acts or omissions; requiring the Office of the State Courts Administrator to develop and distribute certain instructional and informational material; amending s. 836.10, F.S.; prohibiting a person from making, posting, or transmitting a threat to conduct a mass shooting or an act of terrorism in a writing or other record in any manner that would allow another person to view the threat; providing criminal penalties; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; creating s. 943.082, F.S.; requiring the Department of Law Enforcement, in collaboration with the Department of Legal Affairs, to competitively procure a mobile suspicious activity tool with certain features; requiring the department to receive certain electronic reports; requiring the reporting tool to notify the reporting party of certain information; requiring the forwarding of certain information to appropriate law enforcement agencies; requiring that certain entities be made aware of the reporting tool; re-

quiring the department, in collaboration with certain entities, to develop and provide certain training and awareness relating to the reporting tool; creating s. 943.687, F.S.; creating the Marjory Stoneman Douglas High School Public Safety Commission within the Department of Law Enforcement; requiring the commission to convene by a certain date; specifying the composition of the commission; requiring Department of Law Enforcement staff to assist the commission; specifying meeting requirements; authorizing reimbursement for per diem and travel expenses; providing the duties and authority of the commission; requiring the commission to submit an initial report to the Governor and the Legislature within a specified time; providing for the expiration of the commission; creating s. 1001.212, F.S.; creating the Office of Safe Schools within the Department of Education; providing duties of the office; amending s. 1002.32, F.S.; conforming a cross-reference; amending s. 1006.04, F.S.; revising the purpose and duties of the educational multiagency network for students with emotional and behavioral disabilities; amending s. 1006.07, F.S.; revising district school board duties relating to student discipline and school safety; requiring students to note referrals to mental health services upon initial registration for school within a school district; authorizing a district school board to refer a student to certain mental health services under certain circumstances; revising the code of student conduct relating to the referral of certain students to certain mental health services and law enforcement; providing requirements for student crime watch programs; revising the policies and procedures for emergency drills to include drills for active shooter and hostage situations; providing requirements for such drills; revising requirements for the emergency response policy; requiring model emergency management and emergency preparedness procedures for active shooter situations; requiring school districts to establish a schedule to test emergency communication systems; requiring district school superintendents to establish certain policies and procedures relating to the prevention of violence on school grounds and designate a school safety specialist for the school district; providing requirements and duties for school safety specialists; providing school safety specialist requirements relating to the required school security risk assessments; requiring each district school board to establish a threat assessment team at each school within the district; providing requirements and duties for threat assessment teams; authorizing a threat assessment team to obtain certain criminal history record information under certain circumstances; prohibiting a member of a threat assessment team from disclosing or using such information except for a specified purpose; authorizing certain entities to share specified confidential information and records relating to students for specified purposes; authorizing school personnel to address an immediate mental health or substance abuse crisis; providing requirements for addressing such situations; providing threat assessment team reporting requirements; amending s. 1006.08, F.S.; requiring a district school superintendent to be notified by the court of a student referred to mental health services; amending s. 1006.12, F.S.; requiring district school boards to establish or assign safe-school officers at each district school facility within the district; requiring school resource officers and school safety officers to undergo specified evaluations;

The vote was:

Yeas—18

Book	Garcia	Rodriguez
Bracy	Gibson	Rouson
Braynon	Lee	Stewart
Campbell	Montford	Taddeo
Farmer	Powell	Thurston
Flores	Rader	Torres

Nays—20

Mr. President	Gainer	Perry
Baxley	Galvano	Simmons
Bean	Grimsley	Simpson
Benacquisto	Hukill	Stargel
Bradley	Hutson	Steube
Brandes	Mayfield	Young
Broxson	Passidomo	

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Galvano moved the following amendment to **Amendment 1 (234288)** which was adopted:

Amendment 1R (186748)—Delete lines 2238-2239 and insert:
General Revenue Fund to the Department of Education for the purpose of

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Gibson moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1S (301684) (with title amendment)—Between lines 437 and 438 insert:

Section 13. Section 790.233, Florida Statutes, is amended to read:

790.233 Possession of firearm or ammunition prohibited when person is subject to *certain injunctions* ~~an injunction against committing acts of domestic violence, stalking, or cyberstalking~~; penalties.—

(1) A person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued ~~an a final~~ injunction, *whether temporary or final, which that* is currently in force and effect; restraining that person from committing acts of domestic violence, as issued under s. 741.30; ~~or from committing acts of stalking or cyberstalking, as issued under s. 784.0485; or from committing acts of repeat violence, dating violence, or sexual violence, as issued under s. 784.046.~~

(2) A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) ~~It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly,~~ This section does not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

Section 14. Section 790.234, Florida Statutes, is created to read:

790.234 *Domestic violence, stalking, etc.; temporary custody of firearms.*—

(1) *When at the scene of an alleged act of domestic violence, as defined in s. 741.28; stalking or cyberstalking, as defined in s. 784.0485; or repeat violence, dating violence, or sexual violence, as defined in s. 784.046, a law enforcement officer shall remove a firearm from the scene if:*

(a) *The law enforcement officer has probable cause to believe that an act of domestic violence, stalking or cyberstalking, or repeat violence, dating violence, or sexual violence has occurred; and*

(b) *The firearm is in plain view or is discovered during a consensual or other lawful search.*

(2) *If a firearm is removed from the scene under subsection (1), the law enforcement officer shall:*

(a) *Provide to the owner of the firearm information on the process for retaking possession of the firearm.*

(b) *Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence, stalking or cyberstalking, or repeat violence, dating violence, or sexual violence.*

(3) *Within 14 days after the conclusion of a proceeding on the alleged act of domestic violence, stalking or cyberstalking, or repeat violence, dating violence, or sexual violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm pursuant to s. 790.233.*

Section 15. Paragraph (a) of subsection (4) of section 741.31, Florida Statutes, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4)(a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to s. 741.30, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, by:

1. Refusing to vacate the dwelling that the parties share;
2. Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
3. Committing an act of domestic violence against the petitioner;
4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
5. Telephoning, contacting, *texting*, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
6. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
7. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
8. Refusing to surrender firearms or ammunition ~~if ordered to do so by the court~~

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except as provided in paragraph (c).

And the title is amended as follows:

Delete line 2452 and insert: criminal penalties; amending s. 790.233, F.S.; prohibiting persons subject to temporary or final injunctions against domestic violence, repeat violence, dating violence, or sexual violence, or from possessing firearms or ammunition; deleting a provision relating to legislative intent; creating s. 790.234, F.S.; requiring a law enforcement officer to take temporary custody of firearms at the scene of a domestic violence, stalking or cyberstalking, or repeat violence, dating violence, or sexual violence incident under certain circumstances; specifying required steps a law enforcement officer must take if a firearm is removed from the scene; providing for the return of such firearms after a specified period; providing an exception; amending s. 741.31, F.S.; specifying that *texting* is a violation of an injunction for protection against domestic violence and certain foreign protection orders; conforming a provision to changes made by the act; providing legislative intent;

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Stewart moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1T (378472) (with title amendment)—Between lines 1298 and 1299 insert:

(9) *Until such time as the Legislature has the opportunity to review and adopt the recommendations from the commission, an assault weapon or a large-capacity magazine, as defined in s. 790.30, may not be sold, distributed, transferred or conveyed, kept for sale, or offered or exposed for sale.*

Section 20. Section 790.30, Florida Statutes, is created to read:

(1) **DEFINITIONS.**—As used in this act, the term:

(a) "Assault weapon" means:

1. *A selective-fire firearm capable of fully automatic or burst fire at the option of the user.*

2. *A part or combination of parts that convert a firearm into an assault weapon, or any combination of parts from which an assault*

weapon may be assembled if those parts are in the possession or under the control of the same person.

3. A firearm not listed in this paragraph which meets the criteria of one of the following sub-subparagraphs:

a. A semiautomatic rifle that has an ability to accept a detachable magazine and that has one or more of the following:

(I) A pistol grip that protrudes conspicuously beneath the action of the weapon or any feature functioning as a protruding grip that can be held by the nontrigger hand or a thumbhole stock.

(II) A bayonet mount.

(III) A flash suppressor or threaded barrel designed to accommodate a flash suppressor.

(IV) A grenade launcher.

(V) A shroud that is attached to the barrel, or that partially or completely encircles the barrel and allows the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel.

b. A semiautomatic pistol that has an ability to accept a detachable magazine and that has one or more of the following:

(I) The capacity to accept an ammunition magazine that attaches to the pistol at any location outside the pistol grip.

(II) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer.

(III) A slide that encloses the barrel and that allows the shooter to hold the firearm with the nontrigger hand without being burned.

(IV) A semiautomatic version of an automatic firearm.

(V) Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand.

(VI) A folding, telescoping, or thumbhole stock.

c. A semiautomatic shotgun that has one or more of the following:

(I) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(II) A thumbhole stock.

(III) A fixed-magazine capacity in excess of 5 rounds.

(IV) An ability to accept a detachable magazine.

d. A semiautomatic pistol or a semiautomatic, centerfire, or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition.

e. A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

(b) "Large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 15 rounds, or any conversion kit, part, or combination of parts from which such a device can be assembled if those parts are in the possession or under the control of the same person, but does not include any of the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than 7 rounds;

2. A .22 caliber tube ammunition feeding device; or

3. A tubular magazine that is contained in a lever-action firearm.

And the title is amended as follows:

Delete line 2541 and insert: expiration of the commission; prohibiting an assault weapon or a large-capacity magazine from being sold, distributed, transferred or conveyed, kept for sale, or offered or exposed for sale until such time as the Legislature has the opportunity to review and adopt the commission's recommendations; creating s. 790.30, F.S.; defining the terms "assault weapon" and "large-capacity magazine"; creating s. 1001.212,

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendments was allowed:

Senator Farmer moved the following amendments to **Amendment 1 (234288)** which failed:

Amendment 1U (395186) (with title amendment)—Delete lines 364-368 and insert:

Section 10. Section 790.0641, Florida Statutes, is created to read:

790.0641 Assault weapons purchase, sale, and transfer restrictions; penalties.—

(1) As used in this section, the term "assault weapon" means:

(a) A selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the option of the user or any of the following specified semiautomatic firearms:

1. Algimec AGM1.

2. All AK series, including, but not limited to, the following: AK, AK-47, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA 85, SA 93, Vector Arms AK-47, VEPR, WASR-10, and WUM.

3. All AR series, including, but not limited to, the following: AR-10, AR-15, Armalite AR-180, Armalite M-15, AR-70, Bushmaster XM15, Colt AR-15, DoubleStar AR rifles, DPMS tactical rifles, Olympic Arms, Rock River Arms LAR-15, and Smith & Wesson M&P15 rifles.

4. Barrett 82A1 and REC7.

5. Beretta AR-70 and Beretta Storm.

6. Bushmaster automatic rifle.

7. Calico Liberty series rifles.

8. Chartered Industries of Singapore SR-88.

9. Colt Sporter.

10. Daewoo K-1, K-2, Max-1, and Max-2.

11. FAMAS MAS .223.

12. Federal XC-900 and SC-450.

13. FN FAL (or FN LAR) and FN FNC.

14. FN FS2000, FN PS90, and FN SCAR.

15. Galil and UZI Sporter, Galil sniper rifle (Galatz), Galil Sporter, UZI, or Vector Arms UZI.

16. Goncz High-Tech carbine.

17. Hi-Point carbine.

18. HK-91, HK-93, HK-94, HK-PSG-1, and SP-89.

19. Kel-Tec RFB, Sub-2000, and SU series.

20. M1 carbine.

21. M2HB and TNW M230.

22. Ruger Mini-14 with folding stock.

23. SAR-8, SAR-4800, and SR9.

24. SIG 57 AMT and 500 Series.
25. Sig Sauer MCX rifle.
26. SKS capable of accepting a detachable magazine.
27. SLG 95.
28. SLR 95 and 96.
29. Spectre automatic carbine.
30. Springfield Armory BM59, G-3, and SAR-48.
31. Sterling MK-6 and MK-7.
32. Steyr AUG.
33. Thompson series, including Thompson T5.
34. Weaver Arms Nighthawk.

(b) All of the following handguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:

1. AK-47 pistol and Mini AK-47 pistol.
2. AR-15 pistol.
3. Australian Automatic Arms SAP pistol.
4. Bushmaster automatic pistol.
5. Calico Liberty series pistols.
6. Chiappa Firearms Mfour-22.
7. Colefire Magnum.
8. DSA SA58 PKP FAL.
9. Encom MK-IV, MP-9, and MP-45.
10. Feather AT-9 and Mini-AT.
11. German Sport 522 PK.
12. Goncz High-Tech Long pistol.
13. Holmes MP-83.
14. Intratec AB-10, TEC-9, TEC-22 Scorpion, and TEC-DC9.
15. I.O. Inc. PPS-43C.
16. Iver Johnson Enforcer.
17. Kel-Tec PLR-16 pistol.
18. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and Velocity Arms VMA series.
19. Scarab Skorpion.
20. Sig Sauer P556 pistol.
21. Spectre automatic pistol.
22. Thompson TA5 series pistols.
23. UZI pistol and Micro-UZI pistol.
34. Wilkinson "Linda" pistol.

(c) All of the following shotguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:

1. Armscor 30 BG.
2. Franchi LAW-12 and SPAS-12.
3. Kel-Tec KSG.

4. Remington TAC-2 and TACB3 FS.
5. Saiga.
6. Streetsweeper.
7. Striker 12.
8. USAS-12.

(d) A part or combination of parts that converts a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

(e) A semiautomatic firearm not listed in this subsection which meets the criteria of one of the following sub-subparagraphs:

1. A semiautomatic rifle that has an ability to accept a detachable magazine and that has one or more of the following:
 - a. A folding or telescoping stock.
 - b. A pistol grip that protrudes conspicuously beneath the action of the weapon or any feature functioning as a protruding grip that can be held by the nontrigger hand or a thumbhole stock.
 - c. A bayonet mount.
 - d. A flash suppressor or threaded barrel designed to accommodate a flash suppressor.
 - e. A grenade launcher.
 - f. A shroud that is attached to the barrel, or that partially or completely encircles the barrel and allows the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel.
2. A semiautomatic pistol that has an ability to accept a detachable magazine and that has one or more of the following:
 - a. The capacity to accept an ammunition magazine that attaches to the pistol at any location outside the pistol grip.
 - b. A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer.
 - c. A slide that encloses the barrel and that allows the shooter to hold the firearm with the nontrigger hand without being burned.
 - d. A manufactured weight of 50 ounces or more when the pistol is unloaded.
 - e. A semiautomatic version of an automatic firearm.
 - f. Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand.
 - g. A folding, telescoping, or thumbhole stock.
3. A semiautomatic shotgun that has one or more of the following:
 - a. A folding or telescoping stock.
 - b. A pistol grip that protrudes conspicuously beneath the action of the weapon.
 - c. A thumbhole stock.
 - d. A fixed-magazine capacity in excess of 5 rounds.
 - e. An ability to accept a detachable magazine.
4. A semiautomatic pistol or a semiautomatic, centerfire, or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition.
5. A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which

an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

(2) Notwithstanding any other law, a person may not purchase or be sold or transferred an assault weapon without possessing a valid Type 03 Federal Firearms License.

(3) In addition to the requirements and procedures set out in s. 790.065(1)(d), a licensed importer, licensed manufacturer, or licensed dealer and a private seller facilitating a sale through a licensed dealer must verify that a potential purchaser or transferee of an assault weapon possesses a valid Type 03 Federal Firearms License.

(4) A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 11. Paragraph (e) of subsection (3) of section 790.335, Florida Statutes, is amended to read:

790.335 Prohibition of registration of firearms; electronic records.—

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

(e)1. Records kept pursuant to the recordkeeping provisions of s. 790.065; however, nothing in this section shall be construed to authorize the public release or inspection of records that are made confidential and exempt from the provisions of s. 119.07(1) by s. 790.065(3)(a) ~~or 790.065(4)(a)~~.

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

Section 12. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (12), subsections (1), (3), and (10) of that section are amended, and a new subsection (11) is added to that section, to read:

790.065 Sale and delivery of firearms.—

(1)(a) A licensed importer, licensed manufacturer, or licensed dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:

1. Obtained a completed form from the potential buyer or transferee, which form shall have been ~~adopted promulgated~~ by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

2. Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. The fee shall be established by the Department of Law Enforcement and may not exceed \$8 per transaction. The Department of Law Enforcement may reduce, or suspend collection of, the fee to reflect payment received from the Federal Government applied to the cost of maintaining the criminal history check system established by this section as a means of facilitating or supplementing the National Instant Criminal Background Check System. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other than the operation of the criminal history checks required by this section. The Department of Law Enforcement, each year ~~before~~ ~~prior to~~ February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event that the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than \$2.5 million, excess funds may be

used for the purpose of purchasing soft body armor for law enforcement officers.

3. Requested, by means of a toll-free telephone call, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

4. Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

(b) However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license pursuant to the provisions of s. 790.06 or holds an active certification from the Criminal Justice Standards and Training Commission as a “law enforcement officer,” a “correctional officer,” or a “correctional probation officer” as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), this subsection does not apply.

(c) This subsection does not apply to the purchase, trade, or transfer of a rifle or shotgun by a resident of this state when the resident makes such purchase, trade, or transfer from a licensed importer, licensed manufacturer, or licensed dealer in another state.

(d)1. If neither party to a prospective firearms sale, lease, or transfer is a licensed dealer, the parties to the transaction must complete the sale, lease, or transfer through a licensed dealer as follows:

a. The seller, lessor, or transferor must deliver the firearm to a licensed dealer, who shall process the sale, lease, or transfer as if she or he were the seller, lessor, or transferor, except that the seller, lessor, or transferor who is not a licensed dealer may remove the firearm from the business premises of the licensed dealer while the background check is being conducted and while the waiting period requirement set forth in s. 790.0655 is being met. Other than allowing the unlicensed seller or transferor to remove the firearm from the licensed dealer's business premises, the licensed dealer shall comply with all requirements of federal and state law which would apply if she or he were the seller, lessor, or transferor of the firearm;

b. The licensed dealer shall conduct a background check on the buyer or other transferee as provided in this section and, unless the transaction is prohibited, and after all other legal requirements are met, including those set forth in s. 790.0655, the licensed dealer shall either:

(I) Deliver the firearm to the seller, lessor, or transferor, who shall complete the transaction and deliver the firearm to the buyer; or

(II) If the seller, lessor, or transferor has removed the firearm from the licensed dealer's business premises, contact the seller, lessor, or transferor to let her or him know that he or she may complete the transaction and deliver the firearm to the buyer.

c. If the licensed dealer cannot legally complete the transaction, the dealer must:

(I) Return the firearm to the seller, lessor, or transferor; or

(II) If the seller, lessor, or transferor has removed the firearm from the licensed dealer's business premises, contact the seller, lessor, or transferor to let her or him know that the transaction is prohibited, and that the seller, lessor, or transferor may not deliver the firearm to the buyer; and

d. The licensed dealer may require the buyer or other transferee to pay a fee covering the administrative costs incurred by the licensed dealer for facilitating the transfer of the firearm, plus applicable fees pursuant to federal and state law.

2. This paragraph does not apply to:

a. The activities of the United States Marshals Service, members of the United States Armed Forces or the National Guard, or federal officials required to carry firearms while engaged in performing their official duties; or

b. The following activities, unless the lawful owner knows or has reasonable cause to believe that federal, state, or local law prohibits the

transferee from purchasing or possessing firearms, or that the transferee is likely to use the firearm for unlawful purposes:

(I) The delivery of a firearm to a gunsmith for service or repair, or the return of the firearm to its owner by the gunsmith;

(II) The transfer of a firearm to a carrier, warehouseman, or other person engaged in the business of transportation or storage, to the extent that the receipt, possession, or having on or about the person any firearm is in the ordinary course of business and in conformity with federal, state, and local laws, and not for the personal use of any such person;

(III) The loan of a firearm solely for the purpose of shooting at targets, if the loan occurs on the premises of a properly licensed target facility and if the firearm is at all times kept within the premises of the target facility;

(IV) The loan of a firearm to a person who is under 18 years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult;

(V) The loan of a firearm to a person who is 18 years of age or older if the firearm remains in the person's possession only while the person is accompanying the lawful owner and using the firearm for lawful hunting, sporting, or recreational purposes; or

(VI) The loan of a firearm to an adult family member of the lawful owner of the firearm if the lawful owner resides with the family member but is not present in the residence, provided that the family member does not maintain control over the firearm for more than 10 consecutive days.

~~(3) In the event of scheduled computer downtime, electronic failure, or similar emergency beyond the control of the Department of Law Enforcement, the department shall immediately notify the licensee of the reason for, and estimated length of, such delay. After such notification, the department shall forthwith, and in no event later than the end of the next business day of the licensee, either inform the requesting licensee if its records demonstrate that the buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Florida and Federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the buyer or transferee is so prohibited, and without regard to whether she or he has received a unique approval number, the licensee may complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.~~

~~(10) A licensed importer, licensed manufacturer, or licensed dealer is not required to comply with the requirements of this section in the event of:~~

~~(a) Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises; or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or~~

~~(b) Failure of the Department of Law Enforcement to comply with the requirements of subsections (2) and (3).~~

(11) A person younger than 21 years of age may not purchase

And the title is amended as follows:

Delete lines 2433-2434 and insert: petition for simultaneous relief; creating s. 790.0641, F.S.; defining the term "assault weapon"; prohibiting a person from purchasing or being sold or transferred an assault weapon without possessing a valid Type 03 Federal Firearms License; requiring a licensed importer, licensed manufacturer, or licensed dealer and a private seller facilitating a sale through a licensed dealer of an assault weapon to verify that the purchaser or transferee possesses such a firearms license; providing criminal penalties; amending s. 790.335, F.S.; conforming a cross-reference; amending s. 790.065, F.S.; requiring that, if neither party to a prospective firearms sale, lease, or transfer is a licensed dealer, the parties complete the sale, lease, or transfer through a licensed dealer; specifying procedures and requirements for a licensed dealer, a seller, lessor, or transferor, and a buyer,

lessee, or transferee, including a required background check; authorizing a licensed dealer to charge a buyer or transferee specified fees; providing applicability; deleting provisions authorizing a licensee to complete the sale or transfer of a firearm to a person without receiving notification from the Department of Law Enforcement informing the licensee as to whether such person is prohibited from receipt or possession of a firearm or providing a unique approval number under certain circumstances; deleting provisions exempting a licensed importer, licensed manufacturer, or licensed dealer from the sale and delivery requirements, under certain circumstances; prohibiting a person younger than a certain age

Amendment IV (975622) (with title amendment)—Between lines 437 and 438 insert:

Section 13. Section 790.30, Florida Statutes, is created to read:

790.30 Assault weapons prohibited near schools, colleges, or universities.—

(1) As used in this section, the term "assault weapon" means:

(a) A selective-fire firearm capable of fully automatic, semiautomatic, or burst fire at the option of the user, or any of the following specified semiautomatic firearms:

1. Algimec AGM1.

2. All AK series, including, but not limited to, the following: AK, AK-47, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA 85, SA 93, Vector Arms AK-47, VEPR, WASR-10, and WUM.

