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LEGISLATIVE ACTION

Senate

House

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03/03/2018 06:04 PM

Senator Lee moved the following:

1 **Senate Substitute for Amendment (234288) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. This act may be cited as the "Marjory Stoneman
7 Douglas High School Public Safety Act."

8 Section 2. The Legislature finds there is a need to
9 comprehensively address the crisis of gun violence, including
10 but not limited to, gun violence on school campuses. The
11 Legislature intends to address this crisis by providing law



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12 enforcement and the courts with the tools to enhance public
13 safety by temporarily restricting firearm possession by a person
14 who is undergoing a mental health crisis and when there is
15 evidence of a threat of violence, and by promoting school safety
16 and enhanced coordination between education and law enforcement
17 entities at the state and local level.

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

20 16.555 Crime Stoppers Trust Fund; rulemaking.—

21 (5)

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

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

26 20.15 Department of Education.—There is created a
27 Department of Education.

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

30 (j) The Office of Safe Schools.

31 Section 5. Paragraph (c) of subsection (9) of section
32 121.091, Florida Statutes, is amended, and paragraph (f) is
33 added to that subsection to read:

34 121.091 Benefits payable under the system.—Benefits may not
35 be paid under this section unless the member has terminated
36 employment as provided in s. 121.021(39) (a) or begun
37 participation in the Deferred Retirement Option Program as
38 provided in subsection (13), and a proper application has been
39 filed in the manner prescribed by the department. The department
40 may cancel an application for retirement benefits when the



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

47 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

48 (c) Any person whose retirement is effective on or after
49 July 1, 2010, or whose participation in the Deferred Retirement
50 Option Program terminates on or after July 1, 2010, who is
51 retired under this chapter, except under the disability
52 retirement provisions of subsection (4) or as provided in s.
53 121.053, may be reemployed by an employer that participates in a
54 state-administered retirement system and receive retirement
55 benefits and compensation from that employer. However, a person
56 may not be reemployed by an employer participating in the
57 Florida Retirement System before meeting the definition of
58 termination in s. 121.021 and may not receive both a salary from
59 the employer and retirement benefits for 6 calendar months after
60 meeting the definition of termination, except as provided in
61 paragraph (f). However, a DROP participant shall continue
62 employment and receive a salary during the period of
63 participation in the Deferred Retirement Option Program, as
64 provided in subsection (13).

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

67 2. The employer shall pay retirement contributions in an
68 amount equal to the unfunded actuarial liability portion of the
69 employer contribution that would be required for active members



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70 of the Florida Retirement System in addition to the
71 contributions required by s. 121.76.

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

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

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

96 394.463 Involuntary examination.—

97 (2) INVOLUNTARY EXAMINATION.—

98 (c) A law enforcement officer acting in accordance with an



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99 ex parte order issued pursuant to this subsection may:

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

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

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

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

126 3. Firearms or ammunition seized or voluntarily surrendered
127 under this paragraph must be made available for return no later



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128 than 24 hours after the person taken into custody can document
129 that he or she is no longer subject to involuntary examination
130 and has been released or discharged from any inpatient or
131 involuntary outpatient treatment provided or ordered under
132 paragraph (g), unless a risk protection order entered under s.
133 790.401 directs the law enforcement agency to hold the firearms
134 or ammunition for a longer period or the person is subject to a
135 firearm purchase disability under s. 790.065(2), or a firearm
136 possession and firearm ownership disability under s. 790.064.
137 The process for the actual return of firearms or ammunition
138 seized or voluntarily surrendered under this paragraph may not
139 take longer than 7 days.

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

149 Section 7. Section 394.495, Florida Statutes, is amended to
150 read:

151 394.495 Child and adolescent mental health system of care;
152 programs and services.-

153 (1) The department shall establish, within available
154 resources, an array of services to meet the individualized
155 service and treatment needs of children and adolescents who are
156 members of the target populations specified in s. 394.493, and



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157 of their families. It is the intent of the Legislature that a
158 child or adolescent may not be admitted to a state mental health
159 facility and such a facility may not be included within the
160 array of services.

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

171 (a) Physical and mental health for purposes of identifying
172 medical and psychiatric problems.

173 (b) Psychological functioning, as determined through a
174 battery of psychological tests.

175 (c) Intelligence and academic achievement.

176 (d) Social and behavioral functioning.

177 (e) Family functioning.