3. All AR series, including, but not limited to, the following: AR-10, AR-15, Armalite AR-180, Armalite M-15, AR-70, Bushmaster XM15, Colt AR-15, DoubleStar AR rifles, DPMS tactical rifles, Olympic Arms, Rock River Arms LAR-15, and Smith & Wesson M&P15 rifles.

4. Barrett 82A1 and REC7.

5. Beretta AR-70 and Beretta Storm.

6. Bushmaster automatic rifle.

7. Calico Liberty series rifles.

8. Chartered Industries of Singapore SR-88.

9. Colt Sporter.

10. Daewoo K-1, K-2, Max-1, and Max-2.

11. FAMAS MAS .223.

12. Federal XC-900 and SC-450.

13. FN FAL (or FN LAR) and FN FNC.

14. FN FS2000, FN PS90, and FN SCAR.

15. Galil and UZI Sporter, Galil sniper rifle (Galatz), Galil Sporter, UZI, or Vector Arms UZI.

16. Goncz High-Tech carbine.

17. Hi-Point carbine.

18. HK-91, HK-93, HK-94, HK-PSG-1, and SP-89.

19. Kel-Tec RFB, Sub-2000, and SU series.

20. M1 carbine.

21. M2HB and TNW M230.

22. Ruger Mini-14 with folding stock.

23. SAR-8, SAR-4800, and SR9.

24. SIG 57 AMT and 500 Series.

25. *Sig Sauer MCX rifle.*
 26. *SKS capable of accepting a detachable magazine.*
 27. *SLG 95.*
 28. *SLR 95 and 96.*
 29. *Spectre automatic carbine.*
 30. *Springfield Armory BM59, G-3, and SAR-48.*
 31. *Sterling MK-6 and MK-7.*
 32. *Steyr AUG.*
 33. *Thompson series, including Thompson T5.*
 34. *Weaver Arms Nighthawk.*
- (b) *All of the following handguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:*
1. *AK-47 pistol and Mini AK-47 pistol.*
 2. *AR-15 pistol.*
 3. *Australian Automatic Arms SAP pistol.*
 4. *Bushmaster automatic pistol.*
 5. *Calico Liberty series pistols.*
 6. *Chiappa Firearms Mfour-22.*
 7. *Colefire Magnum.*
 8. *DSA SA58 PKP FAL.*
 9. *Encom MK-IV, MP-9, and MP-45.*
 10. *Feather AT-9 and Mini-AT.*
 11. *German Sport 522 PK.*
 12. *Goncz High-Tech Long pistol.*
 13. *Holmes MP-83.*
 14. *Intratec AB-10, TEC-9, TEC-22 Scorpion, and TEC-DC9.*
 15. *I.O. Inc. PPS-43C.*
 16. *Iver Johnson Enforcer.*
 17. *Kel-Tec PLR-16 pistol.*
 18. *MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and Velocity Arms VMA series.*
 19. *Scarab Skorpion.*
 20. *Sig Sauer P556 pistol.*
 21. *Spectre automatic pistol.*
 22. *Thompson TA5 series pistols.*
 23. *UZI pistol and Micro-UZI pistol.*
 24. *Wilkinson "Linda" pistol.*
- (c) *All of the following shotguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:*
1. *Armscor 30 BG.*
 2. *Franchi LAW-12 and SPAS-12.*
 3. *Kel-Tec KSG.*
 4. *Remington TAC-2 and TACB3 FS.*

5. *Saiga.*
6. *Streetsweeper.*
7. *Striker 12.*
8. *USAS-12.*

(d) *A part or combination of parts that convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.*

(e) *A semiautomatic firearm not listed in this subsection which meets the criteria of one of the following sub-subparagraphs:*

1. *A semiautomatic rifle that has an ability to accept a detachable magazine and that has one or more of the following:*
 - a. *A folding or telescoping stock.*
 - b. *A pistol grip that protrudes conspicuously beneath the action of the weapon or any feature functioning as a protruding grip that can be held by the nontrigger hand or a thumbhole stock.*
 - c. *A bayonet mount.*
 - d. *A flash suppressor or threaded barrel designed to accommodate a flash suppressor.*
 - e. *A grenade launcher.*
 - f. *A shroud that is attached to the barrel, or that partially or completely encircles the barrel and allows the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel.*
2. *A semiautomatic pistol that has an ability to accept a detachable magazine and that has one or more of the following:*
 - a. *The capacity to accept an ammunition magazine that attaches to the pistol at any location outside the pistol grip.*
 - b. *A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer.*
 - c. *A slide that encloses the barrel and that allows the shooter to hold the firearm with the nontrigger hand without being burned.*
 - d. *A manufactured weight of 50 ounces or more when the pistol is unloaded.*
 - e. *A semiautomatic version of an automatic firearm.*
 - f. *Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand.*
 - g. *A folding, telescoping, or thumbhole stock.*
3. *A semiautomatic shotgun that has one or more of the following:*
 - a. *A folding or telescoping stock.*
 - b. *A pistol grip that protrudes conspicuously beneath the action of the weapon.*
 - c. *A thumbhole stock.*
 - d. *A fixed-magazine capacity in excess of 5 rounds.*
 - e. *An ability to accept a detachable magazine.*
4. *A semiautomatic pistol or a semiautomatic, centerfire, or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition.*
5. *A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.*

(2) A person may not possess an assault weapon within 5 miles of any public or private school, college, or university. Except as provided in subsection (3), a person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) This section does not apply to a firearm in the possession of a law enforcement officer, a school marshal, or an active duty servicemember of the Armed Forces of the United States or of this state.

And the title is amended as follows:

Delete line 2452 and insert: criminal penalties; creating s. 790.30, F.S.; defining the term “assault weapon”; prohibiting a person from possessing an assault weapon within a certain distance of any public or private school, college, or university in this state; providing exceptions; providing legislative intent;

Amendment 1W (461398) (with title amendment)—Delete lines 30-2251 and insert:

Section 5. Paragraph (c) of subsection (9) of section 121.091, Florida Statutes, is amended, and paragraph (f) is added to that subsection to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department’s rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(c) Any person whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010, who is retired under this chapter, except under the disability retirement provisions of subsection (4) or as provided in s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer. However, a person may not be reemployed by an employer participating in the Florida Retirement System before meeting the definition of termination in s. 121.021 and may not receive both a salary from the employer and retirement benefits for 6 calendar months after meeting the definition of termination, *except as provided in paragraph (f)*. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. The reemployed retiree may not renew membership in the Florida Retirement System, except as provided in s. 121.122.

2. The employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the Florida Retirement System in addition to the contributions required by s. 121.76.

3. A retiree initially reemployed in violation of this paragraph and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any retirement benefits paid to the retiree trust fund from which the benefits were paid, including the Florida Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate. The employer must have a written statement from the employee that he or she is not retired from a state-administered retirement system. Retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retiree’s 6-month reemployment limitation period shall apply toward the repayment of benefits received in violation of this paragraph.

(f) A retired law enforcement officer may be reemployed as a school resource officer by an employer that participates in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021, but may not receive both a salary from the employer and retirement benefits for 6 calendar months immediately subsequent to the date of retirement. The reemployed retired law enforcement officer may not renew membership in the Florida Retirement System, except as provided in s. 121.122.

ment System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021, but may not receive both a salary from the employer and retirement benefits for 6 calendar months immediately subsequent to the date of retirement. The reemployed retired law enforcement officer may not renew membership in the Florida Retirement System, except as provided in s. 121.122.

Section 6. Paragraphs (c) and (d) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(c) A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may:

1. Serve and execute such order on any day of the week, at any time of the day or night; and

2. Use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and take custody of the person who is the subject of the ex parte order. When practicable, a law enforcement officer who has received crisis intervention team (CIT) training shall be assigned to serve and execute the ex parte order.

(d)1. A law enforcement officer taking custody of a person under this subsection may seize and hold a firearm or any ammunition the person possesses at the time of taking him or her into custody if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person.

2. If the law enforcement officer takes custody of the person at the person’s residence and the criteria in subparagraph 1. have been met, the law enforcement officer may seek the voluntary surrender of firearms or ammunition kept in the residence which have not already been seized under subparagraph 1. If such firearms or ammunition are not voluntarily surrendered, or if the person has other firearms or ammunition that were not seized or voluntarily surrendered when he or she was taken into custody, a law enforcement officer may petition the appropriate court under s. 790.401 for a risk protection order against the person.

3. Firearms or ammunition seized or voluntarily surrendered under this paragraph must be made available for return no later than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged from any inpatient or involuntary outpatient treatment provided or ordered under paragraph (g), unless a risk protection order entered under s. 790.401 directs the law enforcement agency to hold the firearms or ammunition for a longer period or the person is subject to a firearm purchase disability under s. 790.065(2), or a firearm possession and firearm ownership disability under s. 790.064. The process for the actual return of firearms or ammunition seized or voluntarily surrendered under this paragraph may not take longer than 7 days.

4. Law enforcement agencies must develop policies and procedures relating to the seizure, storage, and return of firearms or ammunition held under this paragraph. ~~A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and to take custody of the person who is the subject of the ex parte order.~~

Section 7. Section 394.495, Florida Statutes, is amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(1) The department shall establish, within available resources, an array of services to meet the individualized service and treatment needs of children and adolescents who are members of the target populations specified in s. 394.493, and of their families. It is the intent of the Legislature that a child or adolescent may not be admitted to a state mental health facility and such a facility may not be included within the array of services.

(2) The array of services must include assessment services that provide a professional interpretation of the nature of the problems of the child or adolescent and his or her family; family issues that may impact the problems; additional factors that contribute to the problems; and the assets, strengths, and resources of the child or adolescent and his or her family. The assessment services to be provided shall be determined by the clinical needs of each child or adolescent. Assessment services include, but are not limited to, evaluation and screening in the following areas:

- (a) Physical and mental health for purposes of identifying medical and psychiatric problems.
- (b) Psychological functioning, as determined through a battery of psychological tests.
- (c) Intelligence and academic achievement.
- (d) Social and behavioral functioning.
- (e) Family functioning.

The assessment for academic achievement is the financial responsibility of the school district. The department shall cooperate with other state agencies and the school district to avoid duplicating assessment services.

- (3) Assessments must be performed by:
- (a) A professional as defined in s. 394.455(5), (7), (32), (35), or (36);
 - (b) A professional licensed under chapter 491; or
 - (c) A person who is under the direct supervision of a qualified professional as defined in s. 394.455(5), (7), (32), (35), or (36) or a professional licensed under chapter 491.
- (4) The array of services may include, but is not limited to:
- (a) Prevention services.
 - (b) Home-based services.
 - (c) School-based services.
 - (d) Family therapy.
 - (e) Family support.
 - (f) Respite services.
 - (g) Outpatient treatment.
 - (h) Day treatment.
 - (i) Crisis stabilization.
 - (j) Therapeutic foster care.
 - (k) Residential treatment.
 - (l) Inpatient hospitalization.
 - (m) Case management.
 - (n) Services for victims of sex offenses.
 - (o) Transitional services.
 - (p) Trauma-informed services for children who have suffered sexual exploitation as defined in s. 39.01(71)(g).

(5) In order to enhance collaboration between agencies and to facilitate the provision of services by the child and adolescent mental health treatment and support system and the school district, the local child and adolescent mental health system of care shall include the local educational multiagency network for severely emotionally disturbed students specified in s. 1006.04.

(6) *The department shall contract for community action treatment teams throughout the state with the managing entities. A community action treatment team shall:*

(a) Provide community-based behavioral health and support services to children from 11 to 13 years of age, adolescents, and young adults from 18 to 21 years of age with serious behavioral health conditions who are at risk of out-of-home placement as demonstrated by:

1. *Repeated failures at less intensive levels of care;*
2. *Two or more behavioral health hospitalizations;*
3. *Involvement with the Department of Juvenile Justice;*
4. *A history of multiple episodes involving law enforcement; or*
5. *A record of poor academic performance or suspensions.*

Children younger than 11 years of age who otherwise meet the criteria in this paragraph may be candidates for such services if they demonstrate two or more of the characteristics listed in subparagraph 1.-5.

(b) Use an integrated service delivery approach to comprehensively address the needs of the child, adolescent, or young adult and strengthen his or her family and support systems to assist the child, adolescent, or young adult to live successfully in the community. A community action treatment team shall address the therapeutic needs of the child, adolescent, or young adult receiving services and assist parents and caregivers in obtaining services and support. The community action treatment team shall make referrals to specialized treatment providers if necessary, with follow up by the community action treatment team to ensure services are received.

(c) Focus on engaging the child, adolescent, or young adult and his or her family as active participants in every phase of the treatment process. Community action treatment teams shall be available to the child, adolescent, or young adult and his or her family at all times.

(d) Coordinate with other key entities providing services and supports to the child, adolescent, or young adult and his or her family, including, but not limited to, the child's, adolescent's, or young adult's school, the local educational multiagency network for severely emotionally disturbed students under s. 1006.04, the child welfare system, and the juvenile justice system. Community action treatment teams shall also coordinate with the managing entity in their service location.

(e)1. Subject to appropriations and at a minimum, individually serve each of the following counties or regions:

- a. *Alachua.*
- b. *Alachua, Columbia, Dixie, Hamilton, Lafayette, and Suwannee.*
- c. *Bay.*
- d. *Brevard.*
- e. *Collier.*
- f. *DeSoto and Sarasota.*
- g. *Duval.*
- h. *Escambia.*
- i. *Hardee, Highlands, and Polk.*
- j. *Hillsborough.*
- k. *Indian River, Martin, Okeechobee, and St. Lucie.*
- l. *Lake and Sumter.*
- m. *Lee.*
- n. *Manatee.*
- o. *Marion.*

- p. Miami-Dade.
- q. Okaloosa.
- r. Orange.
- s. Palm Beach.
- t. Pasco.
- u. Pinellas.
- v. Walton.

2. Subject to appropriations, the department shall contract for additional teams through the managing entities to ensure the availability of community action treatment team services in the remaining areas of the state.

Section 8. Section 790.064, Florida Statutes, is created to read:

790.064 Firearm possession and firearm ownership disability.—

(1) A person who has been adjudicated mentally defective or who has been committed to a mental institution, as those terms are defined in s. 790.065(2), may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained.

(2) The firearm possession and firearm ownership disability runs concurrently with the firearm purchase disability provided in s. 790.065(2).

(3) A person may petition the court that made the adjudication or commitment, or that ordered that the record be submitted to the Department of Law Enforcement pursuant to s. 790.065(2), for relief from the firearm possession and firearm ownership disability.

(4) The person seeking relief must follow the procedures set forth in s. 790.065(2) for obtaining relief from the firearm purchase disability in seeking relief from the firearm possession and firearm ownership disability.

(5) The person may seek relief from the firearm possession and firearm ownership disability simultaneously with the relief being sought from the firearm purchase disability, if such relief is sought, pursuant to the procedure set forth in s. 790.065(2).

Section 9. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (14), and a new subsection (13) is added to that section, to read:

790.065 Sale and delivery of firearms.—

(13) A person younger than 21 years of age may not purchase a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by a licensed importer, licensed manufacturer, or licensed dealer. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The prohibitions of this subsection do not apply to the purchase of a rifle or shotgun by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

Section 10. Section 790.0655, Florida Statutes, is amended to read:

790.0655 Purchase and delivery of firearms ~~handguns~~; mandatory waiting period; exceptions; penalties.—

(1)(a) ~~There shall be~~ A mandatory ~~3-day~~ waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is, ~~which shall be~~ 3 days, excluding weekends and legal holidays, or expires upon the completion of the records checks required under s. 790.065, whichever occurs later ~~between the purchase and the delivery at retail of any handgun~~. "Purchase" means the transfer of money or other valuable consideration to the retailer. ~~"Handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver.~~ "Retailer" means and includes a licensed importer, licensed manufacturer, or licensed dealer ~~every person~~ engaged in the business

of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

(b) Records of firearm ~~handgun~~ sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The ~~3-day~~ waiting period ~~does shall~~ not apply in the following circumstances:

(a) When a firearm ~~handgun~~ is being purchased by a holder of a concealed weapons permit as defined in s. 790.06.

(b) To a trade-in of another firearm ~~handgun~~.

(c) 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 issued under s. 379.3581. A person who is exempt from the hunter safety course requirements under s. 379.3581 and holds a valid Florida hunting license, is exempt from the mandatory waiting period under this section for the purchase of a rifle or shotgun.

(d) When a rifle or shotgun is being purchased by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

(3) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) For any retailer, or any employee or agent of a retailer, to deliver a firearm ~~handgun~~ before the expiration of the ~~3-day~~ waiting period, subject to the exceptions provided in subsection (2).

(b) For a purchaser to obtain delivery of a firearm ~~handgun~~ by fraud, false pretense, or false representation.

Section 11. Effective October 1, 2018, section 790.222, Florida Statutes, is created to read:

790.222 Bump-fire stocks prohibited.—A person may not import into this state or transfer, distribute, sell, keep for sale, offer for sale, possess, or give to another person a bump-fire stock. A person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this section, the term "bump-fire stock" means a conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic automatic weapon fire or which is used to increase the rate of fire to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device.

Section 12. (1) Section 790.401, Florida Statutes, is intended to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms or ammunition by allowing law enforcement officers to obtain a court order when there is 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.

(2) The purpose and intent of s. 790.401, Florida Statutes, is to reduce deaths and injuries as a result of certain individuals' use of firearms while respecting constitutional rights by providing a judicial procedure for law enforcement officers to obtain a court order temporarily restricting a person's access to firearms and ammunition. The process established by s. 790.401, Florida Statutes, is intended to apply only to situations in which the person poses a significant danger of harming himself or herself or others by possessing a firearm or ammunition and to include standards and safeguards to protect the rights of respondents and due process of law.

Section 13. Section 790.401, Florida Statutes, may be cited as "The Risk Protection Order Act."

Section 14. Section 790.401, Florida Statutes, is created to read:

790.401 Risk protection orders.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Petitioner" means a law enforcement officer or a law enforcement agency that petitions a court for a risk protection order under this section.

(b) "Respondent" means the individual who is identified as the respondent in a petition filed under this section.

(c) "Risk protection order" means a temporary *ex parte* order or a final order granted under this section.

(2) **PETITION FOR A RISK PROTECTION ORDER.**—There is created an action known as a petition for a risk protection order.

(a) A petition for a risk protection order may be filed by a law enforcement officer or law enforcement agency.

(b) An action under this section must be filed in the county where the petitioner's law enforcement office is located or the county where the respondent resides.

(c) Such petition for a risk protection order does not require either party to be represented by an attorney.

(d) Notwithstanding any other law, attorney fees may not be awarded in any proceeding under this section.

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;

2. Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and

3. Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.

(f) The petitioner must make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for a risk protection order or has already done so and must include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice or must attest to the steps that will be taken to provide such notice.

(g) The petitioner must list the address of record on the petition as being where the appropriate law enforcement agency is located.

(h) A court or a public agency may not charge fees for filing or for service of process to a petitioner seeking relief under this section and must provide the necessary number of certified copies, forms, and instructional brochures free of charge.

(i) A person is not required to post a bond to obtain relief in any proceeding under this section.

(j) The circuit courts of this state have jurisdiction over proceedings under this section.

(3) **RISK PROTECTION ORDER HEARINGS AND ISSUANCE.**—

(a) Upon receipt of a petition, the court must order a hearing to be held no later than 14 days after the date of the order and must issue a notice of hearing to the respondent for the same.

1. The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as provided in subsection (5).

2. The court may, as provided in subsection (4), issue a temporary *ex parte* risk protection order pending the hearing ordered under this subsection. Such temporary *ex parte* order must be served concurrently with the notice of hearing and petition as provided in subsection (5).

3. The court may conduct a hearing by telephone pursuant to a local court rule to reasonably accommodate a disability or exceptional circumstances. The court must receive assurances of the petitioner's identity before conducting a telephonic hearing.

(b) Upon notice and a hearing on the matter, if the court finds by clear and convincing evidence that the respondent 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 or any ammunition, the court must issue a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months.

(c) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

1. A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm.

2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others.

3. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.

4. A violation by the respondent of a risk protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.

5. A previous or existing risk protection order issued against the respondent.

6. A violation of a previous or existing risk protection order issued against the respondent.

7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled *nolo contendere* to a crime that constitutes domestic violence as defined in s. 741.28.

8. The respondent's ownership of, access to, or intent to possess firearms or ammunition.

9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.

10. The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.

11. Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled *nolo contendere* to a crime involving violence or a threat of violence.

12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.

13. Evidence of recent acquisition of firearms or ammunition by the respondent.

14. Any relevant information from family and household members concerning the respondent.

15. Witness testimony, taken while the witness is under oath, relating to the matter before the court.

(d) A person, including an officer of the court, who offers evidence or recommendations relating to the cause of action either must present the evidence or recommendations in writing to the court with copies to each party and his or her attorney, if one is retained, or must present the evidence under oath at a hearing at which all parties are present.

(e) In a hearing under this section, the rules of evidence apply to the same extent as in a domestic violence injunction proceeding under s. 741.30.

(f) During the hearing, the court must consider whether a mental health evaluation or chemical dependency evaluation is appropriate and, if such determination is made, may order such evaluations, if appropriate.

(g) A risk protection order must include all of the following:

1. A statement of the grounds supporting the issuance of the order;
2. The date the order was issued;
3. The date the order ends;
4. Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;
5. The address of the court in which any responsive pleading should be filed;
6. A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, under subsection (7); and
7. The following statement:

“To the subject of this protection order: This order will last until the date noted above. If you have not done so already, you must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition that you own in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You have the right to request one hearing to vacate this order, starting after the date of the issuance of this order, and to request another hearing after every extension of the order, if any. You may seek the advice of an attorney as to any matter connected with this order.”

(h) If the court issues a risk protection order, the court must inform the respondent that he or she is entitled to request a hearing to vacate the order in the manner provided by subsection (6). The court shall provide the respondent with a form to request a hearing to vacate.

(i) If the court denies the petitioner’s request for a risk protection order, the court must state the particular reasons for the denial.

(4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.—

(a) A petitioner may request that a temporary ex parte risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.

(b) In considering whether to issue a temporary ex parte risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in paragraph (3)(c).

(c) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition, the court must issue a temporary ex parte risk protection order.

(d) The court must hold a temporary ex parte risk protection order hearing in person or by telephone on the day the petition is filed or on the business day immediately following the day the petition is filed.

(e) A temporary ex parte risk protection order must include all of the following:

1. A statement of the grounds asserted for the order;
2. The date the order was issued;

3. The address of the court in which any responsive pleading may be filed;

4. The date and time of the scheduled hearing;

5. A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, under subsection (7); and

6. The following statement:

“To the subject of this protection order: This order is valid until the date noted above. You are required to surrender all firearms and ammunition that you own in your custody, control, or possession. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. A hearing will be held on the date and at the time noted above to determine if a risk protection order should be issued. Failure to appear at that hearing may result in a court issuing an order against you which is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order.”

(f) A temporary ex parte risk protection order ends upon the hearing on the risk protection order.

(g) A temporary ex parte risk protection order must be served by a law enforcement officer in the same manner as provided for in subsection (5) for service of the notice of hearing and petition and must be served concurrently with the notice of hearing and petition.

(h) If the court denies the petitioner’s request for a temporary ex parte risk protection order, the court must state the particular reasons for the denial.

(5) SERVICE.—

(a) The clerk of the court shall furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of a temporary ex parte risk protection order or a risk protection order that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. The clerk of the court shall be responsible for furnishing to the sheriff information on the respondent’s physical description and location. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency effecting service pursuant to this section shall use service and verification procedures consistent with those of the sheriff. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(b) All orders issued, changed, continued, extended, or vacated after the original service of documents specified in paragraph (a) must be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

(6) TERMINATION AND EXTENSION OF ORDERS.—

(a) The respondent may submit one written request for a hearing to vacate a risk protection order issued under this section, starting after the date of the issuance of the order, and may request another hearing after every extension of the order, if any.

1. Upon receipt of the request for a hearing to vacate a risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with subsection (5). The hearing must occur no sooner than 14 days and no later than 30 days after the date of service of the request upon the petitioner.

2. The respondent shall have the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm or ammunition. The court may consider any relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds after the hearing that the respondent has met his or her burden of proof, the court must vacate the order.

4. The law enforcement agency holding any firearm or ammunition or license to carry a concealed weapon or firearm that has been surrendered pursuant to this section shall be notified of the court order to vacate the risk protection order.

(b) The court must notify the petitioner of the impending end of a risk protection order. Notice must be received by the petitioner at least 30 days before the date the order ends.

(c) The petitioner may, by motion, request an extension of a risk protection order at any time within 30 days before the end of the order.

1. Upon receipt of the motion to extend, the court shall order that a hearing be held no later than 14 days after the date the order is issued and shall schedule such hearing.

a. The court may schedule a hearing by telephone in the manner provided by subparagraph (3)(a)3.

b. The respondent must be personally serviced in the same manner provided by subsection (5).

2. In determining whether to extend a risk protection order issued under this section, the court may consider all relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds by clear and convincing evidence that the requirements for issuance of a risk protection order as provided in subsection (3) continue to be met, the court must extend the order. However, if, after notice, the motion for extension is uncontested and no modification of the order is sought, the order may be extended on the basis of a motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension.

4. The court may extend a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months, subject to an order to vacate as provided in paragraph (a) or to another extension order by the court.

(7) SURRENDER OF FIREARMS AND AMMUNITION.—

(a) Upon issuance of a risk protection order under this section, including a temporary ex parte risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition owned by the respondent in the respondent's custody, control, or possession except as provided in subsection (9), and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent.

(b) The law enforcement officer serving a risk protection order under this section, including a temporary ex parte risk protection order, shall request that the respondent immediately surrender all firearms and ammunition owned by the respondent in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent. The law enforcement officer shall take possession of all firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, which are surrendered. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent must surrender any firearms and am-

munition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present. Notwithstanding ss. 933.02 and 933.18, a law enforcement officer may seek a search warrant from a court of competent jurisdiction to conduct a search for firearms or ammunition owned by the respondent if the officer has probable cause to believe that there are firearms or ammunition owned by the respondent in the respondent's custody, control, or possession which have not been surrendered.

(c) At the time of surrender, a law enforcement officer taking possession of any firearm or ammunition owned by the respondent, or a license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered, and any license surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(d) Notwithstanding ss. 933.02 and 933.18, upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition owned by the respondent, as required by an order issued under this section, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. If the court finds that probable cause exists, the court must issue a warrant describing the firearms or ammunition owned by the respondent and authorizing a search of the locations where the firearms or ammunition owned by the respondent are reasonably believed to be found and the seizure of any firearms or ammunition owned by the respondent discovered pursuant to such search.

(e) If a person other than the respondent claims title to any firearms or ammunition surrendered pursuant to this section and he or she is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her, if:

1. The lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have access to or control of the firearm or ammunition.

2. The firearm or ammunition is not otherwise unlawfully possessed by the owner.

(f) Upon the issuance of a risk protection order, the court shall order a new hearing date and require the respondent to appear no later than 3 business days after the issuance of the order. The court shall require proof that the respondent has surrendered any firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. The court may cancel the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(g) All law enforcement agencies must develop policies and procedures regarding the acceptance, storage, and return of firearms, ammunition, or licenses required to be surrendered under this section.

(8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

(a) If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition owned by the respondent or a license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, that has been surrendered or seized pursuant to this section must return such surrendered firearm, ammunition, or license to carry a concealed weapon or firearm issued under s. 790.06, as requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or has ended without extension.

(b) If a risk protection order is vacated or ends without extension, the Department of Agriculture and Consumer Services, if it has suspended a license to carry a concealed weapon or firearm pursuant to this section, must reinstate such license only after confirming that the respondent is currently eligible to have a license to carry a concealed weapon or firearm pursuant to s. 790.06.

(c) A law enforcement agency must provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition owned by the respondent.

(d) Any firearm and ammunition surrendered by a respondent pursuant to subsection (7) which remains unclaimed for 1 year by the lawful owner after an order to vacate the risk protection order shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

(9) **TRANSFER OF FIREARMS AND AMMUNITION.**—A respondent may elect to transfer all firearms and ammunition owned by the respondent that have been surrendered to or seized by a local law enforcement agency pursuant to subsection (7) to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency must allow such a transfer only if it is determined that the chosen recipient:

(a) Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;

(b) Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and

(c) Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the respondent is vacated or ends without extension.

(10) **REPORTING OF ORDERS.**—

(a) Within 24 hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.

(b) Within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the Florida Crime Information Center and National Crime Information Center. The order must remain in each system for the period stated in the order, and the law enforcement agency may only remove an order from the systems which has ended or been vacated. Entry of the order into the Florida Crime Information Center and National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.

(c) The issuing court shall, within 3 business days after issuance of a risk protection order or temporary ex parte risk protection order, forward all available identifying information concerning the respondent, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department must immediately suspend the license.

(d) If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the Department of Agriculture and Consumer Services and the appropriate law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to paragraph (b).

(11) **PENALTIES.**—

(a) A person who makes a false statement, which he or she does not believe to be true, under oath in a hearing under this section in

regard to any material matter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by an order issued under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) **LAW ENFORCEMENT RETAINS OTHER AUTHORITY.**—This section does not affect the ability of a law enforcement officer to remove a firearm or ammunition or license to carry a concealed weapon or concealed firearm from any person or to conduct any search and seizure for firearms or ammunition pursuant to other lawful authority.

(13) **LIABILITY.**—Except as provided in subsection (8) or subsection (11), this section does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining a risk protection order or temporary ex parte risk protection order, including, but not limited to, providing notice to the petitioner, a family or household member of the respondent, and any known third party who may be at risk of violence or failure to provide such notice, or reporting, declining to report, investigating, declining to investigate, filing, or declining to file, a petition under this section.

(14) **INSTRUCTIONAL AND INFORMATIONAL MATERIAL.**—

(a) The Office of the State Courts Administrator shall develop and prepare instructions and informational brochures, standard petitions and risk protection order forms, and a court staff handbook on the risk protection order process. The standard petition and order forms must be used after January 1, 2019, for all petitions filed and orders issued pursuant to this section. The office shall determine the significant non-English-speaking or limited English-speaking populations in the state and prepare the instructions and informational brochures and standard petitions and risk protection order forms in such languages. The instructions, brochures, forms, and handbook must be prepared in consultation with interested persons, including representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials must be based on best practices and must be available online to the public.

1. The instructions must be designed to assist petitioners in completing the petition and must include a sample of a standard petition and order for protection forms.

2. The instructions and standard petition must include a means for the petitioner to identify, with only layman's knowledge, the firearms or ammunition the respondent may own, possess, receive, or have in his or her custody or control. The instructions must provide pictures of types of firearms and ammunition that the petitioner may choose from to identify the relevant firearms or ammunition, or must provide an equivalent means to allow petitioners to identify firearms or ammunition without requiring specific or technical knowledge regarding the firearms or ammunition.

3. The informational brochure must describe the use of and the process for obtaining, extending, and vacating a risk protection order under this section and must provide relevant forms.

4. The risk protection order form must include, in a conspicuous location, notice of criminal penalties resulting from violation of the order and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written request."

5. The court staff handbook must allow for the addition of a community resource list by the clerk of the court.

(b) Any clerk of court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The court may make the community resource list available as part of or in addition to the informational brochures described in paragraph (a).

(c) The Office of the State Courts Administrator shall distribute a master copy of the petition and order forms, instructions, and informational brochures to the clerks of court. Distribution of all documents

shall, at a minimum, be in an electronic format or formats accessible to all courts and clerks of court in the state.

(d) Within 90 days after receipt of the master copy from the Office of the State Courts Administrator, the clerk of the court shall make available the standardized forms, instructions, and informational brochures required by this subsection.

(e) The Office of the State Courts Administrator shall update the instructions, brochures, standard petition and risk protection order forms, and court staff handbook as necessary, including when changes in the law make an update necessary.

Section 15. Section 836.10, Florida Statutes, is amended to read:

836.10 Written threats to kill, or do bodily injury, or conduct a mass shooting or an act of terrorism; punishment.—Any person who writes or composes and also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or to do bodily injury to the person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent, or any person who makes, posts, or transmits a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
			784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
			784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
			784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
			784.081(2)	2nd	Aggravated assault on specified official or employee.
			784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
			784.083(2)	2nd	Aggravated assault on code inspector.
			787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
			790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
			790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
			790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
			790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
			794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
			794.05(1)	2nd	Unlawful sexual activity with specified minor.
			800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
			800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
			806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
			810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
			810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
			812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
			812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
			812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
			812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
			812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.			
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.			
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.			
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.			
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.			
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.			
775.0875(1)	3rd	Taking firearm from law enforcement officer.			
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.			
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.			
784.041	3rd	Felony battery; domestic battery by strangulation.			
784.048(3)	3rd	Aggravated stalking; credible threat.			
784.048(5)	3rd	Aggravated stalking of person under 16.			

Florida Statute	Felony Degree	Description	
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.	<i>violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials. As recommended by students of Marjory Stoneman Douglas High School, the program shall be named "FortifyFL." At a minimum, the department must receive reports electronically through the mobile suspicious activity reporting tool that is available on both Android and Apple devices.</i>
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.	(2) <i>The reporting tool must notify the reporting party of the following information:</i>
825.102(1)	3rd	Abuse of an elderly person or disabled adult.	(a) <i>That the reporting party may provide his or her report anonymously.</i>
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.	(b) <i>That if the reporting party chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials; however, the law enforcement agency and school officials shall be required to maintain the information as confidential.</i>
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.	(3) <i>Information reported using the tool must be promptly forwarded to the appropriate law enforcement agency or school official.</i>
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.	(4) <i>Law enforcement dispatch centers, school districts, schools, and other entities identified by the department shall be made aware of the mobile suspicious activity reporting tool.</i>
827.03(2)(c)	3rd	Abuse of a child.	(5) <i>The department, in collaboration with the Division of Victims Services within the Office of the Attorney General and the Office of Safe Schools within the Department of Education, shall develop and provide a comprehensive training and awareness program on the use of the mobile suspicious activity reporting tool.</i>
827.03(2)(d)	3rd	Neglect of a child.	
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.	
836.05	2nd	Threats; extortion.	
836.10	2nd	Written threats to kill, or do bodily injury, or conduct a mass shooting or an act of terrorism.	Section 18. Section 943.687, Florida Statutes, is created to read:
843.12	3rd	Aids or assists person to escape.	<i>943.687 Marjory Stoneman Douglas High School Public Safety Commission.—</i>
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.	(1) <i>There is created within the Department of Law Enforcement the Marjory Stoneman Douglas High School Public Safety Commission, a commission as defined in s. 20.03.</i>
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.	(2)(a) <i>The commission shall convene no later than June 1, 2018, and shall be composed of 16 members. Five members shall be appointed by the President of the Senate, five members shall be appointed by the Speaker of the House of Representatives, and five members shall be appointed by the Governor. From the members of the commission, the Governor shall appoint the chair. Appointments must be made by April 30, 2018. The Commissioner of the Department of Law Enforcement shall serve as a member of the commission. The Secretary of Children and Families, the Secretary of Juvenile Justice, the Secretary of Health Care Administration, and the Commissioner of Education shall serve as ex officio, nonvoting members of the commission. Members shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment.</i>
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.	(b) <i>The General Counsel of the Department of Law Enforcement shall serve as the general counsel for the commission.</i>
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.	(c) <i>The Department of Law Enforcement staff, as assigned by the chair, shall assist the commission in performing its duties.</i>
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.	(d) <i>The commission shall meet as necessary to conduct its work at the call of the chair and at the time designated by him or her at locations throughout the state. The commission may conduct its meetings through teleconferences or other similar means.</i>
944.40	2nd	Escapes.	(e) <i>Members of the commission are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061.</i>
944.46	3rd	Harboring, concealing, aiding escaped prisoners.	
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.	(3) <i>The commission shall investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in this state and develop recommendations for system improvements. At a minimum, the commission shall analyze information and evidence from the Marjory Stoneman Douglas High School shooting and other mass violence incidents in this state. At a minimum the commission shall:</i>
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.	

Section 17. Section 943.082, Florida Statutes, is created to read:

943.082 School Safety Awareness Program.—

(1) *In collaboration with the Department of Legal Affairs, the department shall competitively procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous,*

violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials. As recommended by students of Marjory Stoneman Douglas High School, the program shall be named "FortifyFL." At a minimum, the department must receive reports electronically through the mobile suspicious activity reporting tool that is available on both Android and Apple devices.

(2) *The reporting tool must notify the reporting party of the following information:*

(a) *That the reporting party may provide his or her report anonymously.*

(b) *That if the reporting party chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials; however, the law enforcement agency and school officials shall be required to maintain the information as confidential.*

(3) *Information reported using the tool must be promptly forwarded to the appropriate law enforcement agency or school official.*

(4) *Law enforcement dispatch centers, school districts, schools, and other entities identified by the department shall be made aware of the mobile suspicious activity reporting tool.*

(5) *The department, in collaboration with the Division of Victims Services within the Office of the Attorney General and the Office of Safe Schools within the Department of Education, shall develop and provide a comprehensive training and awareness program on the use of the mobile suspicious activity reporting tool.*

Section 18. Section 943.687, Florida Statutes, is created to read:

943.687 Marjory Stoneman Douglas High School Public Safety Commission.—

(1) *There is created within the Department of Law Enforcement the Marjory Stoneman Douglas High School Public Safety Commission, a commission as defined in s. 20.03.*

(2)(a) *The commission shall convene no later than June 1, 2018, and shall be composed of 16 members. Five members shall be appointed by the President of the Senate, five members shall be appointed by the Speaker of the House of Representatives, and five members shall be appointed by the Governor. From the members of the commission, the Governor shall appoint the chair. Appointments must be made by April 30, 2018. The Commissioner of the Department of Law Enforcement shall serve as a member of the commission. The Secretary of Children and Families, the Secretary of Juvenile Justice, the Secretary of Health Care Administration, and the Commissioner of Education shall serve as ex officio, nonvoting members of the commission. Members shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment.*

(b) *The General Counsel of the Department of Law Enforcement shall serve as the general counsel for the commission.*

(c) *The Department of Law Enforcement staff, as assigned by the chair, shall assist the commission in performing its duties.*

(d) *The commission shall meet as necessary to conduct its work at the call of the chair and at the time designated by him or her at locations throughout the state. The commission may conduct its meetings through teleconferences or other similar means.*

(e) *Members of the commission are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061.*

(3) *The commission shall investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in this state and develop recommendations for system improvements. At a minimum, the commission shall analyze information and evidence from the Marjory Stoneman Douglas High School shooting and other mass violence incidents in this state. At a minimum the commission shall:*

(a) Develop a timeline of the incident, incident response, and all relevant events preceding the incident, with particular attention to all perpetrator contacts with local, state and national government agencies and entities and any contract providers of such agencies and entities.

(b) Investigate any failures in incident responses by local law enforcement agencies and school resource officers.

1. Identify existing policies and procedures for active assailant incidents on school premises and evaluate the compliance with such policies and procedures in the execution of incident responses.

2. Evaluate existing policies and procedures for active assailant incidents on school premises in comparison with national best practices.

3. Evaluate the extent to which any failures in policy, procedure, or execution contributed to an inability to prevent deaths and injuries.

4. Make specific recommendations for improving law enforcement and school resource officer incident response in the future.

5. Make specific recommendations for determining the appropriate ratio of school resource officers per school by school type. At a minimum, the methodology for determining the ratio should include the school location, student population, and school design.

(c) Investigate any failures in interactions with perpetrators preceding mass violence incidents.

1. Identify the history of interactions between perpetrators and governmental entities such as schools, law enforcement agencies, courts and social service agencies, and identify any failures to adequately communicate or coordinate regarding indicators of risk or possible threats.

2. Evaluate the extent to which any such failures contributed to an inability to prevent deaths and injuries.

3. Make specific recommendations for improving communication and coordination among entities with knowledge of indicators of risk or possible threats of mass violence in the future.

4. Identify available state and local tools and resources for enhancing communication and coordination regarding indicators of risk or possible threats, including, but not limited to, the Department of Law Enforcement Fusion Center or Judicial Inquiry System, and make specific recommendations for using such tools and resources more effectively in the future.

(4) The commission has the power to investigate. The commission may delegate to its investigators the authority to administer oaths and affirmations.

(5) The Commissioner of the Department of Law Enforcement shall use his or her subpoena power to compel the attendance of witnesses to testify before the commission. The Commissioner of the Department of Law Enforcement shall use his or her subpoena power to compel the production of any books, papers, records, documentary evidence, and other items, including confidential information, relevant to the performance of the duties of the commission or to the exercise of its powers. The chair or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who appear before the commission for the purpose of testifying in any matter of which the commission desires evidence. In the case of a refusal to obey a subpoena, the commission may make application to any circuit court of this state having jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony relevant to the matter in question. Failure to obey the order may be punished by the court as contempt.

(6) The commission may call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties, and such agencies shall provide such assistance in a timely manner.

(7) Notwithstanding any other law, the commission may request and shall be provided with access to any information or records, including exempt or confidential and exempt information or records, which pertain to the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida being reviewed by the commission and

which are necessary for the commission to carry out its duties. Information or records obtained by the commission which are otherwise exempt or confidential and exempt shall retain such exempt or confidential and exempt status and the commission may not disclose any such information or records.

(8) The commission shall submit an initial report on its findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2019, and may issue reports annually thereafter. The commission shall sunset July 1, 2023, and this section is repealed on that date.

Section 19. Section 1001.212, Florida Statutes, is created 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) 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 safety and security and recommendations to address findings identified pursuant to s. 1006.07(6).

(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.

(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 not limited to, the following data sources by December 1, 2018:

(a) Social Media;

(b) Department of Children and Families;

(c) Department of Law Enforcement;

(d) Department of Juvenile Justice; and

(e) Local law enforcement.

(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 ch. 119. The department shall only allow access to data from the source agencies in accordance with rules adopted by the respective source agencies.

(10) Award grants to schools to improve the safety and security of school buildings based upon recommendations of the security risk assessment developed pursuant to subsection (1).

(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.

Section 20. Paragraph (a) of subsection (10) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(10) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the lab schools, in addition to the exceptions to law specified in s. 1001.23(2), the following exceptions shall be permitted for lab schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 316.75; 1001.30; 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(2) ~~1006.12(1)~~; 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72; 1011.73; and 1011.74.

Section 21. Subsection (1) of section 1006.04, Florida Statutes, is amended to read:

1006.04 Educational multiagency services for students with severe emotional disturbance.—

(1)(a) *The multiagency network for students with emotional and behavioral disabilities works with education, mental health, child welfare, and juvenile justice professionals, along with other agencies and families, to provide children with mental illness or emotional and behavioral problems and their families with access to the services and supports they need to succeed. An intensive, integrated educational program; a continuum of mental health treatment services; and, when needed, residential services are necessary to enable students with severe emotional disturbance to develop appropriate behaviors and demonstrate academic and career education skills. The small incidence of severe emotional disturbance in the total school population requires multiagency programs to provide access to appropriate services for all students with severe emotional disturbance.* District school boards should provide educational programs, and state departments and agencies administering children’s mental health funds should provide mental health treatment and residential services when needed, *as part of the forming a multiagency network to provide support for students with severe emotional disturbance.*

(b) *The purpose of the multiagency network is to: The program goals for each component of the multiagency network are to*

1. Enable students with severe emotional disturbance to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living. ~~;~~
2. Develop individual programs for students with severe emotional disturbance, including necessary educational, residential, and mental health treatment services. ~~;~~
3. Provide programs and services as close as possible to the student’s home in the least restrictive manner consistent with the student’s needs. ~~;~~
4. Integrate a wide range of services necessary to support students with severe emotional disturbance and their families.

(c) *The multiagency network shall:*

1. *Support and represent the needs of students in each school district in joint planning with fiscal agents of children’s mental health funds, including the expansion of school-based mental health services, transition services, and integrated education and treatment programs.*
2. *Improve coordination of services for children with or at risk of emotional or behavioral disabilities and their families by assisting multi-agency collaborative initiatives to identify critical issues and barriers of mutual concern and develop local response systems that increase home and school connections and family engagement.*
3. *Increase parent and youth involvement and development with local systems of care.*
4. *Facilitate student and family access to effective services and programs for students with and at risk of emotional or behavioral disabilities that include necessary educational, residential, and mental health treatment services, enabling these students to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living.*

Section 22. Paragraph (b) of subsection (1), paragraphs (k) through (m) of subsection (2), and subsections (3), (4), and (6) of section 1006.07, Florida Statutes, are amended, and subsections (7) and (8) are 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, ~~and~~ juvenile justice actions, *and referrals to mental health services* 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.
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.

(2) CODE OF STUDENT CONDUCT.—Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(k) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program *or referral of such stu-*

dents to mental health services identified by the school district pursuant to s. 1012.584(4).

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

(m) Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution and mental health services identified by the school district pursuant to s. 1012.584(4) for evaluation or treatment, when appropriate. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(3) **STUDENT CRIME WATCH PROGRAM.**—By resolution of the district school board, implement a student crime watch program to promote responsibility among students and improve school safety. The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials to assist in the control of criminal behavior within the schools.

(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 the public schools of the district comprised of which comprise grades K-12. Drills for active shooter and hostage situations shall be conducted at least as often as other emergency drills. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response 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 must be listed in the district's emergency response policy.

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

1. Weapon-use, and hostage, and active shooter situations. The active shooter situation training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.

2. Hazardous materials or toxic chemical spills.

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

4. Exposure as a result of a manmade emergency.

(c) Establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of the school's campus.

(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 policies and procedures for compliance with state law and rules.

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.

4. Conduct a school security risk assessment in accordance with s. 1006.1493 at each public school using the school security risk assessment tool developed by the Office of Safe Schools Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to conduct a self-assessment of the school districts' current safety and security practices. Based on the assessment these self-assessment findings, the district's school safety specialist district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually, each district school board must receive such findings and the school safety specialist's recommendations the self-assessment results at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the report findings and recommendations. Each school safety specialist district school superintendent shall report such findings the self-assessment results and school board action to the Office of Safe Schools commissioner within 30 days after the district school board meeting.