178

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

183 (3) Assessments must be performed by:

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



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186 (b) A professional licensed under chapter 491; or
187 (c) A person who is under the direct supervision of a
188 qualified professional as defined in s. 394.455(5), (7), (32),
189 (35), or (36) or a professional licensed under chapter 491.
190 (4) The array of services may include, but is not limited
191 to:
192 (a) Prevention services.
193 (b) Home-based services.
194 (c) School-based services.
195 (d) Family therapy.
196 (e) Family support.
197 (f) Respite services.
198 (g) Outpatient treatment.
199 (h) Day treatment.
200 (i) Crisis stabilization.
201 (j) Therapeutic foster care.
202 (k) Residential treatment.
203 (l) Inpatient hospitalization.
204 (m) Case management.
205 (n) Services for victims of sex offenses.
206 (o) Transitional services.
207 (p) Trauma-informed services for children who have suffered
208 sexual exploitation as defined in s. 39.01(71)(g).
209 (5) In order to enhance collaboration between agencies and
210 to facilitate the provision of services by the child and
211 adolescent mental health treatment and support system and the
212 school district, the local child and adolescent mental health
213 system of care shall include the local educational multiagency
214 network for severely emotionally disturbed students specified in



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215 s. 1006.04.

216 (6) The department shall contract for community action
217 treatment teams throughout the state with the managing entities.

218 A community action treatment team shall:

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

224 1. Repeated failures at less intensive levels of care;

225 2. Two or more behavioral health hospitalizations;

226 3. Involvement with the Department of Juvenile Justice;

227 4. A history of multiple episodes involving law

228 enforcement; or

229 5. A record of poor academic performance or suspensions.

230

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

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



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

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

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

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

261 a. Alachua.

262 b. Alachua, Columbia, Dixie, Hamilton, Lafayette, and
263 Suwannee.

264 c. Bay.

265 d. Brevard.

266 e. Collier.

267 f. DeSoto and Sarasota.

268 g. Duval.

269 h. Escambia.

270 i. Hardee, Highlands, and Polk.

271 j. Hillsborough.

272 k. Indian River, Martin, Okeechobee, and St. Lucie.



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273 l. Lake and Sumter.

274 m. Lee.

275 n. Manatee.

276 o. Marion.

277 p. Miami-Dade.

278 q. Okaloosa.

279 r. Orange.

280 s. Palm Beach.

281 t. Pasco.

282 u. Pinellas.

283 v. Walton.

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

288 Section 8. Effective October 1, 2018, section 790.222,
289 Florida Statutes, is created to read:

290 790.222 Bump-fire stocks prohibited.—A person may not
291 import into this state or transfer, distribute, sell, keep for
292 sale, offer for sale, possess, or give to another person a bump-
293 fire stock. A person who violates this section commits a felony
294 of the third degree, punishable as provided in s. 775.082, s.
295 775.083, or s. 775.084. As used in this section, the term "bump-
296 fire stock" means a conversion kit, a tool, an accessory, or a
297 device used to alter the rate of fire of a firearm to mimic
298 automatic weapon fire or which is used to increase the rate of
299 fire to a faster rate than is possible for a person to fire such
300 semiautomatic firearm unassisted by a kit, a tool, an accessory,
301 or a device.



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

304 790.064 Firearm possession and firearm ownership
305 disability.-

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

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

314 (3) A person may petition the court that made the
315 adjudication or commitment, or that ordered that the record be
316 submitted to the Department of Law Enforcement pursuant to s.
317 790.065(2), for relief from the firearm possession and firearm
318 ownership disability.

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

323 (5) The person may seek relief from the firearm possession
324 and firearm ownership disability simultaneously with the relief
325 being sought from the firearm purchase disability, if such
326 relief is sought, pursuant to the procedure set forth in s.
327 790.065(2).

328 Section 10. (1) Section 790.401, Florida Statutes, is
329 intended to temporarily prevent individuals who are at high risk
330 of harming themselves or others from accessing firearms or



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331 ammunition by allowing law enforcement officers to obtain a
332 court order when there is demonstrated evidence that a person
333 poses a significant danger to himself or herself or others,
334 including significant danger as a result of a mental health
335 crisis or violent behavior.

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

347 Section 11. Section 790.401, Florida Statutes, may be cited
348 as "The Risk Protection Order Act."

349 Section 12. Section 790.401, Florida Statutes, is created
350 to read:

351 790.401 Risk protection orders.—

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

353 (a) "Petitioner" means a law enforcement officer or a law
354 enforcement agency that petitions a court for a risk protection
355 order under this section.

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

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



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

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

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

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

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

371 (e) A petition must:

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

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

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

387 (f) The petitioner must make a good faith effort to provide
388 notice to a family or household member of the respondent and to



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389 any known third party who may be at risk of violence. The notice
390 must state that the petitioner intends to petition the court for
391 a risk protection order or has already done so and must include
392 referrals to appropriate resources, including mental health,
393 domestic violence, and counseling resources. The petitioner must
394 attest in the petition to having provided such notice or must
395 attest to the steps that will be taken to provide such notice.

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

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

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

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

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

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

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

417 2. The court may, as provided in subsection (4), issue a



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418 temporary ex parte risk protection order pending the hearing
419 ordered under this subsection. Such temporary ex parte order
420 must be served concurrently with the notice of hearing and
421 petition as provided in subsection (5).