(b) Each school safety specialist shall coordinate with the appropriate public safety agencies, as defined in s. 365.171, that are designated as first responders to a school's campus to conduct a tour of such campus once every 3 years and provide recommendations related to school safety. The recommendations by the public safety agencies must be considered as part of the recommendations by the school safety specialist pursuant to paragraph (a).

(7) **THREAT ASSESSMENT TEAMS.**—Each district school board 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 the model policies developed by the Office of Safe Schools. Such policies shall include procedures for 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 threa-

tening or aberrant behavior that may represent a threat to the community, school, or self.

(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.

(c) Upon a preliminary determination by the 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, the threat assessment team may obtain criminal history record information, 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 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.

(f) Each threat assessment team established pursuant to this subsection shall report quantitative data on its activities to the Office of Safe Schools in accordance with guidance from the office.

(8) SAFETY IN CONSTRUCTION PLANNING.—A district school board must allow the law enforcement agency or agencies that are designated as first responders to the district's campus and school's campuses to tour such campuses once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board.

Section 23. Subsection (2) of section 1006.08, Florida Statutes, is amended to read:

1006.08 District school superintendent duties relating to student discipline and school safety.—

(2) Notwithstanding the provisions of s. 985.04(7) or any other provision of law to the contrary, the court shall, within 48 hours of the finding, notify the appropriate district school superintendent of the name and address of any student found to have committed a delinquent act, or who has had adjudication of a delinquent act withheld which, if committed by an adult, would be a felony, or the name and address of any student found guilty of a felony, or the name and address of any student the court refers to mental health services. Notification shall include the specific delinquent act found to have been committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.

Section 24. Section 1006.12, Florida Statutes, is amended to read:

1006.12 ~~Safe-school school resource officers at each public school and school safety officers.~~—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 safe-school officers at each school facility within the district by implementing any combination of the following options which best meets the needs of the school district:

(1) ~~District school boards may~~ Establish school resource officer programs, through a cooperative agreement with law enforcement agencies ~~or in accordance with subsection (2).~~

(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). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers 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.

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

~~(a)~~(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)~~(b) A district school board may 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 superintendent may recommend and the district school board may appoint one or more school safety officers.

~~(c)~~(c) 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.

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

Section 25. Subsection (1), paragraph (c) of subsection (4), and subsection (8) of section 1006.13, Florida Statutes, are amended, and paragraph (f) is added to subsection (2) of that section, to read:

1006.13 Policy of zero tolerance for crime and victimization.—

(1) District school boards shall ~~It is the intent of the Legislature to~~ promote a safe and supportive learning environment in schools by protecting, ~~to protect~~ students and staff from conduct that poses a serious threat to school safety. A threat assessment team may, ~~and to en-~~

~~courage schools to use alternatives to expulsion or referral to law enforcement agencies to address by addressing disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Zero-tolerance policies may are not intended to be rigorously applied to petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances. Zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.~~ The Legislature finds that zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.

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

(f) Requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.

(4)

(c) Zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, including, but not limited to, disorderly conduct, ~~disrupting a school function~~, simple assault or battery, affray, theft of less than \$300, trespassing, and vandalism of less than \$1,000. However, if a student commits more than one misdemeanor, the threat assessment team must consult with law enforcement to determine if the act should be reported to law enforcement.

(8) A threat assessment team may ~~School districts are encouraged to~~ use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety.

Section 26. Section 1006.1493, Florida Statutes, is created to read:

1006.1493 *Florida Safe Schools Assessment Tool.*—

(1) The department through the Office of Safe Schools pursuant s. 1001.212 shall contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be used by school officials at each school district and public school site in the state in conducting security assessments for use by school officials at each school district and public school site in the state.

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

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

1. School emergency and crisis preparedness planning;
2. Security, crime, and violence prevention policies and procedures;
3. Physical security measures;
4. Professional development training needs;
5. An examination of support service roles in school safety, security, and emergency planning;
6. School security and school police staffing, operational practices, and related services;
7. School and community collaboration on school safety; and
8. A return on investment analysis of the recommended physical security controls.

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

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

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

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

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

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

Section 27. Subsection (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (17) and (18), respectively, paragraph (a) of subsection (4), paragraph (b) of subsection (6), subsection (14), and subsection (15) of that section are amended, and a new subsection (16) is added to that section, to read:

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

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

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

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

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

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

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

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction or improve school safety, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

~~2. Funds for safe schools.~~

~~2.3.~~ Funds for supplemental academic instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (1)(f).

~~3.4.~~ Funds for research-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (9)(a).

~~4.5.~~ Funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (17) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (17) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is created to provide funding to assist school districts in their compliance with s. 1006.07 ~~ss. 1006.07-1006.148~~, with priority given to implementing the district's establishing a school resource officer program pursuant to s. 1006.12. Each school district shall receive a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, two-thirds shall be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be allocated based on each school dis-

trict's proportionate share of the state's total unweighted full-time equivalent student enrollment. Any additional funds appropriated to this allocation in the 2018-2019 fiscal year to the school resource officer program established pursuant to s. 1006.12 shall be used exclusively for employing or contracting for school resource officers, which shall be in addition to the number of officers employed or contracted for in the 2017-2018 fiscal year.

(16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts in establishing or expanding school-based mental health care. These funds shall be allocated annually in the General Appropriations Act or other law to each eligible school district. Each school district shall receive a minimum of \$100,000 with the remaining balance allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Eligible charter schools are entitled to a proportionate share of district funding. At least 90 percent of a district's allocation must be expended on the elements specified in subparagraphs (b)1. and 2. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses. School districts are encouraged to maximize third party health insurance benefits and Medicaid claiming for services, where appropriate.

(a) Before the distribution of the allocation:

1. The school district must develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.

2. A charter school must develop and submit a detailed plan outlining the local program and planned expenditures to its governing body for approval. After the plan is approved by the governing body, it must be provided to the charter school's sponsor.

(b) The plans required under paragraph (a) must be focused on delivering evidence-based mental health care treatment to children and include the following elements:

1. Provision of mental health assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and students at high risk of such diagnoses.

2. Coordination of such services with a student's primary care provider and with other mental health providers involved in the student's care.

3. Direct employment of such service providers, or a contract-based collaborative effort or partnership with one or more local community mental health programs, agencies, or providers.

(c) School districts shall submit approved plans, including approved plans of each charter school in the district, to the commissioner by August 1 of each fiscal year.

(d) Beginning September 30, 2019, and annually by September 30 thereafter, each school district shall submit to the Department of Education a report on its program outcomes and expenditures for the previous fiscal year that, at a minimum, must include the number of each of the following:

1. Students who receive screenings or assessments.

2. Students who are referred for services or assistance.

3. Students who receive services or assistance.

4. Direct employment service providers employed by each school district.

5. Contract-based collaborative efforts or partnerships with community mental health programs, agencies, or providers.

Section 28. Section 1012.584, Florida Statutes, is created to read:

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(1) *Beginning with the 2018-2019 school year, the Department of Education shall establish an evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem.*

(2) *The Department of Education shall select a national authority on youth mental health awareness and assistance to facilitate providing youth mental health awareness and assistance training, using a trainer certification model, to all school personnel in elementary, middle, and high schools. Each school safety specialist shall earn, or designate one or more individuals to earn, certification as a youth mental health awareness and assistance trainer. The school safety specialist shall ensure that all school personnel within his or her school district receive youth mental health awareness and assistance training.*

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

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

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

(c) *Information on how to engage at-risk students with the skills, resources, and knowledge required to assess the situation, and how to identify and encourage the student to use appropriate professional help and other support strategies, including, but not limited to, peer, social, or self-help care.*

(4) *Each school district shall notify all school personnel who have received training pursuant to this section of mental health services that are available in the school district, and the individual to contact if a student needs services. The term “mental health services” includes, but is not limited to, community mental health services, health care providers, and services provided under ss. 1006.04 and 1011.62(17).*

Section 29. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, subsection (2) of section 397.6760, Florida Statutes, is reenacted to read:

397.6760 Court records; confidentiality.—

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

Section 30. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 790.335, Florida Statutes, is reenacted to read:

790.335 Prohibition of registration of firearms; electronic records.—

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

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

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

Section 31. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, subsection (1) of section 794.056, Florida Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis

centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 32. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, section 938.085, Florida Statutes, is reenacted to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 33. *For the 2018-2019 fiscal year, the sum of \$69,237,286 in recurring funds is appropriated from the General Revenue Fund to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Education Finance Program to fund the mental health assistance allocation created pursuant to s. 1011.62(16), Florida Statutes.*

Section 34. *For the 2018-2019 fiscal year, the sums of \$500,000 in recurring funds and \$6,200,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education to implement the youth mental health awareness and assistance training as directed pursuant to s. 1012.584, Florida Statutes.*

Section 35. *For the 2018-2019 fiscal year, the sum of \$1 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School in Broward County. The department shall collaborate with the students and faculty of Marjory Stoneman Douglas High School, the families of the victims, the Broward County School District, and other relevant entities of the Parkland community on the design and placement of the memorial.*

Section 36. *For the 2018-2019 fiscal year, the sum of \$25,262,714 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education combined with an equal amount of local matching funds for the purpose of replacing Building 12, as listed in the Florida Inventory of School Houses, at Marjory Stoneman Douglas High School in Broward County.*

And the title is amended as follows:

Delete lines 2379-2598 and insert: Department of Education; amending s. 121.091, F.S.; authorizing certain retired law enforcement officers to be reemployed as school resource officers after meeting specified termination requirements; authorizing such retired law enforcement officers to receive compensation and retirement benefits after a specified period; providing that such retired law enforcement officers

may not renew membership in the Florida Retirement System, except as otherwise provided; amending s. 394.463, F.S.; requiring when practicable that a law enforcement officer with certain training be assigned to serve and execute certain ex parte orders; authorizing a law enforcement officer to seize and hold firearms and ammunition if taking custody of a person who poses a potential danger to himself or herself or others and who has made a credible threat against another person; authorizing a law enforcement officer to seek the voluntary surrender of firearms and ammunition kept in the residence if the law enforcement officer takes custody of the person at the person's residence and certain criteria are met; authorizing such law enforcement officer to petition an appropriate court for a risk protection order under certain circumstances; requiring that firearms and ammunition seized or voluntarily surrendered be returned within a certain timeframe under specified circumstances; providing exceptions; requiring law enforcement agencies to develop policies and procedures relating to the seizure, storage, and return of firearms and ammunition; amending s. 394.495, F.S.; requiring the Department of Children and Families to contract for community action treatment teams throughout the state with the managing entities; specifying requirements for community action treatment teams; subject to legislative appropriation, requiring the department to contract for additional teams to ensure statewide availability of services; creating s. 790.064, F.S.; prohibiting a person who has been adjudicated mentally defective or been committed to a mental institution from owning or possessing a firearm until certain relief is obtained; specifying that the firearm possession and ownership disability runs concurrently with the firearm purchase disability under certain provisions; authorizing a person to petition for relief from the firearm possession and ownership disability; requiring that petitions for relief follow certain procedures; authorizing such person to petition for simultaneous relief; amending s. 790.065, F.S.; prohibiting a person younger than a certain age from purchasing a firearm; prohibiting the sale or transfer, or facilitation of a sale or transfer, of a firearm to a person younger than a certain age by a licensed importer, licensed manufacturer, or licensed dealer; providing criminal penalties; providing exceptions; amending s. 790.0655, F.S.; revising the mandatory waiting period to the later of either 3 days, excluding weekends and legal holidays, or upon the completion of certain records checks; revising and redefining terms; requiring that records of firearm sales be available for inspection by any law enforcement agency during normal business hours; revising applicability of the waiting period; conforming provisions to changes made by the act; creating s. 790.222, F.S.; defining the term "bump-fire stock"; prohibiting specified acts relating to the sale and possession of bump-fire stocks; providing criminal penalties; providing legislative intent; providing a short title; creating s. 790.401, F.S.; defining terms; creating an action known as a petition for a risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms or ammunition; providing requirements for petitions for such orders; providing duties for courts and clerks of court; prohibiting fees for the filing of or service of process of such petitions; providing for jurisdiction for such petitions; requiring hearings on petitions within a specified period; providing service requirements; providing grounds that may be considered in determining whether to grant such a petition; providing requirements for proceedings; providing requirements for risk protection orders; requiring the court to inform a respondent of his or her right to request a certain hearing; authorizing temporary ex parte orders under certain circumstances; providing requirements for petitions for such ex parte orders; providing for service of orders; providing for the termination or extension of an order; providing for the surrender and storage of firearms, ammunition, and licenses to carry a concealed weapon or firearm after issuance of a risk protection order; requiring law enforcement agencies to develop certain policies and procedures; providing for return of firearms and ammunition upon the vacating or end without the extension of an order under certain circumstances; authorizing a respondent to elect to transfer all firearms and ammunition surrendered or seized by a law enforcement agency to another person under certain circumstances; requiring a clerk of the court to forward a copy of a risk protection order to the appropriate law enforcement agency within a specified timeframe; requiring the law enforcement agency to enter the order into the Florida Crime Information Center and the National Crime Information Center systems; requiring that the order be maintained in the systems for a specified period and prohibiting a law enforcement from removing an order from the systems which has not ended or been vacated; providing that entry of an order into the systems constitutes notice to law enforcement agencies; requiring an issuing court to forward specified information concerning a respondent to the Department of Agriculture

and Consumer Services within a specified timeframe; requiring the department to suspend a license to carry a concealed weapon or firearm which is held by a person subject to such an order; prohibiting a person from making a false statement under oath; providing criminal penalties; prohibiting violations of such an order; providing criminal penalties; providing construction; providing that the risk protection order provisions do not create liability for certain acts or omissions; requiring the Office of the State Courts Administrator to develop and distribute certain instructional and informational material; amending s. 836.10, F.S.; prohibiting a person from making, posting, or transmitting a threat to conduct a mass shooting or an act of terrorism in a writing or other record in any manner that would allow another person to view the threat; providing criminal penalties; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; creating s. 943.082, F.S.; requiring the Department of Law Enforcement, in collaboration with the Department of Legal Affairs, to competitively procure a mobile suspicious activity tool with certain features; requiring the department to receive certain electronic reports; requiring the reporting tool to notify the reporting party of certain information; requiring the forwarding of certain information to appropriate law enforcement agencies; requiring that certain entities be made aware of the reporting tool; requiring the department, in collaboration with certain entities, to develop and provide certain training and awareness relating to the reporting tool; creating s. 943.687, F.S.; creating the Marjory Stoneman Douglas High School Public Safety Commission within the Department of Law Enforcement; requiring the commission to convene by a certain date; specifying the composition of the commission; requiring Department of Law Enforcement staff to assist the commission; specifying meeting requirements; authorizing reimbursement for per diem and travel expenses; providing the duties and authority of the commission; requiring the commission to submit an initial report to the Governor and the Legislature within a specified time; providing for the expiration of the commission; creating s. 1001.212, F.S.; creating the Office of Safe Schools within the Department of Education; providing duties of the office; amending s. 1002.32, F.S.; conforming a cross-reference; amending s. 1006.04, F.S.; revising the purpose and duties of the educational multiagency network for students with emotional and behavioral disabilities; amending s. 1006.07, F.S.; revising district school board duties relating to student discipline and school safety; requiring students to note referrals to mental health services upon initial registration for school within a school district; authorizing a district school board to refer a student to certain mental health services under certain circumstances; revising the code of student conduct relating to the referral of certain students to certain mental health services and law enforcement; providing requirements for student crime watch programs; revising the policies and procedures for emergency drills to include drills for active shooter and hostage situations; providing requirements for such drills; revising requirements for the emergency response policy; requiring model emergency management and emergency preparedness procedures for active shooter situations; requiring school districts to establish a schedule to test emergency communication systems; requiring district school superintendents to establish certain policies and procedures relating to the prevention of violence on school grounds and designate a school safety specialist for the school district; providing requirements and duties for school safety specialists; providing school safety specialist requirements relating to the required school security risk assessments; requiring each district school board to establish a threat assessment team at each school within the district; providing requirements and duties for threat assessment teams; authorizing a threat assessment team to obtain certain criminal history record information under certain circumstances; prohibiting a member of a threat assessment team from disclosing or using such information except for a specified purpose; authorizing certain entities to share specified confidential information and records relating to students for specified purposes; authorizing school personnel to address an immediate mental health or substance abuse crisis; providing requirements for addressing such situations; providing threat assessment team reporting requirements; amending s. 1006.08, F.S.; requiring a district school superintendent to be notified by the court of a student referred to mental health services; amending s. 1006.12, F.S.; requiring district school boards to establish or assign safe-school officers at each district school facility within the district; requiring school resource officers and school safety officers to undergo specified evaluations;

Amendment 1X (916186) (with title amendment)—Between lines 437 and 438 insert:

Section 13. Effective January 1, 2019, section 790.30, Florida Statutes, is created to read:

790.30 Large-capacity magazines.—

(1) **DEFINITIONS.**—As used in this section, the term:

(a) “Large-capacity magazine” means any ammunition feeding device with the capacity to accept more than 10 rounds, or any conversion kit, part, or combination of parts from which such a device can be assembled if those parts are in the possession or under the control of the same person, but does not include any of the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than 7 rounds;
2. A .22 caliber tube ammunition feeding device; or
3. A tubular magazine that is contained in a lever-action firearm.

(b) “Licensed gun dealer” means a person who has a federal firearms license.

(2) **SALE OR TRANSFER.**—

(a) A person may not import into the state or, within this state, distribute, transport, sell, keep for sale, offer or expose for sale, or give a large-capacity magazine. Except as provided in paragraph (b), any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 2 years.

(b) A person may not transfer, sell, or give a large-capacity magazine to a person under 18 years of age. Any person who violates this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 6 years.

(c) Paragraph (a) does not apply to:

1. The sale of large-capacity magazines to the Department of Law Enforcement, to a law enforcement agency as defined in s. 934.02, to the Department of Corrections, or to the military, air, or naval forces of this state or the United States for use in the discharge of their official duties.

2. A person who is the executor or administrator of an estate that includes a large-capacity magazine for which a certificate of possession has been issued under subsection (4) which is disposed of as authorized by the probate court, if the disposition is otherwise authorized under this section.

3. The transfer by bequest or intestate succession of a large-capacity magazine for which a certificate of possession has been issued under subsection (4).

(3) **POSSESSION.**—

(a) Except as provided in subsection (5) or otherwise provided in this section or authorized by any other law, a person may not, within this state, possess a large-capacity magazine. Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 1 year.

(b) Paragraph (a) does not apply to the possession of a large-capacity magazine by a member or employee of the Department of Law Enforcement, a law enforcement agency as defined in s. 934.02, the Department of Corrections, or the military, air, or naval forces of this state or of the United States for use in the discharge of his or her official duties; nor does this section prohibit the possession or use of a large-capacity magazine by a sworn member of one of these agencies when on duty and the use is within the scope of his or her duties.

(c) Paragraph (a) does not apply to the possession of a large-capacity magazine by any person before July 1, 2019, if all of the following are applicable:

1. The person is eligible to apply for a certificate of possession for the large-capacity magazine by July 1, 2019;

2. The person lawfully possessed the large-capacity magazine before October 1, 2018; and

3. The person is otherwise in compliance with this section and the applicable requirements of this chapter for possession of a firearm.

(d) Paragraph (a) does not apply to a person who is the executor or administrator of an estate that includes a large-capacity magazine for which a certificate of possession has been issued under subsection (4), if the large-capacity magazine is possessed at a place set forth in subparagraph (4)(c)1. or as authorized by the probate court.

(4) **CERTIFICATE OF POSSESSION.**—

(a) Any person who lawfully possesses a large-capacity magazine before October 1, 2018, shall apply by October 1, 2019, or, if such person is a member of the military or naval forces of this state or of the United States and cannot apply by October 1, 2019, because he or she is or was on official duty outside this state, shall apply within 90 days after returning to the state, to the Department of Law Enforcement for a certificate of possession with respect to such large-capacity magazine. The certificate must contain a description of the large-capacity magazine which identifies the large-capacity magazine uniquely, including all identification marks; the full name, address, date of birth, and thumbprint of the owner; and any other information as the department may deem appropriate. The department shall adopt rules no later than January 1, 2019, to establish procedures with respect to the application for, and issuance of, certificates of possession under this section.

(b)1. A large-capacity magazine lawfully possessed in accordance with this section may not be sold or transferred on or after January 1, 2019, to any person within this state other than to a licensed gun dealer, as provided in subsection (5), or by a bequest or intestate succession.

2. A person who obtains title to a large-capacity magazine for which a certificate of possession has been issued under this subsection shall, within 90 days after obtaining title, apply to the Department of Law Enforcement for a certificate of possession, render the large-capacity magazine permanently inoperable, sell the large-capacity magazine to a licensed gun dealer, or remove the large-capacity magazine from the state.

3. A person who moves into the state and who is in lawful possession of a large-capacity magazine, shall, within 90 days, either render the large-capacity magazine permanently inoperable, sell the large-capacity magazine to a licensed gun dealer, or remove the large-capacity magazine from this state, unless the person is a member of the military, air, or naval forces of this state or of the United States, is in lawful possession of a large-capacity magazine, and has been transferred into the state after October 1, 2019.

(c) A person who has been issued a certificate of possession for a large-capacity magazine under this subsection may possess it only if the person is:

1. At the residence, the place of business, or any other property owned by that person, or on a property owned by another person with the owner's express permission;

2. On the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets;

3. On a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range;

4. On the premises of a licensed shooting club;

5. Attending an exhibition, display, or educational project on firearms which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in, or promotes education about, firearms; or

6. Transporting the large-capacity magazine between any of the places mentioned in this paragraph, or from or to any licensed gun dealer for servicing or repair pursuant to paragraph (7)(b), provided the large-capacity magazine is transported as required by subsection (7).

(5) **CERTIFICATE OF TRANSFER.**—*If an owner of a large-capacity magazine sells or transfers the magazine to a licensed gun dealer, he or she shall, at the time of delivery of the magazine, execute a certificate of transfer and cause the certificate to be mailed or delivered to the Department of Law Enforcement. The certificate must contain:*

- (a) *The date of sale or transfer.*
- (b) *The name and address of the seller or transferor and the licensed gun dealer and their social security numbers or driver license numbers.*
- (c) *The licensed gun dealer’s federal firearms license number.*
- (d) *Any other information the Department of Law Enforcement prescribes.*

The licensed gun dealer shall present his or her driver license or social security card and federal firearms license to the seller or transferor for inspection at the time of purchase or transfer. The Department of Law Enforcement shall maintain a file of all certificates of transfer at its headquarters.

(6) **RELINQUISHMENT.**—*An individual may arrange in advance to relinquish a large-capacity magazine to a law enforcement agency as defined in s. 934.02 or the Department of Law Enforcement. The large-capacity magazine shall be transported in accordance with subsection (7).*

(7) **TRANSPORTATION.**—

(a) *A licensed gun dealer who lawfully purchases for resale a large-capacity magazine under this section may transport the large-capacity magazine between licensed gun dealers or out of this state, but a person may not carry a large-capacity magazine concealed from public view, unless such large-capacity magazine is kept in the trunk of such vehicle or in a case or other container that is inaccessible to the operator of or any passenger in such vehicle. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any licensed gun dealer may display the large-capacity magazine at any gun show or sell it to a resident outside this state.*

(b) *Any licensed gun dealer may transfer possession of any large-capacity magazine received pursuant to paragraph (a) to a gunsmith for purposes of accomplishing service or repair of the same. Transfers are permissible only to a gunsmith who is:*

- 1. *In the licensed gun dealer’s employ; or*
- 2. *Contracted by the licensed gun dealer for gunsmithing services, provided the gunsmith holds a dealer’s license issued pursuant to chapter 44 of Title 18 the United States Code, 18 U.S.C. ss. 921 et seq., and the regulations issued pursuant thereto.*

(8) **CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION NOT PROHIBITED.**—*This section does not prohibit any person, firm, or corporation engaged in the business of manufacturing large-capacity magazines in this state from manufacturing or transporting large-capacity magazines in this state for sale within this state in accordance with subparagraph (2)(c)1. or for sale outside this state.*

(9) **EXCEPTION.**—*This section does not apply to any magazine modified to render it permanently inoperable.*

Section 14. Effective January 1, 2019, paragraph (a) of subsection (3) of section 775.087, Florida Statutes, is amended to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(3)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a firearm is an element of the felony, and the conviction was for:

- a. Murder;
- b. Sexual battery;
- c. Robbery;

- d. Burglary;
- e. Arson;
- f. Aggravated battery;
- g. Kidnapping;
- h. Escape;
- i. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;
- j. Aircraft piracy;
- k. Aggravated child abuse;
- l. Aggravated abuse of an elderly person or disabled adult;
- m. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- n. Carjacking;
- o. Home-invasion robbery;
- p. Aggravated stalking; or

q. *Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1);*

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine, or a large-capacity magazine as defined in s. 790.30, or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 15 years.

2. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph (a)1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine, or a large-capacity magazine as defined in s. 790.30, or a “machine gun” as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph (a)1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine, or a large-capacity magazine as defined in s. 790.30, or a “machine gun” as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

Section 15. For the purpose of incorporating the amendment made by this act to section 775.087, Florida Statutes, in a reference thereto, section 27.366, Florida Statutes, is reenacted to read:

27.366 Legislative intent and policy in cases meeting criteria of s. 775.087(2) and (3).—It is the intent of the Legislature that convicted criminal offenders who meet the criteria in s. 775.087(2) and (3) be sentenced to the minimum mandatory prison terms provided therein. It is the intent of the Legislature to establish zero tolerance of criminals who use, threaten to use, or avail themselves of firearms in order to commit crimes and thereby demonstrate their lack of value for human life. It is also the intent of the Legislature that prosecutors should appropriately exercise their discretion in those cases in which the offenders’ possession of the firearm is incidental to the commission of a crime and not used in furtherance of the crime, used in order to commit the crime, or used in preparation to commit the crime. For every case in which the offender meets the criteria in this act and does not receive the

mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.

Section 16. For the purpose of incorporating the amendment made by this act to section 775.087, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 921.0024, Florida Statutes, is reenacted to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation and each successive community sanction violation, unless any of the following apply:

1. If the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for the violation, and for each successive community sanction violation involving a new felony conviction.

2. If the community sanction violation is committed by a violent felony offender of special concern as defined in s. 948.06:

a. Twelve (12) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where:

I. The violation does not include a new felony conviction; and

II. The community sanction violation is not based solely on the probationer or offender's failure to pay costs or fines or make restitution payments.

b. Twenty-four (24) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where the violation includes a new felony conviction.

Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offense was committed.

Prior capital felony points: If the offender has one or more prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony in the offender's criminal record is a previous capital felony offense for which the offender has entered a plea of nolo contendere or guilty or has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his or her possession: a firearm as defined in s. 790.001(6), an additional eighteen

(18) sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his or her possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001(9), an additional twenty-five (25) sentence points are assessed.

Sentencing multipliers:

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may move the sentencing court to reduce or suspend the sentence of a person convicted of a level 7 or level 8 offense, if the offender provides substantial assistance as described in s. 893.135(4).

Law enforcement protection: If the primary offense is a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence points are multiplied by 1.5. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a crime of domestic violence, as defined in s. 741.28, which was committed in the presence of a child under 16 years of age who is a family or household member as defined in s. 741.28(3) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Section 17. For the purpose of incorporating the amendment made by this act to section 775.087, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 947.146, Florida Statutes, is reenacted to read:

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender in-

formation system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates who:

(b) Are serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

In making control release eligibility determinations under this subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings, including, but not limited to, any presentence or postsentence investigation or any information contained in arrest reports relating to circumstances of the offense.

And the title is amended as follows:

Delete line 2452 and insert: criminal penalties; creating s. 790.30, F.S.; defining terms; prohibiting the sale or transfer of a large-capacity magazine; providing criminal penalties; providing exceptions to the prohibition; prohibiting possession of a large-capacity magazine; providing criminal penalties; providing exceptions to the prohibition; requiring a person who lawfully possessed such a magazine before a specified date to obtain a certificate of possession; providing requirements for the certificate; requiring the Department of Law Enforcement to adopt rules by a certain date; limiting transfers of large-capacity magazines represented by such certificates as of a specified date; providing conditions for continued possession of such magazines; requiring certificates of transfer for the sale or transfer of such magazines; requiring that the department maintain records of such sales or transfers; providing for relinquishment of large-capacity magazines to law enforcement agencies or the department; providing requirements for transportation of large-capacity magazines; providing criminal penalties for violations; specifying circumstances in which the manufacture or transportation of large-capacity magazines is not prohibited; exempting permanently inoperable magazines from all such provisions; amending s. 775.087, F.S.; providing enhanced criminal penalties for certain offenses committed by persons with a large-capacity magazine; reenacting ss. 27.366, 921.0024(1)(b), and 947.146(3)(b), F.S., relating to legislative intent and policy in certain cases, the Criminal Punishment Code worksheet key, and the Control Release Authority, respectively, to incorporate the amendment made to s. 775.087, F.S., in references thereto; providing legislative intent;

The vote was:

Yeas—15

Book	Gibson	Rouson
Bracy	Montford	Stewart
Braynon	Powell	Taddeo
Campbell	Rader	Thurston
Farmer	Rodriguez	Torres

Nays—23

Mr. President	Gainer	Passidomo
Baxley	Galvano	Perry
Bean	Garcia	Simmons
Benacquisto	Grimsley	Simpson
Bradley	Hukill	Stargel
Brandes	Hutson	Steube
Broxson	Lee	Young
Flores	Mayfield	

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Bracy moved the following amendment to **Amendment 1 (234288)** which was adopted:

Amendment 1Y (462918)—Between lines 73 and 74 insert:

6. *Successfully complete at least 12 hours of a certified nationally recognized diversity training program.*

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Stewart moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1Z (700758) (with title amendment)—Between lines 437 and 438 insert:

Section 13. Section 790.30, Florida Statutes, is created to read:

Section 790.30 Definitions.—As used in this section, the term:

(1) *“Assault weapon” means:*

(a) *A selective-fire firearm capable of fully automatic or burst fire at the option of the user.*

(b) *A part or combination of parts that convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.*

(c) *A firearm not listed in this subsection which meets the criteria of one of the following subparagraphs:*

1. *A semiautomatic rifle that has an ability to accept a detachable magazine and that has one or more of the following:*

a. *A pistol grip that protrudes conspicuously beneath the action of the weapon or any feature functioning as a protruding grip that can be held by the nontrigger hand, or a thumbhole stock.*

b. *A bayonet mount.*

c. *A flash suppressor or threaded barrel designed to accommodate a flash suppressor.*

d. *A grenade launcher.*

e. *A shroud that is attached to the barrel, or that partially or completely encircles the barrel and allows the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel.*

2. *A semiautomatic pistol that has an ability to accept a detachable magazine and that has one or more of the following:*

a. *The capacity to accept an ammunition magazine that attaches to the pistol at any location outside the pistol grip.*

b. *A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer.*

c. *A slide that encloses the barrel and that allows the shooter to hold the firearm with the nontrigger hand without being burned.*

d. *A semiautomatic version of an automatic firearm.*

e. *Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand.*

f. *A folding, telescoping, or thumbhole stock.*

3. *A semiautomatic shotgun that has one or more of the following:*

a. *A pistol grip that protrudes conspicuously beneath the action of the weapon.*

b. *A thumbhole stock.*

c. *A fixed-magazine capacity in excess of 5 rounds.*

d. *An ability to accept a detachable magazine.*

e. A semiautomatic pistol or a semiautomatic, centerfire, or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition.

f. A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

(2) “Large-capacity magazine” means any ammunition feeding device with the capacity to accept more than 15 rounds, or any conversion kit, part, or combination of parts from which such a device can be assembled if those parts are in the possession or under the control of the same person, but does not include any of the following:

(a) A feeding device that has been permanently altered so that it cannot accommodate more than 7 rounds;

(b) A .22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

Section 14. Section 790.305, Florida Statutes, is created to read:

Section 790.305 Permit for ownership of an assault weapon.

(1)(a) The Department of Law Enforcement shall issue a permit for ownership of an assault weapon to an applicant who submits a completed application and a one-time fee of \$1,000, after the applicant has met the requirements of s. 790.065.

(b) All proceeds collected shall be deposited in the Florida Education Finance Program to pay for the mental health assistance allocation as defined in 1011.62(16).

(2) A person who purchases an assault weapons in this state after the effective date of this act must acquire a valid permit for ownership issued pursuant to this section at the time of sale, distribution, transfer, or gifting.

(3) By July 1, 2020, all persons who own an assault weapon in this state must hold a valid permit for ownership of an assault weapon pursuant to this section. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) In lieu of obtaining a valid permit under this section, an individual may arrange to relinquish an assault weapon to a law enforcement agency, as defined in s. 934.02(10), or the Department of Law Enforcement.

(5) The Department of Law Enforcement must adopt rules and procedures to administer this section.

And the title is amended as follows:

Between lines 2448 and 2449 insert: creating s. 790.30, F.S.; defining the terms “assault weapon” and “large-capacity magazine”; creating s. 790.305, F.S.; requiring the Department of Law Enforcement to issue a permit for ownership of an assault weapon to an applicant who submits a completed application and a one-time specified fee after the applicant has met specified requirements; requiring all proceeds collected to be deposited in the Florida Education Finance Program to pay for mental health assistance allocation; requiring a person who purchases an assault weapons in this state after a specified date to acquire a valid permit for ownership issued at the time of sale, distribution, transfer, or gifting; beginning on a specified date, requiring all persons who own an assault weapon in this state to hold a valid permit for ownership of an assault weapon; providing a criminal penalty; authorizing an individual to arrange to relinquish an assault weapon to a law enforcement agency or the department in lieu of obtaining a valid permit; requiring the department to adopt rules and procedures;

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Simmons moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1AA (521946) (with title amendment)—Delete lines 368-378 and insert:

(13)(a) A person younger than 21 years of age may not purchase an assault weapon. The sale or transfer of an assault weapon to a person younger than 21 years of age may not be knowingly and intentionally made or facilitated by any person, including a licensed importer, licensed manufacturer, or licensed dealer. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Solely for the purposes of this paragraph, the term “assault weapon” means a fully automatic or semiautomatic rifle or shotgun that has a fixed magazine capacity of more than 10 rounds of centerfire ammunition. The term also includes a semiautomatic rifle or shotgun when it is loaded with a detachable magazine having a capacity of more than 10 rounds of centerfire ammunition or when the rifle or shotgun is possessed by a person under 21 years of age who also possesses a detachable magazine for the rifle or shotgun which has a capacity of more than 10 rounds of centerfire ammunition.

(b) The prohibitions in paragraph (a) do not apply to the purchase of a rifle or shotgun by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or to a servicemember as defined in s. 250.01. This paragraph expires on July 1, 2021, unless renewed by the Legislature.

And the title is amended as follows:

Delete lines 2435-2440 and insert: from purchasing an assault weapon; prohibiting the knowing and intentional sale or transfer, or facilitation of a sale or transfer, of an assault weapon to a person younger than a certain age by any person, including a licensed importer, licensed manufacturer, or licensed dealer; providing criminal penalties; defining the term “assault weapon”; providing exceptions; providing a repeal date for such exceptions; amending s. 790.0655, F.S.; revising the

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Campbell moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1BB (887594) (with title amendment)—Delete lines 364-378 and insert:

Section 10. Subsection (2) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(a) Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity that which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been:

1. Found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted; or

2. Committed for the abuse of a controlled substance under chapter 397 or under the provisions of former chapter 396 or similar laws of any other state. An applicant who has been granted relief from firearms

disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the commitment occurred is deemed not to be committed for the abuse of a controlled substance under this subparagraph;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live fire using a firearm and ammunition as defined in s. 790.001;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state. An applicant who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the adjudication occurred is deemed not to have been adjudicated an incapacitated person under this paragraph;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state. An applicant who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the commitment occurred is deemed not to have been committed in a mental institution under this paragraph;

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or expunction has occurred;

(l) Has not had adjudication of guilt withheld or imposition of sentence suspended on any misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been expunged;

(m) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; ~~and~~

(n) *Has undergone a mental health evaluation conducted by a clinical psychologist or a psychiatrist, as those terms are defined in s. 394.455, and has been determined to be competent and of sound mind; and*

(o) ~~Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.~~

Section 11. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (14), and a new subsection (13) is added to that section, to read:

790.065 Sale and delivery of firearms.—

(13) *Notwithstanding any other law, a person must meet all of the requirements specified under s. 790.06(2) before he or she is eligible to purchase a firearm.*

And the title is amended as follows:

Delete lines 2433-2440 and insert: petition for simultaneous relief; amending s. 790.06, F.S.; requiring the Department of Agriculture and Consumer Services to issue a license if, in addition to other specified criteria, the applicant has undergone a mental health evaluation conducted by certain licensed professionals and has been determined to be competent; amending s. 790.065, F.S.; requiring a person to meet specified requirements before he or she is eligible to purchase a firearm; amending s. 790.0655, F.S.; revising the

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Lee moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment ICC (306080) (with title amendment)—Delete lines 1134-1135 and insert:

Section 18. *Section 921.139, Florida Statutes, may be cited as the “Sentencing Accountability and Fair Explanation (SAFE) Act.”*

Section 19. Section 921.139, Florida Statutes, is created to read:

921.139 *Sentencing and accountability for certain crimes.—*

(1) *The Legislature finds that students have the right to be safe from violent crime at schools. The Legislature further finds that the murder or attempted murder of two or more persons, including students, teachers, administrators, or other persons, committed on school property with a firearm or deadly weapon is one of the most morally reprehensible acts imaginable. Such a crime is directly contrary to all that is just and good. To ensure justice for the victims, venerate innocent life, and maximize the power of the law to deter future violent acts at schools, the branches of government must work together, consistent with constitutional requirements, to ensure that the punishment for the crime is as swift and severe as possible. Consistent with these purposes:*

(a) *If the identity of an adult who commits murder in the first degree of two or more persons using a firearm or deadly weapon on school property is not in doubt due to the quality and quantity of evidence available to a prosecutor, the prosecutor should not offer, and the court should not accept, a plea agreement that excludes the possibility of a death sentence.*

(b) *If the identity of a person who commits murder in the first degree of two or more persons using a firearm or deadly weapon on school property is not in doubt due to the quality and quantity of evidence available to a prosecutor and the offense was committed before the person attained 18 years of age, the prosecutor should not offer, and the court should not accept, a plea agreement that excludes the possibility of a life sentence.*

(c) *If the identity of a person who attempts to commit murder of two or more persons using a firearm or deadly weapon on school property is not in doubt due to the quality and quantity of evidence available to a prosecutor, the prosecutor should not offer, and the court should not accept, a plea agreement for a sentence that is less than the maximum penalty for the offense.*

(2) *As used in this section, the term “school” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.*

(3) *If a prosecutor enters into a plea agreement that is accepted by a court which is inconsistent with the recommendations of this section, the office of the state attorney employing the prosecutor shall issue a report within 30 days after the agreement is accepted by the court which explains the following:*

(a) *Whether and the extent to which the prosecutor conferred with the victims and intended victims, families of the victims, the investigating officers, and other interested persons before entering into the plea agreement.*

(b) *Whether or the extent to which the agreement is consistent with the severity of the crime and the importance of the lives of the victims or intended victims.*

(c) *Whether or the extent to which the plea agreement will deter similar crimes in the future.*

(d) *Whether other information justifies the plea agreement.*

The report must be published on the website for the office of the state attorney for at least 30 days.

Section 20. Subsection (2) of section 921.1401, Florida Statutes, is amended to read:

921.1401 Sentence of life imprisonment for persons who are under the age of 18 years at the time of the offense; sentencing proceedings.—

(2) In determining whether life imprisonment or a term of years equal to life imprisonment is an appropriate sentence, the court shall consider factors relevant to the offense and the defendant's youth and attendant circumstances, including, but not limited to:

(a) The nature and circumstances of the offense committed by the defendant.

(b) The effect of the crime on the victim's family and on the community.

(c) The defendant's age, maturity, intellectual capacity, and mental and emotional health at the time of the offense.

(d) The defendant's background, including his or her family, home, and community environment.

(e) The effect, if any, of immaturity, impetuosity, or failure to appreciate risks and consequences on the defendant's participation in the offense.

(f) The extent of the defendant's participation in the offense.

(g) The effect, if any, of familial pressure or peer pressure on the defendant's actions.

(h) The nature and extent of the defendant's prior criminal history.

(i) The effect, if any, of characteristics attributable to the defendant's youth on the defendant's judgment.

(j) The possibility of rehabilitating the defendant.

(k) *The need to deter others from committing murder or attempted murder with a firearm or deadly weapon on the property of a school, as defined in s. 921.139.*

Section 21. Subsection (6) of section 921.141, Florida Statutes, is amended to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(6) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(a) The capital felony was committed by a person previously convicted of a felony and under sentence of imprisonment or placed on community control or on felony probation.

(b) The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person.

(c) The defendant knowingly created a great risk of death to many persons.

(d) The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb.

(e) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.

(f) The capital felony was committed for pecuniary gain.

(g) The capital felony was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.

(h) The capital felony was especially heinous, atrocious, or cruel.

(i) The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification.

(j) The victim of the capital felony was a law enforcement officer engaged in the performance of his or her official duties.

(k) The victim of the capital felony was an elected or appointed public official engaged in the performance of his or her official duties if the motive for the capital felony was related, in whole or in part, to the victim's official capacity.

(l) The victim of the capital felony was a person less than 12 years of age.

(m) The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim.

(n) The capital felony was committed by a criminal gang member, as defined in s. 874.03.

(o) The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual predator designation removed.

(p) The capital felony was committed by a person subject to an injunction issued pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, and was committed against the petitioner who obtained the injunction or protection order or any spouse, child, sibling, or parent of the petitioner.

(q) *The capital felony was committed on the property of a school, as defined in s. 921.139.*

And the title is amended as follows:

Delete line 2516 and insert: changes made by the act; creating s. 921.139, F.S.; providing legislative findings and intent; defining the term "school"; requiring the office of the state attorney employing a prosecutor who enters into a plea agreement that is inconsistent with certain recommendations to issue a report within a specified timeframe; requiring such reports be published on the office of the state attorney's website for at least a specified period of time; amending s. 921.1401, F.S.; revising the list of factors relevant to an offense which a court must consider in determining whether life imprisonment or a term of years equal to life imprisonment is an appropriate sentence; amending s. 921.141, F.S.; adding an aggravating factor considered during a sentencing proceeding of death or life imprisonment for capital felonies; creating s. 943.082, F.S.;

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senators Garcia and Montford offered the following amendment to **Amendment 1 (234288)** which was moved by Senator Garcia and adopted:

Amendment 1DD (508454) (with title amendment)—Between lines 2135 and 2136 insert:

Section 30. Subsection (6) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(6)(a) Each district school board must meet all educational plant space needs of its elementary, middle, and high schools before spending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any ancillary plant or any other new construction, renovation, or remodeling of ancillary space. Expenditures to meet such space needs may include expenditures for site acquisition; new construction of educational plants; renovation, remodeling, and maintenance and repair of existing educational plants, including auxiliary facilities; and the directly related costs of such services of school district personnel. It is not the intent of the Legislature to preclude the use of capital outlay funding for the labor costs necessary to accomplish the authorized uses for the capital outlay funding. Day-labor contracts or any other educational facilities contracting and construction techniques pursuant to s. 1013.45 are authorized. Additionally, if a school district has salaried maintenance staff whose duties consist solely of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, such funding may be used for those salaries; however, if a school district has salaried staff whose duties consist partially of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, the district shall prorate the portion of salary of each such employee that is based on labor for authorized capital outlay funding, and such funding may be used to pay that portion.

(b)1. A district school board may not use funds from the following sources: Public Education Capital Outlay and Debt Service Trust Fund; School District and Community College District Capital Outlay and Debt Service Trust Fund; Classrooms First Program funds provided in s. 1013.68; nonvoted 1.5-mill levy of ad valorem property taxes provided in s. 1011.71(2); Classrooms for Kids Program funds provided in s. 1013.735; District Effort Recognition Program funds provided in s. 1013.736; or High Growth District Capital Outlay Assistance Grant Program funds provided in s. 1013.738 for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

- a. \$17,952 for an elementary school,
- b. \$19,386 for a middle school, or
- c. \$25,181 for a high school,

(January 2006) as adjusted annually to reflect increases or decreases in the Consumer Price Index.

2. School districts shall maintain accurate documentation related to the costs of all new construction of educational plant space reported to the Department of Education pursuant to paragraph (d). The Auditor General shall review the documentation maintained by the school districts and verify compliance with the limits under this paragraph during its scheduled operational audits of the school district. The department shall make the final determination on district compliance based on the recommendation of the Auditor General.

3. The Office of Economic and Demographic Research, in consultation with the department, shall conduct a study of the cost per student station amounts using the most recent available information on construction costs. In this study, the costs per student station should represent the costs of classroom construction and administrative offices as well as the supplemental costs of core facilities, including required media centers, gymnasiums, music rooms, cafeterias and their associated kitchens and food service areas, vocational areas, and other defined specialty areas, including exceptional student education areas. The study must take into account appropriate cost-effectiveness factors in school construction and should include input from industry experts. The Office of Economic and Demographic Research must provide the results of the study and recommendations on the cost per student station to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2017.

4. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study of the State Requirements for Education Facilities (SREF) to identify current requirements that can be eliminated or modified in order to decrease the cost of construction of educational facilities while ensuring student safety. OPPAGA must provide the results of the study, and an overall recommendation as to whether SREF should be retained, to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 31, 2017.