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

427 (b) Upon notice and a hearing on the matter, if the court
428 finds by clear and convincing evidence that the respondent poses
429 a significant danger of causing personal injury to himself or
430 herself or others by having in his or her custody or control, or
431 by purchasing, possessing, or receiving, a firearm or any
432 ammunition, the court must issue a risk protection order for a
433 period that it deems appropriate, up to and including but not
434 exceeding 12 months.

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

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

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

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



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447 4. A violation by the respondent of a risk protection order
448 or a no contact order issued under s. 741.30, s. 784.046, or s.
449 784.0485.

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

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

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

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

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

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

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

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

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

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

475 15. Witness testimony, taken while the witness is under



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476 oath, relating to the matter before the court.

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

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

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

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

492 1. A statement of the grounds supporting the issuance of
493 the order;

494 2. The date the order was issued;

495 3. The date the order ends;

496 4. Whether a mental health evaluation or chemical
497 dependency evaluation of the respondent is required;

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

500 6. A description of the requirements for the surrender of
501 all firearms and ammunition that the respondent owns, under
502 subsection (7); and

503 7. The following statement:

504



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

519
520 (h) If the court issues a risk protection order, the court
521 must inform the respondent that he or she is entitled to request
522 a hearing to vacate the order in the manner provided by
523 subsection (6). The court shall provide the respondent with a
524 form to request a hearing to vacate.

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

528 (4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.-

529 (a) A petitioner may request that a temporary ex parte risk
530 protection order be issued before a hearing for a risk
531 protection order, without notice to the respondent, by including
532 in the petition detailed allegations based on personal knowledge
533 that the respondent poses a significant danger of causing



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534 personal injury to himself or herself or others in the near
535 future by having in his or her custody or control, or by
536 purchasing, possessing, or receiving, a firearm or ammunition.

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

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

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

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

- 553 1. A statement of the grounds asserted for the order;
 - 554 2. The date the order was issued;
 - 555 3. The address of the court in which any responsive
556 pleading may be filed;
 - 557 4. The date and time of the scheduled hearing;
 - 558 5. A description of the requirements for the surrender of
559 all firearms and ammunition that the respondent owns, under
560 subsection (7); and
 - 561 6. The following statement:
- 562



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

579
580 (f) A temporary ex parte risk protection order ends upon
581 the hearing on the risk protection order.

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

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

590 (5) SERVICE.-

591 (a) The clerk of the court shall furnish a copy of the



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

615 (b) All orders issued, changed, continued, extended, or
616 vacated after the original service of documents specified in
617 paragraph (a) must be certified by the clerk of the court and
618 delivered to the parties at the time of the entry of the order.
619 The parties may acknowledge receipt of such order in writing on
620 the face of the original order. If a party fails or refuses to



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621 acknowledge the receipt of a certified copy of an order, the
622 clerk shall note on the original order that service was
623 effected. If delivery at the hearing is not possible, the clerk
624 shall mail certified copies of the order to the parties at the
625 last known address of each party. Service by mail is complete
626 upon mailing. When an order is served pursuant to this
627 subsection, the clerk shall prepare a written certification to
628 be placed in the court file specifying the time, date, and
629 method of service and shall notify the sheriff.

630 (6) TERMINATION AND EXTENSION OF ORDERS.—

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

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

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

649 3. If the court finds after the hearing that the respondent



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650 has met his or her burden of proof, the court must vacate the
651 order.

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

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

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

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

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

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

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

673 3. If the court finds by clear and convincing evidence that
674 the requirements for issuance of a risk protection order as
675 provided in subsection (3) continue to be met, the court must
676 extend the order. However, if, after notice, the motion for
677 extension is uncontested and no modification of the order is
678 sought, the order may be extended on the basis of a motion or



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679 affidavit stating that there has been no material change in
680 relevant circumstances since entry of the order and stating the
681 reason for the requested extension.

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

686 (7) SURRENDER OF FIREARMS AND AMMUNITION.—

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

695 (b) The law enforcement officer serving a risk protection
696 order under this section, including a temporary ex parte risk
697 protection order, shall request that the respondent immediately
698 surrender all firearms and ammunition owned by the respondent in
699 his or her custody, control, or possession and any license to
700 carry a concealed weapon or firearm issued under s. 790.06, held
701 by the respondent. The law enforcement officer shall take
702 possession of all firearms and ammunition owned by the
703 respondent and any license to carry a concealed weapon or
704 firearm issued under s. 790.06, held by the respondent, which
705 are surrendered. Alternatively, if personal service by a law
706 enforcement officer is not possible or is not required because
707 the respondent was present at the risk protection order hearing,



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708 the respondent must surrender any firearms and ammunition owned
709 by the respondent and any license to carry a concealed weapon or
710 firearm issued under s. 790.06, held by the respondent, in a
711 safe manner to the control of the local law enforcement agency
712 immediately after being served with the order by service or
713 immediately after the hearing at which the respondent was
714 present. Notwithstanding ss. 933.02 and 933.18, a law
715 enforcement officer may seek a search warrant from a court of
716 competent jurisdiction to conduct a search for firearms or
717 ammunition owned by the respondent if the officer has probable
718 cause to believe that there are firearms or ammunition owned by
719 the respondent in the respondent's custody, control, or
720 possession which have not been surrendered.