5. Effective July 1, 2017, in addition to the funding sources listed in subparagraph 1., a district school board may not use funds from any sources for new construction of educational plant space with a total cost per student station, including change orders, which equals more than the current adjusted amounts provided in sub-subparagraphs 1.a.-c. which shall subsequently be adjusted annually to reflect increases or decreases in the Consumer Price Index. However, if a contract has been executed for architectural and design services or for construction management services before July 1, 2017, a district school board may use funds from any source for the new construction of educational plant space and such funds are exempt from the total cost per student station requirements.

6. A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of an ancillary plant that exceeds 70 percent of the average cost per square foot of new construction for all schools.

(c) Except as otherwise provided, new construction for which a contract has been executed for architectural and design services or for construction management services by a district school board on or after July 1, 2017, may not exceed the cost per student station as provided in paragraph (b). A school district that exceeds the cost per student station provided in paragraph (b), as determined by the Auditor General, shall be subject to sanctions. If the Auditor General determines that the cost per student station coverage is de minimus or due to extraordinary circumstances outside the control of the district, the sanctions shall not apply. The sanctions are as follows:

1. The school district shall be ineligible for allocations from the Public Education Capital Outlay and Debt Service Trust Fund for the next 3 years in which the school district would have received allocations had the violation not occurred.

2. The school district shall be subject to the supervision of a district capital outlay oversight committee. The oversight committee is authorized to approve all capital outlay expenditures of the school district, including new construction, renovations, and remodeling, for 3 fiscal years following the violation.

- a. Each oversight committee shall be composed of the following:

(I) One appointee of the Commissioner of Education who has significant financial management, school facilities construction, or related experience.

(II) One appointee of the office of the state attorney with jurisdiction over the district.

(III) One appointee of the Chief Financial Officer who is a licensed certified public accountant.

b. An appointee to the oversight committee may not be employed by the school district; be a relative, as defined in s. 1002.33(24)(a)2., of any school district employee; or be an elected official. Each appointee must sign an affidavit attesting to these conditions and affirming that no conflict of interest exists in his or her oversight role.

(d) The department shall:

1. Compute for each calendar year the statewide average construction costs for facilities serving each instructional level, for relocatable educational facilities, for administrative facilities, and for other ancillary and auxiliary facilities. The department shall compute the statewide average costs per student station for each instructional level.

2. Annually review the actual completed construction costs of educational facilities in each school district. For any school district in which the total actual cost per student station, including change orders, exceeds the statewide limits established in paragraph (b), the school district shall report to the department the actual cost per student station and the reason for the school district's inability to adhere to the limits established in paragraph (b). The department shall collect all such reports and shall provide these reports to the Auditor General for verification purposes.

Cost per student station includes contract costs, legal and administrative costs, fees of architects and engineers, furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing or leasing the site for the construction or the cost of related offsite improvements. *Cost per student station also does not include the cost for securing entries, checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, bullet-proof glass, or other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities; costs for these items must be below 2 percent per student station.*

And the title is amended as follows:

Between lines 2652 and 2653 insert: amending s. 1013.64, F.S.; specifying that the cost per student station does not include certain improvements related to enhanced safety and security;

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Rodriguez moved the following amendment to **Amendment 1 (234288)** which failed:

Amendment 1EE (261698) (with title amendment)—Between lines 337 and 338 insert:

Section 9. Paragraph (a) of subsection (12) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(12)(a) A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into:

1. Any place of nuisance as defined in s. 823.05;
2. Any police, sheriff, or highway patrol station;
3. Any detention facility, prison, or jail;

4. Any courthouse or primary county administration building not located within the courthouse;

5. Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;

6. Any polling place;

7. Any meeting of the governing body of a county, public school district, municipality, or special district;

8. Any meeting of the Legislature or a committee thereof;

9. Any school, college, or professional athletic event not related to firearms;

10. Any elementary or secondary school facility or administration building;

11. Any career center;

12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;

13. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;

14. The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or

15. Any place where the carrying of firearms is prohibited by federal law.

And the title is amended as follows:

Delete line 2422 and insert: availability of services; amending s. 790.06, F.S.; providing that a license to carry a concealed weapon or firearm does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into any primary county administration building not located within the courthouse; creating s. 790.064, F.S.;

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Lee moved the following substitute amendment:

Amendment 2 (726990) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Marjory Stoneman Douglas High School Public Safety Act."*

Section 2. *The Legislature finds there is a need to comprehensively address the crisis of gun violence, including but not limited to, gun violence on school campuses. The Legislature intends to address this crisis by providing law enforcement and the courts with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence, and by promoting school safety and enhanced coordination between education and law enforcement entities at the state and local level.*

Section 3. Paragraph (d) is added to subsection (5) of section 16.555, Florida Statutes, to read:

16.555 Crime Stoppers Trust Fund; rulemaking.—

(5)

(d) *Grants may be awarded to fund student crime watch programs pursuant to s. 1006.07(3).*

Section 4. Paragraph (j) is added to subsection (3) of section 20.15, Florida Statutes, to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(j) *The Office of Safe Schools.*

Section 5. Paragraph (c) of subsection (9) of section 121.091, Florida Statutes, is amended, and paragraph (f) is added to that subsection to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(c) Any person whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010, who is retired under this chapter, except under the disability retirement provisions of subsection (4) or as provided in s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer. However, a person may not be reemployed by an employer participating in the Florida Retirement System before meeting the definition of termination in s. 121.021 and may not receive both a salary from the employer and retirement benefits for 6 calendar months after meeting the definition of termination, *except as provided in paragraph (f)*. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. The reemployed retiree may not renew membership in the Florida Retirement System, except as provided in s. 121.122.

2. The employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the Florida Retirement System in addition to the contributions required by s. 121.76.

3. A retiree initially reemployed in violation of this paragraph and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any retirement benefits paid to the retirement trust fund from which the benefits were paid, including the Florida Retirement System Trust Fund and the Public Employee Optional Retirement Program Trust Fund, as appropriate. The employer must have a written statement from the employee that he or she is not retired from a state-administered retirement system. Retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retiree's 6-month reemployment limitation period shall apply toward the repayment of benefits received in violation of this paragraph.

(f) *A retired law enforcement officer may be reemployed as a school resource officer by an employer that participates in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021, but may not receive both a salary from the employer and retirement benefits for 6 calendar months immediately subsequent to the date of retirement. The reemployed retired law enforcement officer may not renew membership in the Florida Retirement System, except as provided in s. 121.122.*

Section 6. Paragraphs (c) and (d) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(c) A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may:

1. Serve and execute such order on any day of the week, at any time of the day or night; and

2. *Use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and take custody of the person who is the subject of the ex parte order. When practicable, a law enforcement officer who has received crisis intervention team (CIT) training shall be assigned to serve and execute the ex parte order.*

(d)1. *A law enforcement officer taking custody of a person under this subsection may seize and hold a firearm or any ammunition the person possesses at the time of taking him or her into custody if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person.*

2. *If the law enforcement officer takes custody of the person at the person's residence and the criteria in subparagraph 1. have been met, the law enforcement officer may seek the voluntary surrender of firearms or ammunition kept in the residence which have not already been seized under subparagraph 1. If such firearms or ammunition are not voluntarily surrendered, or if the person has other firearms or ammunition that were not seized or voluntarily surrendered when he or she was taken into custody, a law enforcement officer may petition the appropriate court under s. 790.401 for a risk protection order against the person.*

3. *Firearms or ammunition seized or voluntarily surrendered under this paragraph must be made available for return no later than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged from any inpatient or involuntary outpatient treatment provided or ordered under paragraph (g), unless a risk protection order entered under s. 790.401 directs the law enforcement agency to hold the firearms or ammunition for a longer period or the person is subject to a firearm purchase disability under s. 790.065(2), or a firearm possession and firearm ownership disability under s. 790.064. The process for the actual return of firearms or ammunition seized or voluntarily surrendered under this paragraph may not take longer than 7 days.*

4. *Law enforcement agencies must develop policies and procedures relating to the seizure, storage, and return of firearms or ammunition held under this paragraph. A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and to take custody of the person who is the subject of the ex parte order.*

Section 7. Section 394.495, Florida Statutes, is amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(1) The department shall establish, within available resources, an array of services to meet the individualized service and treatment needs of children and adolescents who are members of the target populations specified in s. 394.493, and of their families. It is the intent of the Legislature that a child or adolescent may not be admitted to a state mental health facility and such a facility may not be included within the array of services.

(2) The array of services must include assessment services that provide a professional interpretation of the nature of the problems of the child or adolescent and his or her family; family issues that may impact the problems; additional factors that contribute to the problems; and the assets, strengths, and resources of the child or adolescent and his or her family. The assessment services to be provided shall be determined by the clinical needs of each child or adolescent. Assessment services include, but are not limited to, evaluation and screening in the following areas:

- (a) Physical and mental health for purposes of identifying medical and psychiatric problems.
- (b) Psychological functioning, as determined through a battery of psychological tests.
- (c) Intelligence and academic achievement.
- (d) Social and behavioral functioning.
- (e) Family functioning.

The assessment for academic achievement is the financial responsibility of the school district. The department shall cooperate with other state agencies and the school district to avoid duplicating assessment services.

- (3) Assessments must be performed by:
 - (a) A professional as defined in s. 394.455(5), (7), (32), (35), or (36);
 - (b) A professional licensed under chapter 491; or
 - (c) A person who is under the direct supervision of a qualified professional as defined in s. 394.455(5), (7), (32), (35), or (36) or a professional licensed under chapter 491.
- (4) The array of services may include, but is not limited to:
 - (a) Prevention services.
 - (b) Home-based services.
 - (c) School-based services.
 - (d) Family therapy.
 - (e) Family support.
 - (f) Respite services.
 - (g) Outpatient treatment.
 - (h) Day treatment.
 - (i) Crisis stabilization.
 - (j) Therapeutic foster care.
 - (k) Residential treatment.
 - (l) Inpatient hospitalization.
 - (m) Case management.
 - (n) Services for victims of sex offenses.
 - (o) Transitional services.
 - (p) Trauma-informed services for children who have suffered sexual exploitation as defined in s. 39.01(71)(g).

(5) In order to enhance collaboration between agencies and to facilitate the provision of services by the child and adolescent mental health treatment and support system and the school district, the local child and adolescent mental health system of care shall include the local educational multiagency network for severely emotionally disturbed students specified in s. 1006.04.

(6) *The department shall contract for community action treatment teams throughout the state with the managing entities. A community action treatment team shall:*

(a) *Provide community-based behavioral health and support services to children from 11 to 13 years of age, adolescents, and young adults from 18 to 21 years of age with serious behavioral health conditions who are at risk of out-of-home placement as demonstrated by:*

- 1. *Repeated failures at less intensive levels of care;*
- 2. *Two or more behavioral health hospitalizations;*

- 3. *Involvement with the Department of Juvenile Justice;*
- 4. *A history of multiple episodes involving law enforcement; or*
- 5. *A record of poor academic performance or suspensions.*

Children younger than 11 years of age who otherwise meet the criteria in this paragraph may be candidates for such services if they demonstrate two or more of the characteristics listed in subparagraph 1.-5.

(b) *Use an integrated service delivery approach to comprehensively address the needs of the child, adolescent, or young adult and strengthen his or her family and support systems to assist the child, adolescent, or young adult to live successfully in the community. A community action treatment team shall address the therapeutic needs of the child, adolescent, or young adult receiving services and assist parents and caregivers in obtaining services and support. The community action treatment team shall make referrals to specialized treatment providers if necessary, with follow up by the community action treatment team to ensure services are received.*

(c) *Focus on engaging the child, adolescent, or young adult and his or her family as active participants in every phase of the treatment process. Community action treatment teams shall be available to the child, adolescent, or young adult and his or her family at all times.*

(d) *Coordinate with other key entities providing services and supports to the child, adolescent, or young adult and his or her family, including, but not limited to, the child's, adolescent's, or young adult's school, the local educational multiagency network for severely emotionally disturbed students under s. 1006.04, the child welfare system, and the juvenile justice system. Community action treatment teams shall also coordinate with the managing entity in their service location.*

(e)1. *Subject to appropriations and at a minimum, individually serve each of the following counties or regions:*

- a. *Alachua.*
- b. *Alachua, Columbia, Dixie, Hamilton, Lafayette, and Suwannee.*
- c. *Bay.*
- d. *Brevard.*
- e. *Collier.*
- f. *DeSoto and Sarasota.*
- g. *Duval.*
- h. *Escambia.*
- i. *Hardee, Highlands, and Polk.*
- j. *Hillsborough.*
- k. *Indian River, Martin, Okeechobee, and St. Lucie.*
- l. *Lake and Sumter.*
- m. *Lee.*
- n. *Manatee.*
- o. *Marion.*
- p. *Miami-Dade.*
- q. *Okaloosa.*
- r. *Orange.*
- s. *Palm Beach.*
- t. *Pasco.*
- u. *Pinellas.*
- v. *Walton.*

2. Subject to appropriations, the department shall contract for additional teams through the managing entities to ensure the availability of community action treatment team services in the remaining areas of the state.

Section 8. Effective October 1, 2018, section 790.222, Florida Statutes, is created to read:

790.222 Bump-fire stocks prohibited.—A person may not import into this state or transfer, distribute, sell, keep for sale, offer for sale, possess, or give to another person a bump-fire stock. A person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this section, the term “bump-fire stock” means a conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic automatic weapon fire or which is used to increase the rate of fire to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device.

Section 9. Section 790.064, Florida Statutes, is created to read:

790.064 Firearm possession and firearm ownership disability.—

(1) A person who has been adjudicated mentally defective or who has been committed to a mental institution, as those terms are defined in s. 790.065(2), may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained.

(2) The firearm possession and firearm ownership disability runs concurrently with the firearm purchase disability provided in s. 790.065(2).

(3) A person may petition the court that made the adjudication or commitment, or that ordered that the record be submitted to the Department of Law Enforcement pursuant to s. 790.065(2), for relief from the firearm possession and firearm ownership disability.

(4) The person seeking relief must follow the procedures set forth in s. 790.065(2) for obtaining relief from the firearm purchase disability in seeking relief from the firearm possession and firearm ownership disability.

(5) The person may seek relief from the firearm possession and firearm ownership disability simultaneously with the relief being sought from the firearm purchase disability, if such relief is sought, pursuant to the procedure set forth in s. 790.065(2).

Section 10. (1) Section 790.401, Florida Statutes, is intended to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms or ammunition by allowing law enforcement officers to obtain a court order when there is 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.

(2) The purpose and intent of s. 790.401, Florida Statutes, is to reduce deaths and injuries as a result of certain individuals' use of firearms while respecting constitutional rights by providing a judicial procedure for law enforcement officers to obtain a court order temporarily restricting a person's access to firearms and ammunition. The process established by s. 790.401, Florida Statutes, is intended to apply only to situations in which the person poses a significant danger of harming himself or herself or others by possessing a firearm or ammunition and to include standards and safeguards to protect the rights of respondents and due process of law.

Section 11. Section 790.401, Florida Statutes, may be cited as “The Risk Protection Order Act.”

Section 12. Section 790.401, Florida Statutes, is created to read:

790.401 Risk protection orders.—

(1) **DEFINITIONS.**—As used in this section, the term:

(a) “Petitioner” means a law enforcement officer or a law enforcement agency that petitions a court for a risk protection order under this section.

(b) “Respondent” means the individual who is identified as the respondent in a petition filed under this section.

(c) “Risk protection order” means a temporary ex parte order or a final order granted under this section.

(2) **PETITION FOR A RISK PROTECTION ORDER.**—There is created an action known as a petition for a risk protection order.

(a) A petition for a risk protection order may be filed by a law enforcement officer or law enforcement agency.

(b) An action under this section must be filed in the county where the petitioner's law enforcement office is located or the county where the respondent resides.

(c) Such petition for a risk protection order does not require either party to be represented by an attorney.

(d) Notwithstanding any other law, attorney fees may not be awarded in any proceeding under this section.

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;

2. Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and

3. Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.

(f) The petitioner must make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for a risk protection order or has already done so and must include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice or must attest to the steps that will be taken to provide such notice.

(g) The petitioner must list the address of record on the petition as being where the appropriate law enforcement agency is located.

(h) A court or a public agency may not charge fees for filing or for service of process to a petitioner seeking relief under this section and must provide the necessary number of certified copies, forms, and instructional brochures free of charge.

(i) A person is not required to post a bond to obtain relief in any proceeding under this section.

(j) The circuit courts of this state have jurisdiction over proceedings under this section.

(3) **RISK PROTECTION ORDER HEARINGS AND ISSUANCE.**—

(a) Upon receipt of a petition, the court must order a hearing to be held no later than 14 days after the date of the order and must issue a notice of hearing to the respondent for the same.

1. The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as provided in subsection (5).

2. The court may, as provided in subsection (4), issue a temporary ex parte risk protection order pending the hearing ordered under this subsection. Such temporary ex parte order must be served concurrently with the notice of hearing and petition as provided in subsection (5).

3. The court may conduct a hearing by telephone pursuant to a local court rule to reasonably accommodate a disability or exceptional circumstances. The court must receive assurances of the petitioner's identity before conducting a telephonic hearing.

(b) Upon notice and a hearing on the matter, if the court finds by clear and convincing evidence that the respondent 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 or any ammunition, the court must issue a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months.

(c) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

1. A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm.

2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others.

3. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.

4. A violation by the respondent of a risk protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.

5. A previous or existing risk protection order issued against the respondent.

6. A violation of a previous or existing risk protection order issued against the respondent.

7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled *nolo contendere* to a crime that constitutes domestic violence as defined in s. 741.28.

8. The respondent's ownership of, access to, or intent to possess firearms or ammunition.

9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.

10. The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.

11. Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled *nolo contendere* to a crime involving violence or a threat of violence.

12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.

13. Evidence of recent acquisition of firearms or ammunition by the respondent.

14. Any relevant information from family and household members concerning the respondent.

15. Witness testimony, taken while the witness is under oath, relating to the matter before the court.

(d) A person, including an officer of the court, who offers evidence or recommendations relating to the cause of action either must present the evidence or recommendations in writing to the court with copies to each party and his or her attorney, if one is retained, or must present the evidence under oath at a hearing at which all parties are present.

(e) In a hearing under this section, the rules of evidence apply to the same extent as in a domestic violence injunction proceeding under s. 741.30.

(f) During the hearing, the court must consider whether a mental health evaluation or chemical dependency evaluation is appropriate

and, if such determination is made, may order such evaluations, if appropriate.

(g) A risk protection order must include all of the following:

1. A statement of the grounds supporting the issuance of the order;

2. The date the order was issued;

3. The date the order ends;

4. Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;

5. The address of the court in which any responsive pleading should be filed;

6. A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, under subsection (7); and

7. The following statement:

"To the subject of this protection order: This order will last until the date noted above. If you have not done so already, you must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition that you own in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You have the right to request one hearing to vacate this order, starting after the date of the issuance of this order, and to request another hearing after every extension of the order, if any. You may seek the advice of an attorney as to any matter connected with this order."

(h) If the court issues a risk protection order, the court must inform the respondent that he or she is entitled to request a hearing to vacate the order in the manner provided by subsection (6). The court shall provide the respondent with a form to request a hearing to vacate.

(i) If the court denies the petitioner's request for a risk protection order, the court must state the particular reasons for the denial.

(4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.—

(a) A petitioner may request that a temporary *ex parte* risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.

(b) In considering whether to issue a temporary *ex parte* risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in paragraph (3)(c).

(c) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition, the court must issue a temporary *ex parte* risk protection order.

(d) The court must hold a temporary *ex parte* risk protection order hearing in person or by telephone on the day the petition is filed or on the business day immediately following the day the petition is filed.

(e) A temporary *ex parte* risk protection order must include all of the following:

1. A statement of the grounds asserted for the order;

2. The date the order was issued;

3. The address of the court in which any responsive pleading may be filed;

4. The date and time of the scheduled hearing;

5. A description of the requirements for the surrender of all firearms and ammunition that the respondent owns, under subsection (7); and

6. The following statement:

“To the subject of this protection order: This order is valid until the date noted above. You are required to surrender all firearms and ammunition that you own in your custody, control, or possession. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. A hearing will be held on the date and at the time noted above to determine if a risk protection order should be issued. Failure to appear at that hearing may result in a court issuing an order against you which is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order.”

(f) A temporary ex parte risk protection order ends upon the hearing on the risk protection order.

(g) A temporary ex parte risk protection order must be served by a law enforcement officer in the same manner as provided for in subsection (5) for service of the notice of hearing and petition and must be served concurrently with the notice of hearing and petition.

(h) If the court denies the petitioner’s request for a temporary ex parte risk protection order, the court must state the particular reasons for the denial.

(5) SERVICE.—

(a) The clerk of the court shall furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of a temporary ex parte risk protection order or a risk protection order that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. The clerk of the court shall be responsible for furnishing to the sheriff information on the respondent’s physical description and location. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency effecting service pursuant to this section shall use service and verification procedures consistent with those of the sheriff. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(b) All orders issued, changed, continued, extended, or vacated after the original service of documents specified in paragraph (a) must be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

(6) TERMINATION AND EXTENSION OF ORDERS.—

(a) The respondent may submit one written request for a hearing to vacate a risk protection order issued under this section, starting after the date of the issuance of the order, and may request another hearing after every extension of the order, if any.

1. Upon receipt of the request for a hearing to vacate a risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with subsection (5). The hearing

must occur no sooner than 14 days and no later than 30 days after the date of service of the request upon the petitioner.

2. The respondent shall have the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm or ammunition. The court may consider any relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds after the hearing that the respondent has met his or her burden of proof, the court must vacate the order.

4. The law enforcement agency holding any firearm or ammunition or license to carry a concealed weapon or firearm that has been surrendered pursuant to this section shall be notified of the court order to vacate the risk protection order.

(b) The court must notify the petitioner of the impending end of a risk protection order. Notice must be received by the petitioner at least 30 days before the date the order ends.

(c) The petitioner may, by motion, request an extension of a risk protection order at any time within 30 days before the end of the order.

1. Upon receipt of the motion to extend, the court shall order that a hearing be held no later than 14 days after the date the order is issued and shall schedule such hearing.

a. The court may schedule a hearing by telephone in the manner provided by subparagraph (3)(a)3.

b. The respondent must be personally serviced in the same manner provided by subsection (5).

2. In determining whether to extend a risk protection order issued under this section, the court may consider all relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds by clear and convincing evidence that the requirements for issuance of a risk protection order as provided in subsection (3) continue to be met, the court must extend the order. However, if, after notice, the motion for extension is uncontested and no modification of the order is sought, the order may be extended on the basis of a motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension.

4. The court may extend a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months, subject to an order to vacate as provided in paragraph (a) or to another extension order by the court.

(7) SURRENDER OF FIREARMS AND AMMUNITION.—

(a) Upon issuance of a risk protection order under this section, including a temporary ex parte risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition owned by the respondent in the respondent’s custody, control, or possession except as provided in subsection (9), and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent.

(b) The law enforcement officer serving a risk protection order under this section, including a temporary ex parte risk protection order, shall request that the respondent immediately surrender all firearms and ammunition owned by the respondent in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent. The law enforcement officer shall take possession of all firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, which are surrendered. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent must surrender any firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, in a safe manner to the control of the local law enforcement agency im-

mediately after being served with the order by service or immediately after the hearing at which the respondent was present. Notwithstanding ss. 933.02 and 933.18, a law enforcement officer may seek a search warrant from a court of competent jurisdiction to conduct a search for firearms or ammunition owned by the respondent if the officer has probable cause to believe that there are firearms or ammunition owned by the respondent in the respondent's custody, control, or possession which have not been surrendered.

(c) At the time of surrender, a law enforcement officer taking possession of any firearm or ammunition owned by the respondent, or a license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered, and any license surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(d) Notwithstanding ss. 933.02 and 933.18, upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition owned by the respondent, as required by an order issued under this section, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. If the court finds that probable cause exists, the court must issue a warrant describing the firearms or ammunition owned by the respondent and authorizing a search of the locations where the firearms or ammunition owned by the respondent are reasonably believed to be found and the seizure of any firearms or ammunition owned by the respondent discovered pursuant to such search.

(e) If a person other than the respondent claims title to any firearms or ammunition surrendered pursuant to this section and he or she is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her, if:

1. The lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have access to or control of the firearm or ammunition.

2. The firearm or ammunition is not otherwise unlawfully possessed by the owner.

(f) Upon the issuance of a risk protection order, the court shall order a new hearing date and require the respondent to appear no later than 3 business days after the issuance of the order. The court shall require proof that the respondent has surrendered any firearms or ammunition owned by the respondent in the respondent's custody, control, or possession. The court may cancel the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(g) All law enforcement agencies must develop policies and procedures regarding the acceptance, storage, and return of firearms, ammunition, or licenses required to be surrendered under this section.

(8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

(a) If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition owned by the respondent or a license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent, that has been surrendered or seized pursuant to this section must return such surrendered firearm, ammunition, or license to carry a concealed weapon or firearm issued under s. 790.06, as requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or has ended without extension.

(b) If a risk protection order is vacated or ends without extension, the Department of Agriculture and Consumer Services, if it has suspended a license to carry a concealed weapon or firearm pursuant to this section, must reinstate such license only after confirming that the respondent is

currently eligible to have a license to carry a concealed weapon or firearm pursuant to s. 790.06.

(c) A law enforcement agency must provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition owned by the respondent.

(d) Any firearm and ammunition surrendered by a respondent pursuant to subsection (7) which remains unclaimed for 1 year by the lawful owner after an order to vacate the risk protection order shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

(9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may elect to transfer all firearms and ammunition owned by the respondent that have been surrendered to or seized by a local law enforcement agency pursuant to subsection (7) to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency must allow such a transfer only if it is determined that the chosen recipient:

(a) Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;

(b) Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and

(c) Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the respondent is vacated or ends without extension.

(10) REPORTING OF ORDERS.—

(a) Within 24 hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.

(b) Within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the Florida Crime Information Center and National Crime Information Center. The order must remain in each system for the period stated in the order, and the law enforcement agency may only remove an order from the systems which has ended or been vacated. Entry of the order into the Florida Crime Information Center and National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.

(c) The issuing court shall, within 3 business days after issuance of a risk protection order or temporary ex parte risk protection order, forward all available identifying information concerning the respondent, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department must immediately suspend the license.

(d) If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the Department of Agriculture and Consumer Services and the appropriate law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to paragraph (b).

(11) PENALTIES.—

(a) A person who makes a false statement, which he or she does not believe to be true, under oath in a hearing under this section in regard to any material matter commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any

ammunition with knowledge that he or she is prohibited from doing so by an order issued under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) **LAW ENFORCEMENT RETAINS OTHER AUTHORITY.**—This section does not affect the ability of a law enforcement officer to remove a firearm or ammunition or license to carry a concealed weapon or concealed firearm from any person or to conduct any search and seizure for firearms or ammunition pursuant to other lawful authority.

(13) **LIABILITY.**—Except as provided in subsection (8) or subsection (11), this section does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining a risk protection order or temporary ex parte risk protection order, including, but not limited to, providing notice to the petitioner, a family or household member of the respondent, and any known third party who may be at risk of violence or failure to provide such notice, or reporting, declining to report, investigating, declining to investigate, filing, or declining to file, a petition under this section.

(14) **INSTRUCTIONAL AND INFORMATIONAL MATERIAL.**—

(a) The Office of the State Courts Administrator shall develop and prepare instructions and informational brochures, standard petitions and risk protection order forms, and a court staff handbook on the risk protection order process. The standard petition and order forms must be used after January 1, 2019, for all petitions filed and orders issued pursuant to this section. The office shall determine the significant non-English-speaking or limited English-speaking populations in the state and prepare the instructions and informational brochures and standard petitions and risk protection order forms in such languages. The instructions, brochures, forms, and handbook must be prepared in consultation with interested persons, including representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials must be based on best practices and must be available online to the public.

1. The instructions must be designed to assist petitioners in completing the petition and must include a sample of a standard petition and order for protection forms.

2. The instructions and standard petition must include a means for the petitioner to identify, with only layman’s knowledge, the firearms or ammunition the respondent may own, possess, receive, or have in his or her custody or control. The instructions must provide pictures of types of firearms and ammunition that the petitioner may choose from to identify the relevant firearms or ammunition, or must provide an equivalent means to allow petitioners to identify firearms or ammunition without requiring specific or technical knowledge regarding the firearms or ammunition.

3. The informational brochure must describe the use of and the process for obtaining, extending, and vacating a risk protection order under this section and must provide relevant forms.

4. The risk protection order form must include, in a conspicuous location, notice of criminal penalties resulting from violation of the order and the following statement: “You have the sole responsibility to avoid or refrain from violating this order’s provisions. Only the court can change the order and only upon written request.”

5. The court staff handbook must allow for the addition of a community resource list by the clerk of the court.

(b) Any clerk of court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The court may make the community resource list available as part of or in addition to the informational brochures described in paragraph (a).

(c) The Office of the State Courts Administrator shall distribute a master copy of the petition and order forms, instructions, and informational brochures to the clerks of court. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and clerks of court in the state.

(d) Within 90 days after receipt of the master copy from the Office of the State Courts Administrator, the clerk of the court shall make

available the standardized forms, instructions, and informational brochures required by this subsection.

(e) The Office of the State Courts Administrator shall update the instructions, brochures, standard petition and risk protection order forms, and court staff handbook as necessary, including when changes in the law make an update necessary.

Section 13. Section 836.10, Florida Statutes, is amended to read:

836.10 Written threats to kill, or do bodily injury, or conduct a mass shooting or an act of terrorism; punishment.—Any person who writes or composes and also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or to do bodily injury to the person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent, or any person who makes, posts, or transmits a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Paragraph (f) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
784.081(2)	2nd	Aggravated assault on specified official or employee.	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
784.083(2)	2nd	Aggravated assault on code inspector.	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	827.03(2)(c)	3rd	Abuse of a child.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.	827.03(2)(d)	3rd	Neglect of a child.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.	836.05	2nd	Threats; extortion.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.	836.10	2nd	Written threats to kill, or do bodily injury, or conduct a mass shooting or an act of terrorism.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.	843.12	3rd	Aids or assists person to escape.
794.05(1)	2nd	Unlawful sexual activity with specified minor.	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.	944.40	2nd	Escapes.
812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.	Section 15. Section 943.082, Florida Statutes, is created to read: <i>943.082 School Safety Awareness Program.—</i>		
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).	<i>(1) In collaboration with the Department of Legal Affairs, the department shall competitively procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials. As recommended by students of Marjory Stoneman Douglas High School, the program shall be named "FortifyFL." At a minimum, the department must receive reports electronically through the mobile suspicious activity reporting tool that is available on both Android and Apple devices.</i>		
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.			
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.			

(2) The reporting tool must notify the reporting party of the following information:

(a) That the reporting party may provide his or her report anonymously.

(b) That if the reporting party chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials; however, the law enforcement agency and school officials shall be required to maintain the information as confidential.

(3) Information reported using the tool must be promptly forwarded to the appropriate law enforcement agency or school official.

(4) Law enforcement dispatch centers, school districts, schools, and other entities identified by the department shall be made aware of the mobile suspicious activity reporting tool.

(5) The department, in collaboration with the Division of Victims Services within the Office of the Attorney General and the Office of Safe Schools within the Department of Education, shall develop and provide a comprehensive training and awareness program on the use of the mobile suspicious activity reporting tool.

Section 16. Section 943.687, Florida Statutes, is created to read:

943.687 Marjory Stoneman Douglas High School Public Safety Commission.—

(1) There is created within the Department of Law Enforcement the Marjory Stoneman Douglas High School Public Safety Commission, a commission as defined in s. 20.03.

(2)(a) The commission shall convene no later than June 1, 2018, and shall be composed of 16 members. Five members shall be appointed by the President of the Senate, five members shall be appointed by the Speaker of the House of Representatives, and five members shall be appointed by the Governor. From the members of the commission, the Governor shall appoint the chair. Appointments must be made by April 30, 2018. The Commissioner of the Department of Law Enforcement shall serve as a member of the commission. The Secretary of Children and Families, the Secretary of Juvenile Justice, the Secretary of Health Care Administration, and the Commissioner of Education shall serve as ex officio, nonvoting members of the commission. Members shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment.

(b) The General Counsel of the Department of Law Enforcement shall serve as the general counsel for the commission.

(c) The Department of Law Enforcement staff, as assigned by the chair, shall assist the commission in performing its duties.

(d) The commission shall meet as necessary to conduct its work at the call of the chair and at the time designated by him or her at locations throughout the state. The commission may conduct its meetings through teleconferences or other similar means.

(e) Members of the commission are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061.

(3) The commission shall investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in this state and develop recommendations for system improvements. At a minimum, the commission shall analyze information and evidence from the Marjory Stoneman Douglas High School shooting and other mass violence incidents in this state. At a minimum the commission shall:

(a) Develop a timeline of the incident, incident response, and all relevant events preceding the incident, with particular attention to all perpetrator contacts with local, state and national government agencies and entities and any contract providers of such agencies and entities.

(b) Investigate any failures in incident responses by local law enforcement agencies and school resource officers.

1. Identify existing policies and procedures for active assailant incidents on school premises and evaluate the compliance with such policies and procedures in the execution of incident responses.

2. Evaluate existing policies and procedures for active assailant incidents on school premises in comparison with national best practices.

3. Evaluate the extent to which any failures in policy, procedure, or execution contributed to an inability to prevent deaths and injuries.

4. Make specific recommendations for improving law enforcement and school resource officer incident response in the future.

5. Make specific recommendations for determining the appropriate ratio of school resource officers per school by school type. At a minimum, the methodology for determining the ratio should include the school location, student population, and school design.

(c) Investigate any failures in interactions with perpetrators preceding mass violence incidents.

1. Identify the history of interactions between perpetrators and governmental entities such as schools, law enforcement agencies, courts and social service agencies, and identify any failures to adequately communicate or coordinate regarding indicators of risk or possible threats.

2. Evaluate the extent to which any such failures contributed to an inability to prevent deaths and injuries.

3. Make specific recommendations for improving communication and coordination among entities with knowledge of indicators of risk or possible threats of mass violence in the future.

4. Identify available state and local tools and resources for enhancing communication and coordination regarding indicators of risk or possible threats, including, but not limited to, the Department of Law Enforcement Fusion Center or Judicial Inquiry System, and make specific recommendations for using such tools and resources more effectively in the future.

(4) The commission has the power to investigate. The commission may delegate to its investigators the authority to administer oaths and affirmations.

(5) The Commissioner of the Department of Law Enforcement shall use his or her subpoena power to compel the attendance of witnesses to testify before the commission. The Commissioner of the Department of Law Enforcement shall use his or her subpoena power to compel the production of any books, papers, records, documentary evidence, and other items, including confidential information, relevant to the performance of the duties of the commission or to the exercise of its powers. The chair or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who appear before the commission for the purpose of testifying in any matter of which the commission desires evidence. In the case of a refusal to obey a subpoena, the commission may make application to any circuit court of this state having jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony relevant to the matter in question. Failure to obey the order may be punished by the court as contempt.

(6) The commission may call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties, and such agencies shall provide such assistance in a timely manner.

(7) Notwithstanding any other law, the commission may request and shall be provided with access to any information or records, including exempt or confidential and exempt information or records, which pertain to the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida being reviewed by the commission and which are necessary for the commission to carry out its duties. Information or records obtained by the commission which are otherwise exempt or confidential and exempt shall retain such exempt or confidential and exempt status and the commission may not disclose any such information or records.

(8) The commission shall submit an initial report on its findings and recommendations to the Governor, President of the Senate, and Speaker

of the House of Representatives by January 1, 2019, and may issue reports annually thereafter. The commission shall sunset July 1, 2023, and this section is repealed on that date.

Section 17. Section 1001.212, Florida Statutes, is created 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) 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 safety and security and recommendations to address findings identified pursuant to s. 1006.07(6).

(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.

(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 not limited to, the following data sources by December 1, 2018:

- (a) Social Media;
- (b) Department of Children and Families;
- (c) Department of Law Enforcement;
- (d) Department of Juvenile Justice; and
- (e) Local law enforcement.

(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 ch. 119. The department shall only allow access to data from the source agencies in accordance with rules adopted by the respective source agencies.

(10) Award grants to schools to improve the safety and security of school buildings based upon recommendations of the security risk assessment developed pursuant to subsection (1).

(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.

Section 18. Paragraph (a) of subsection (10) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(10) **EXCEPTIONS TO LAW.**—To encourage innovative practices and facilitate the mission of the lab schools, in addition to the exceptions to law specified in s. 1001.23(2), the following exceptions shall be permitted for lab schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 316.75; 1001.30; 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(2) ~~1006.12(1)~~; 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72; 1011.73; and 1011.74.

Section 19. Subsection (1) of section 1006.04, Florida Statutes, is amended to read:

1006.04 Educational multiagency services for students with severe emotional disturbance.—

(1)(a) *The multiagency network for students with emotional and behavioral disabilities works with education, mental health, child welfare, and juvenile justice professionals, along with other agencies and families, to provide children with mental illness or emotional and behavioral problems and their families with access to the services and supports they need to succeed. An intensive, integrated educational program; a continuum of mental health treatment services; and, when needed, residential services are necessary to enable students with severe emotional disturbance to develop appropriate behaviors and demonstrate academic and career education skills. The small incidence of severe emotional disturbance in the total school population requires multiagency programs to provide access to appropriate services for all students with severe emotional disturbance. District school boards should provide educational programs, and state departments and agencies administering children's mental health funds should provide mental health treatment and residential services when needed, as part of the forming a multiagency network to provide support for students with severe emotional disturbance.*

(b) *The purpose of the multiagency network is to: The program goals for each component of the multiagency network are to*

1. Enable students with severe emotional disturbance to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living; ~~to~~

2. Develop individual programs for students with severe emotional disturbance, including necessary educational, residential, and mental health treatment services; ~~to~~

3. Provide programs and services as close as possible to the student's home in the least restrictive manner consistent with the student's needs; ~~and to~~

4. Integrate a wide range of services necessary to support students with severe emotional disturbance and their families.

(c) *The multiagency network shall:*

1. Support and represent the needs of students in each school district in joint planning with fiscal agents of children's mental health funds,

including the expansion of school-based mental health services, transition services, and integrated education and treatment programs.

2. Improve coordination of services for children with or at risk of emotional or behavioral disabilities and their families by assisting multi-agency collaborative initiatives to identify critical issues and barriers of mutual concern and develop local response systems that increase home and school connections and family engagement.

3. Increase parent and youth involvement and development with local systems of care.

4. Facilitate student and family access to effective services and programs for students with and at risk of emotional or behavioral disabilities that include necessary educational, residential, and mental health treatment services, enabling these students to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living.

Section 20. Paragraph (b) of subsection (1), paragraphs (k) through (m) of subsection (2), and subsections (3), (4), and (6) of section 1006.07, Florida Statutes, are amended, and subsections (7) and (8) are 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, and juvenile justice actions, and referrals to mental health services 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.
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.

(2) CODE OF STUDENT CONDUCT.—Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(k) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program or referral of such students to mental health services identified by the school district pursuant to s. 1012.584(4).

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

(m) Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution and mental health services identified by the school district pursuant to s. 1012.584(4) for evaluation or treatment, when appropriate. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(3) STUDENT CRIME WATCH PROGRAM.—By resolution of the district school board, implement a student crime watch program to promote responsibility among students and improve school safety. The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials to assist in the control of criminal behavior within the schools.

(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 the public schools of the district comprised of which comprise grades K-12. Drills for active shooter and hostage situations shall be conducted at least as often as other emergency drills. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response 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 must be listed in the district's emergency response policy.

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

1. Weapon-use, and hostage, and active shooter situations. The active shooter situation training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.
2. Hazardous materials or toxic chemical spills.
3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(c) Establish a schedule to test the functionality and coverage capability of all emergency communication systems and determine if adequate signal strength is available in all areas of the school's campus.

(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 policies and procedures for compliance with state law and rules.

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.

4. Conduct a school security risk assessment in accordance with s. 1006.1493 at each public school using the school security risk assessment tool developed by the Office of Safe Schools. ~~Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to conduct a self-assessment of the school districts' current safety and security practices.~~ Based on the assessment ~~these self-assessment findings,~~ the district's school safety specialist ~~district school superintendent~~ shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually, each district school board must receive such findings and the school safety specialist's recommendations ~~the self-assessment results~~ at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the ~~report findings and recommendations.~~ Each school safety specialist ~~district school superintendent~~ shall report such findings ~~the self-assessment results~~ and school board action to the Office of Safe Schools ~~commissioner~~ within 30 days after the district school board meeting.

(b) Each school safety specialist shall coordinate with the appropriate public safety agencies, as defined in s. 365.171, that are designated as first responders to a school's campus to conduct a tour of such campus once every 3 years and provide recommendations related to school safety. The recommendations by the public safety agencies must be considered as part of the recommendations by the school safety specialist pursuant to paragraph (a).

(7) THREAT ASSESSMENT TEAMS.—Each district school board 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 the model policies developed by the Office of Safe Schools. Such policies shall include procedures for 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.

(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.

(c) Upon a preliminary determination by the 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, the threat assessment team may obtain criminal history record information, 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 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.

(f) Each threat assessment team established pursuant to this subsection shall report quantitative data on its activities to the Office of Safe Schools in accordance with guidance from the office.

(8) SAFETY IN CONSTRUCTION PLANNING.—A district school board must allow the law enforcement agency or agencies that are designated as first responders to the district's campus and school's campuses to tour such campuses once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board.

Section 21. Subsection (2) of section 1006.08, Florida Statutes, is amended to read:

1006.08 District school superintendent duties relating to student discipline and school safety.—

(2) Notwithstanding the provisions of s. 985.04(7) or any other provision of law to the contrary, the court shall, within 48 hours of the finding, notify the appropriate district school superintendent of the name and address of any student found to have committed a delinquent act, or who has had adjudication of a delinquent act withheld which, if committed by an adult, would be a felony, ~~or~~ the name and address of any student found guilty of a felony, ~~or the name and address of any student the court refers to mental health services.~~ Notification shall include the specific delinquent act found to have been committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.

Section 22. Section 1006.12, Florida Statutes, is amended to read:

1006.12 ~~Safe-school school resource officers at each public school and school safety officers.—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 safe-school officers at each school facility within the district by implementing any combination of the following options which best meets the needs of the school district:~~

(1) ~~District school boards may~~ Establish school resource officer programs, through a cooperative agreement with law enforcement agencies ~~or in accordance with subsection (2).~~

(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). The powers and duties of a law enforcement officer shall continue throughout the employee’s tenure as a school resource officer.~~

(b) School resource officers 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.

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

~~(2)(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 district school board may 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 superintendent may recommend and the district school board may appoint one or more school safety officers.~~

~~(b)(e) 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.~~

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

Section 23. Subsection (1), paragraph (c) of subsection (4), and subsection (8) of section 1006.13, Florida Statutes, are amended, and paragraph (f) is added to subsection (2) of that section, to read:

1006.13 Policy of zero tolerance for crime and victimization.—

(1) ~~District school boards shall~~ ~~It is the intent of the Legislature to~~ promote a safe and supportive learning environment in schools by ~~protecting, to protect~~ students and staff from conduct that poses a serious threat to school safety. A threat assessment team may, ~~and to encourage schools to~~ use alternatives to expulsion or referral to law enforcement agencies to address ~~by addressing~~ disruptive behavior

through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. ~~Zero-tolerance~~ ~~The Legislature finds that zero-tolerance policies may are not intended to be rigorously applied to~~ petty acts of misconduct and misdemeanors, including, but not limited to, minor fights or disturbances. ~~Zero-tolerance policies~~ ~~The Legislature finds that zero-tolerance policies~~ must apply equally to all students regardless of their economic status, race, or disability.

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

(f) ~~Requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.~~

(4)

(c) Zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, including, but not limited to, disorderly conduct, ~~disrupting a school function,~~ simple assault or battery, affray, theft of less than \$300, trespassing, and vandalism of less than \$1,000. ~~However, if a student commits more than one misdemeanor, the threat assessment team must consult with law enforcement to determine if the act should be reported to law enforcement.~~

(8) ~~A threat assessment team may~~ ~~School districts are encouraged to~~ use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety.

Section 24. Section 1006.1493, Florida Statutes, is created to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(1) ~~The department through the Office of Safe Schools pursuant s. 1001.212 shall contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be used by school officials at each school district and public school site in the state in conducting security assessments for use by school officials at each school district and public school site in the state.~~

(2) ~~The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).~~

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

1. ~~School emergency and crisis preparedness planning;~~
2. ~~Security, crime, and violence prevention policies and procedures;~~
3. ~~Physical security measures;~~
4. ~~Professional development training needs;~~
5. ~~An examination of support service roles in school safety, security, and emergency planning;~~
6. ~~School security and school police staffing, operational practices, and related services;~~
7. ~~School and community collaboration on school safety; and~~
8. ~~A return on investment analysis of the recommended physical security controls.~~

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

1. ~~Generate written automated reports on assessment findings for review by the department and school and district officials;~~
2. ~~Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and~~

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

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

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

Section 25. Subsection (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (17) and (18), respectively, paragraph (a) of subsection (4), paragraph (b) of subsection (6), subsection (14), and subsection (15) of that section are amended, and a new subsection (16) is added to that section, to read:

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

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

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

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

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

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

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

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction or improve school safety, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

~~2. Funds for safe schools.~~

~~2.3.~~ Funds for supplemental academic instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (1)(f).

~~3.4.~~ Funds for research-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (9)(a).

~~4.5.~~ Funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (17) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (17) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is created to provide funding to assist school districts in their compliance with s. 1006.07 ~~ss. 1006.07-1006.148~~, with priority given to implementing the district's establishing a school resource officer program pursuant to s. 1006.12. Each school district shall receive a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, two-thirds shall be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Any additional funds appropriated to this allocation in the 2018-2019 fiscal year to the school resource officer program established pursuant to s. 1006.12 shall be used exclusively for

employing or contracting for school resource officers, which shall be in addition to the number of officers employed or contracted for in the 2017-2018 fiscal year.

(16) **MENTAL HEALTH ASSISTANCE ALLOCATION.**—The mental health assistance allocation is created to provide funding to assist school districts in establishing or expanding school-based mental health care. These funds shall be allocated annually in the General Appropriations Act or other law to each eligible school district. Each school district shall receive a minimum of \$100,000 with the remaining balance allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Eligible charter schools are entitled to a proportionate share of district funding. At least 90 percent of a district's allocation must be expended on the elements specified in subparagraphs (b)1. and 2. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses. School districts are encouraged to maximize third party health insurance benefits and Medicaid claiming for services, where appropriate.

(a) Before the distribution of the allocation:

1. The school district must develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.

2. A charter school must develop and submit a detailed plan outlining the local program and planned expenditures to its governing body for approval. After the plan is approved by the governing body, it must be provided to the charter school's sponsor.

(b) The plans required under paragraph (a) must be focused on delivering evidence-based mental health care treatment to children and include the following elements:

1. Provision of mental health assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and students at high risk of such diagnoses.

2. Coordination of such services with a student's primary care provider and with other mental health providers involved in the student's care.

3. Direct employment of such service providers, or a contract-based collaborative effort or partnership with one or more local community mental health programs, agencies, or providers.

(c) School districts shall submit approved plans, including approved plans of each charter school in the district, to the commissioner by August 1 of each fiscal year.

(d) Beginning September 30, 2019, and annually by September 30 thereafter, each school district shall submit to the Department of Education a report on its program outcomes and expenditures for the previous fiscal year that, at a minimum, must include the number of each of the following:

1. Students who receive screenings or assessments.
2. Students who are referred for services or assistance.
3. Students who receive services or assistance.
4. Direct employment service providers employed by each school district.
5. Contract-based collaborative efforts or partnerships with community mental health programs, agencies, or providers.

Section 26. Section 1012.584, Florida Statutes, is created to read:

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(1) Beginning with the 2018-2019 school year, the Department of Education shall establish an evidence-based youth mental health awareness and assistance training program to help school personnel

identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem.

(2) The Department of Education shall select a national authority on youth mental health awareness and assistance to facilitate providing youth mental health awareness and assistance training, using a trainer certification model, to all school personnel in elementary, middle, and high schools. Each school safety specialist shall earn, or designate one or more individuals to earn, certification as a youth mental health awareness and assistance trainer. The school safety specialist shall ensure that all school personnel within his or her school district receive youth mental health awareness and assistance training.

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

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

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

(c) Information on how to engage at-risk students with the skills, resources, and knowledge required to assess the situation, and how to identify and encourage the student to use appropriate professional help and other support strategies, including, but not limited to, peer, social, or self-help care.

(4) Each school district shall notify all school personnel who have received training pursuant to this section of mental health services that are available in the school district, and the individual to contact if a student needs services. The term "mental health services" includes, but is not limited to, community mental health services, health care providers, and services provided under ss. 1006.04 and 1011.62(17).

Section 27. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, subsection (1) of section 794.056, Florida Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 28. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, section 938.085, Florida Statutes, is reenacted to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.

847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 29. For the 2018-2019 fiscal year, the sum of \$69,237,286 in recurring funds is appropriated from the General Revenue Fund to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Education Finance Program to fund the mental health assistance allocation created pursuant to s. 1011.62(16), Florida Statutes.

Section 30. For the 2018-2019 fiscal year, the sums of \$500,000 in recurring funds and \$6,200,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education to implement the youth mental health awareness and assistance training as directed pursuant to s. 1012.584, Florida Statutes.

Section 31. For the 2018-2019 fiscal year, the sum of \$1 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School in Broward County. The department shall collaborate with the students and faculty of Marjory Stoneman Douglas High School, the families of the victims, the Broward County School District, and other relevant entities of the Parkland community on the design and placement of the memorial.

Section 32. For the 2018-2019 fiscal year, the sum of \$25,262,714 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education combined with an equal amount of local matching funds for the purpose of replacing Building 12, as listed in the Florida Inventory of School Houses, at Marjory Stoneman Douglas High School in Broward County.

Section 33. For the 2018-2019 fiscal year, three full-time equivalent positions, with associated salary rate of 150,000, are authorized, and the sum of \$344,393 in recurring funds is appropriated from the General Revenue Fund to the Department of Education to fund the Office of Safe Schools created pursuant to s. 1001.212, Florida Statutes.

Section 34. For the 2018-2019 fiscal year, the sum of \$97,500,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Education Finance Program category for the safe schools allocation. These funds are in addition to the safe schools allocation funds appropriated in the Florida Education Finance Program in the Fiscal Year 2018-2019 General Appropriations Act. From these funds, \$187,340 shall be distributed to each school district and developmental research school to increase each school districts' minimum amount to \$250,000 when combined with the minimum amount appropriated in the 2018-2019 General Appropriations Act. Notwithstanding s. 1011.62(15), Florida Statutes, the balance of the funds appropriated in this section shall be distributed to school districts based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Each school district must use these funds exclusively for hiring or contracting for school resource officers pursuant to s. 1006.12, Florida Statutes.

Section 35. For the 2018-2019 fiscal year, the sum of \$100,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Education to competitively procure the active shooter training component of the school safety specialist training program pursuant to s. 1001.212, Florida Statutes.

Section 36. For the 2018-2019 fiscal year, the sum of \$98,962,286 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to implement a grant program that will provide awards to schools to fund, in whole or in part, the fixed capital outlay costs associated with improving the physical security of school buildings as identified by a security risk assessment completed before August 1, 2018, by a school district or charter school. By August 31, 2018, the department shall submit the grant guidelines, which must include an application submission deadline of no later than December 1,

2018, and the specific evaluation criteria, to all school districts and charter schools. The department shall award grants no later than January 15, 2019, based upon the evaluation criteria set forth in the application guidelines.

Section 37. For the 2018-2019 fiscal year, the sums of \$300,000 in nonrecurring funds and \$100,000 in recurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement to competitively procure proposals for the development or acquisition of the mobile suspicious activity reporting tool pursuant to s. 943.082, Florida Statutes. The tool shall be implemented no later than January 31, 2019.

Section 38. For the 2018-2019 fiscal year, five full-time equivalent positions, with associated salary rate of 345,000, are authorized and the recurring sum of \$600,000 and the nonrecurring sum of \$50,000 are appropriated from the General Revenue Fund to the Department of Law Enforcement to fund the operations of the Marjory Stoneman Douglas High School Public Safety Commission.

Section 39. For the 2018-2019 fiscal year, the sum of \$9,800,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Children and Families to competitively procure for additional community action treatment teams to ensure reasonable access among all counties. The department shall consider the geographic location of existing community action treatment teams and select providers to serve the areas of greatest need.

Section 40. For the 2018-2019 fiscal year, the sums of \$18,300,000 in recurring funds are appropriated from the General Revenue Fund to the Department of Children and Families to competitively procure proposals for additional mobile crisis teams to ensure reasonable access among all counties. The department shall consider the geographic location of existing mobile crisis teams and select providers to serve the areas of greatest need.

Section 41. For the 2018-2019 fiscal year, the sums of \$18,321 in recurring funds and \$225,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education in the Special Categories – Teacher and School Administrator Death Benefits category to provide for the benefits awarded pursuant to s. 112.1915, Florida Statutes, to the eligible recipients of the three Marjory Stoneman Douglas High School staff members who lost their lives on February 14, 2018.

Section 42. For the 2018-2019 fiscal year, the sum of \$3 million in recurring funds is appropriated from the General Revenue Fund to the Department of Education to competitively procure for the development or acquisition of the centralized data repository and analytics resources pursuant to s. 1001.212, Florida Statutes. The department shall collaborate with the Department of Law Enforcement and school districts to identify the requirements and functionality of the data repository and analytics resources and shall make such resources available to the school districts no later than December 1, 2018.

Section 43. For the 2018-2019 fiscal year, the sum of \$1 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to competitively procure a contract with a third-party security consultant with experience in conducting security risk assessments of public schools. Contract funds shall be used to review and analyze the department's current security risk assessment tool known as the Florida Safe Schools Assessment Tool (FSSAT) and a sample of self-assessments conducted by school districts using the FSSAT to determine the effectiveness of the recommendations produced based upon the FSSAT. The review shall include any recommended updates and enhancements with associated costs for their implementation to aid districts in developing recommendations to address safety and security issues discovered by the FSSAT. The department shall submit the completed review to the State Board of Education, the Executive Office of the Governor's Office of Policy and Budget, the chair of the Senate Committee on Appropriations, and the House of Representatives Appropriations Committee no later than January 1, 2019.

Section 44. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public safety; providing a short title; providing legislative findings; amending 16.555, F.S.; authorizing the awarding of grants through the Crime Stoppers Trust Fund for student crime watch programs; amending s. 20.15, F.S.; establishing the Office of Safe Schools within the Department of Education; amending s. 121.091, F.S.; authorizing certain retired law enforcement officers to be reemployed as school resource officers after meeting specified termination requirements; authorizing such retired law enforcement officers to receive compensation and retirement benefits after a specified period; providing that such retired law enforcement officers may not renew membership in the Florida Retirement System, except as otherwise provided; amending s. 394.463, F.S.; requiring when practicable that a law enforcement officer with certain training be assigned to serve and execute certain ex parte orders; authorizing a law enforcement officer to seize and hold firearms and ammunition if taking custody of a person who poses a potential danger to himself or herself or others and who has made a credible threat against another person; authorizing a law enforcement officer to seek the voluntary surrender of firearms and ammunition kept in the residence if the law enforcement officer takes custody of the person at the person's residence and certain criteria are met; authorizing such law enforcement officer to petition an appropriate court for a risk protection order under certain circumstances; requiring that firearms and ammunition seized or voluntarily surrendered be returned within a certain timeframe under specified circumstances; providing exceptions; requiring law enforcement agencies to develop policies and procedures relating to the seizure, storage, and return of firearms and ammunition; amending s. 394.495, F.S.; requiring the Department of Children and Families to contract for community action treatment teams throughout the state with the managing entities; specifying requirements for community action treatment teams; subject to legislative appropriation, requiring the department to contract for additional teams to ensure statewide availability of services; creating s. 790.222, F.S.; defining the term "bump-fire stock"; prohibiting specified acts relating to the sale and possession of bump-fire stocks; providing criminal penalties; providing legislative intent; providing a short title; creating s. 790.064, F.S.; prohibiting a person who has been adjudicated mentally defective or been committed to a mental institution from owning or possessing a firearm until certain relief is obtained; specifying that the firearm possession and ownership disability runs concurrently with the firearm purchase disability under certain provisions; authorizing a person to petition for relief from the firearm possession and ownership disability; requiring that petitions for relief follow certain procedures; authorizing such person to petition for simultaneous relief; creating s. 790.401, F.S.; defining terms; creating an action known as a petition for a risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms or ammunition; providing requirements for petitions for such orders; providing duties for courts and clerks of court; prohibiting fees for the filing of or service of process of such petitions; providing for jurisdiction for such petitions; requiring hearings on petitions within a specified period; providing service requirements; providing grounds that may be considered in determining whether to grant such a petition; providing requirements for proceedings; providing requirements for risk protection orders; requiring the court to inform a respondent of his or her right to request a certain hearing; authorizing temporary ex parte orders under certain circumstances; providing requirements for petitions for such ex parte orders; providing for service of orders; providing for the termination or extension of an order; providing for the surrender and storage of firearms, ammunition, and licenses to carry a concealed weapon or firearm after issuance of a risk protection order; requiring law enforcement agencies to develop certain policies and procedures; providing for return of firearms and ammunition upon the vacating or end without the extension of an order under certain circumstances; authorizing a respondent to elect to transfer all firearms and ammunition surrendered or seized by a law enforcement agency to another person under certain circumstances; requiring a clerk of the court to forward a copy of a risk protection order to the appropriate law enforcement agency within a specified timeframe; requiring the law enforcement agency to enter the order into the Florida Crime Information Center and the National Crime Information Center systems; requiring that the order be maintained in the systems for a specified period and prohibiting a law enforcement from removing an order from the systems which has not ended or been vacated; providing that entry of an order into the systems constitutes notice to law enforcement agencies; requiring an issuing court to forward specified information concerning a respondent to the Department of Agriculture and Consumer Services

within a specified timeframe; requiring the department to suspend a license to carry a concealed weapon or firearm which is held by a person subject to such an order; prohibiting a person from making a false statement under oath; providing criminal penalties; prohibiting violations of such an order; providing criminal penalties; providing construction; providing that the risk protection order provisions do not create liability for certain acts or omissions; requiring the Office of the State Courts Administrator to develop and distribute certain instructional and informational material; amending s. 836.10, F.S.; prohibiting a person from making, posting, or transmitting a threat to conduct a mass shooting or an act of terrorism in a writing or other record in any manner that would allow another person to view the threat; providing criminal penalties; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; creating s. 943.082, F.S.; requiring the Department of Law Enforcement, in collaboration with the Department of Legal Affairs, to competitively procure a mobile suspicious activity tool with certain features; requiring the department to receive certain electronic reports; requiring the reporting tool to notify the reporting party of certain information; requiring the forwarding of certain information to appropriate law enforcement agencies; requiring that certain entities be made aware of the reporting tool; requiring the department, in collaboration with certain entities, to develop and provide certain training and awareness relating to the reporting tool; creating s. 943.687, F.S.; creating the Marjory Stoneman Douglas High School Public Safety Commission within the Department of Law Enforcement; requiring the commission to convene by a certain date; specifying the composition of the commission; requiring Department of Law Enforcement staff to assist the commission; specifying meeting requirements; authorizing reimbursement for per diem and travel expenses; providing the duties and authority of the commission; requiring the commission to submit an initial report to the Governor and the Legislature within a specified time; providing for the expiration of the commission; creating s. 1001.212, F.S.; creating the Office of Safe Schools within the Department of Education; providing duties of the office; amending s. 1002.32, F.S.; conforming a cross-reference; amending s. 1006.04, F.S.; revising the purpose and duties of the educational multiagency network for students with emotional and behavioral disabilities; amending s. 1006.07, F.S.; revising district school board duties relating to student discipline and school safety; requiring students to note referrals to mental health services upon initial registration for school within a school district; authorizing a district school board to refer a student to certain mental health services under certain circumstances; revising the code of student conduct relating to the referral of certain students to certain mental health services and law enforcement; providing requirements for student crime watch programs; revising the policies and procedures for emergency drills to include drills for active shooter and hostage situations; providing requirements for such drills; revising requirements for the emergency response policy; requiring model emergency management and emergency preparedness procedures for active shooter situations; requiring school districts to establish a schedule to test emergency communication systems; requiring district school superintendents to establish certain policies and procedures relating to the prevention of violence on school grounds and designate a school safety specialist for the school district; providing requirements and duties for school safety specialists; providing school safety specialist requirements relating to the required school security risk assessments; requiring each district school board to establish a threat assessment team at each school within the district; providing requirements and duties for threat assessment teams; authorizing a threat assessment team to obtain certain criminal history record information under certain circumstances; prohibiting a member of a threat assessment team from disclosing or using such information except for a specified purpose; authorizing certain entities to share specified confidential information and records relating to students for specified purposes; authorizing school personnel to address an immediate mental health or substance abuse crisis; providing requirements for addressing such situations; providing threat assessment team reporting requirements; amending s. 1006.08, F.S.; requiring a district school superintendent to be notified by the court of a student referred to mental health services; amending s. 1006.12, F.S.; requiring district school boards to establish or assign safe-school officers at each district school facility within the district; requiring school resource officers and school safety officers to undergo specified evaluations; amending s. 1006.13, F.S.; revising the policy of zero tolerance for crime and victimization; providing district school board responsibilities; authorizing a threat assessment team to use specified alternatives to expulsion or referral to law enforcement to address disruptive behavior; providing requirements for zero-tolerance

policies; requiring a threat assessment team to consult with law enforcement under certain circumstances; creating s. 1006.1493, F.S.; requiring the department to contract with a security consulting firm to develop, update, and implement a risk assessment tool; providing requirements for the Florida Safe Schools Assessment Tool; requiring reports, training, and advice in the security consulting firm contract; requiring a specified annual report to the Governor and Legislature by a specified date; providing for construction regarding the applicability of public records exemptions for certain security data and information; amending s. 1011.62, F.S.; authorizing a district school board to use certain categorical appropriations to improve school safety; revising the safe schools allocation; creating the mental health assistance allocation; providing the purpose of the allocation; requiring that funds be allocated annually in the General Appropriations Act; providing for the annual allocation of such funds on a specified basis; providing that eligible charter schools are entitled to a proportionate share; prohibiting the use of allocated funds to supplant funds provided from other operating funds, to increase salaries, or to provide bonuses, except in certain circumstances; requiring that school districts and schools maximize certain third-party funding; requiring that school districts and charter schools annually develop and submit certain detailed plans; requiring that approved charter school plans be provided to the district for submission to the commissioner; providing that required plans must include certain elements; requiring school districts to annually submit approved plans to the Commissioner of Education by a specified date; requiring that entities receiving such allocations annually submit a final report on program outcomes and specific expenditures to the commissioner by a specified date; creating s. 1012.584, F.S.; requiring the department to establish a youth mental health awareness and assistance training program for specified purposes; providing department and program requirements; requiring certain school personnel to receive such training; requiring the school safety specialist to ensure certain personnel receive such training; requiring school districts to inform such personnel of the mental health services available in the district; providing appropriations for specified purposes; providing appropriations; reenacting ss. 794.056 and 938.085, F.S.; relating to the Rape Crises Program Trust Fund and additional cost to fund rape crises centers, respectively, to incorporate the amendment made to s. 836.10, F.S.; providing appropriations; providing effective dates.

Pursuant to Rule 7.1, there being no objection, consideration of the following late-filed amendment was allowed:

Senator Lee moved the following amendment to **Amendment 2 (726990)** which was adopted:

Amendment 2A (469780)—Delete lines 2100-2101 and insert: *General Revenue Fund to the Department of Education for the purpose of*

Amendment 2 (726990), as amended, failed.

Amendment 1 (234288), as amended, was adopted.

Pursuant to Rule 4.19, **CS for SB 7026**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Galvano—

SB 7024—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public records requirements for the address of a victim of an incident of mass violence; providing definitions; providing for future legislative review and repeal of the exemption; amending s. 119.011, F.S.; designating the address of a victim of an incident of mass violence as criminal intelligence information and criminal investigative information; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Senator Galvano moved the following amendment which was adopted:

Amendment 1 (103798)—Delete lines 24-26 and insert: *of mass violence” means an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate act of violence of another. For*

Pursuant to Rule 4.19, **SB 7024**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Galvano—

SB 1940—A bill to be entitled An act relating to public records and public meetings; amending s. 943.082, F.S.; creating an exemption from public records requirements for the identity of a reporting party held by a specified entity; amending s. 943.687, F.S.; providing an exemption from public meetings requirements for portions of meetings of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed; amending s. 1006.12, F.S.; providing an exemption from public records requirements for information that would identify whether a particular individual has been appointed as a safe-school officer; providing for future legislative review and repeal of the exemptions; providing statements of public necessity; providing a contingent effective date.

—was read the second time by title.

Senator Galvano moved the following amendment which was adopted:

Amendment 1 (172090) (with title amendment)—Delete lines 25-77 and insert:

(6) The identity of the reporting party received through the mobile suspicious activity reporting tool and held by the department, law enforcement agencies, or school officials is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any other information received through the mobile suspicious activity reporting tool and held by the department, law enforcement agencies, or school officials 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.

Section 2. Present subsection (8) of section 943.687, Florida Statutes, as created by SB 7026, 2018 Regular Session, is renumbered as subsection (9), and a new subsection (8) is added to that section, to read:

943.687 Marjory Stoneman Douglas High School Public Safety Commission.—

(8) Any portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission at which exempt or confidential and exempt information is discussed is exempt from s. 286.011 and s. 24(b), 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.

Section 3. Subsection (4) is added to section 1006.12, Florida Statutes, as amended by SB 7026, 2018 Regular Session, to read:

1006.12 Safe-school officers at each public school.—

(4) Any information that would identify whether a particular individual has been appointed as a 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.

Section 4. *(1) The Legislature finds that it is a public necessity that the identity of a person reporting unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, received through the mobile suspicious activity reporting tool and held by the Department of Law Enforcement, a law enforcement agency, or school officials, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, if the reporting person provides his or her identity. The public records exemption for the identity of those individuals reporting potentially harmful or threatening activities as part of the School Safety Awareness Program encourages individuals to act and not be fearful that their*

identity will be revealed. Without the public records exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear. Ensuring their identity is protected will encourage reporting, which could lead to law enforcement or other appropriate agencies intervening before an incident of mass violence occurs.

(2) The Legislature also finds that it is a public necessity that any other information received through the mobile suspicious activity reporting tool through the School Safety Awareness Program and held by the Department of Law Enforcement, law enforcement agencies, or school officials be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The public records exemption for any other information received through the mobile suspicious activity reporting tool protects information of a sensitive personal nature that, if disclosed, could be embarrassing. Without the public records exemption, individuals reporting such activities might be less willing to report their knowledge of these possible activities to the appropriate authorities out of fear and concern for their safety. The public records exemption will encourage reporting, which could lead to law enforcement or other appropriate agencies intervening before an incident of mass violence occurs. The public records exemption is also needed to protect the privacy of other individuals who are included in the report. After a report is made, law enforcement may find the report to be unfounded. For these reasons, the Legislature finds that it is a public necessity to protect any other information reported through the mobile suspicious activity reporting tool.

And the title is amended as follows:

Delete lines 3-5 and insert: amending s. 943.082, F.S.; providing exemptions from public records requirements for the identity of a reporting party and any information received through the mobile suspicious activity reporting tool which is held by the Department of Law Enforcement, law enforcement agencies, or school officials; amending

Pursuant to Rule 4.19, **SB 1940**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Benacquisto, the rules were waived and a deadline of 5:00 p.m., Sunday, March 4, 2018, was set for filing amendments to Bills on Third Reading to be considered Monday, March 5, 2018.

REPORTS OF COMMITTEES

The Committee on Appropriations recommends the following pass: CS for SB 848

The bill was referred to the Committee on Rules under the original reference.

The Committee on Appropriations recommends the following pass: SB 40; SB 42; CS for SB 424; SB 672; CS for CS for SB 774; CS for CS for SB 784; CS for SB 844; SB 1532; CS for CS for SB 1678

The bills were placed on the Calendar.

EXECUTIVE BUSINESS

EXECUTIVE APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:

The Secretary of State has certified that pursuant to the provisions of section 114.05, Florida Statutes, certificates subject to confirmation by the Senate have been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees of Miami-Dade College Appointee: Fuentes, Jose K., Miami	05/31/2019
Construction Industry Licensing Board Appointees: Cesarone, Donald M., Jr., Sunrise McCullers, Edward M., Estero	10/31/2019 10/31/2021
Board of Medicine Appointee: Lopez, Jorge, Orlando	10/31/2021

Referred to the Committee on Ethics and Elections.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 2 was corrected and approved.

CO-INTRODUCERS

Senators Broxson—CS for SB 382; Torres—CS for CS for SB 376

ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 6:15 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, March 5 or upon call of the President.