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

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



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

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

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

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

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

765 (g) All law enforcement agencies must develop policies and



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766 procedures regarding the acceptance, storage, and return of
767 firearms, ammunition, or licenses required to be surrendered
768 under this section.

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

770 (a) If a risk protection order is vacated or ends without
771 extension, a law enforcement agency holding a firearm or any
772 ammunition owned by the respondent or a license to carry a
773 concealed weapon or firearm issued under s. 790.06, held by the
774 respondent, that has been surrendered or seized pursuant to this
775 section must return such surrendered firearm, ammunition, or
776 license to carry a concealed weapon or firearm issued under s.
777 790.06, as requested by a respondent only after confirming
778 through a background check that the respondent is currently
779 eligible to own or possess firearms and ammunition under federal
780 and state law and after confirming with the court that the risk
781 protection order has been vacated or has ended without
782 extension.

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

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

794 (d) Any firearm and ammunition surrendered by a respondent



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795 pursuant to subsection (7) which remains unclaimed for 1 year by
796 the lawful owner after an order to vacate the risk protection
797 order shall be disposed of in accordance with the law
798 enforcement agency's policies and procedures for the disposal of
799 firearms in police custody.

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

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

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

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

818 (10) REPORTING OF ORDERS.—

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

823 (b) Within 24 hours after issuance, the clerk of the court



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824 shall forward a copy of an order issued under this section to
825 the appropriate law enforcement agency specified in the order.
826 Upon receipt of the copy of the order, the law enforcement
827 agency shall enter the order into the Florida Crime Information
828 Center and National Crime Information Center. The order must
829 remain in each system for the period stated in the order, and
830 the law enforcement agency may only remove an order from the
831 systems which has ended or been vacated. Entry of the order into
832 the Florida Crime Information Center and National Crime
833 Information Center constitutes notice to all law enforcement
834 agencies of the existence of the order. The order is fully
835 enforceable in any county in this state.

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

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



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853 entered pursuant to paragraph (b).

854 (11) PENALTIES.—

855 (a) A person who makes a false statement, which he or she
856 does not believe to be true, under oath in a hearing under this
857 this section in regard to any material matter commits a felony
858 of the third degree, punishable as provided in s. 775.082, s.
859 775.083, or s. 775.084.

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

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

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



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882 (14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.-

883 (a) The Office of the State Courts Administrator shall
884 develop and prepare instructions and informational brochures,
885 standard petitions and risk protection order forms, and a court
886 staff handbook on the risk protection order process. The
887 standard petition and order forms must be used after January 1,
888 2019, for all petitions filed and orders issued pursuant to this
889 section. The office shall determine the significant non-English-
890 speaking or limited English-speaking populations in the state
891 and prepare the instructions and informational brochures and
892 standard petitions and risk protection order forms in such
893 languages. The instructions, brochures, forms, and handbook must
894 be prepared in consultation with interested persons, including
895 representatives of gun violence prevention groups, judges, and
896 law enforcement personnel. Materials must be based on best
897 practices and must be available online to the public.

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

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



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

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

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

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

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

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

939 (e) The Office of the State Courts Administrator shall



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940 update the instructions, brochures, standard petition and risk
941 protection order forms, and court staff handbook as necessary,
942 including when changes in the law make an update necessary.

943 Section 13. Section 836.10, Florida Statutes, is amended to
944 read:

945 836.10 Written threats to kill, ~~or~~ do bodily injury, or
946 conduct a mass shooting or an act of terrorism; punishment.—Any
947 person who writes or composes and also sends or procures the
948 sending of any letter, inscribed communication, or electronic
949 communication, whether such letter or communication be signed or
950 anonymous, to any person, containing a threat to kill or to do
951 bodily injury to the person to whom such letter or communication
952 is sent, or a threat to kill or do bodily injury to any member
953 of the family of the person to whom such letter or communication
954 is sent, or any person who makes, posts, or transmits a threat
955 in a writing or other record, including an electronic record, to
956 conduct a mass shooting or an act of terrorism, in any manner
957 that would allow another person to view the threat, commits a
958 felony of the second degree, punishable as provided in s.
959 775.082, s. 775.083, or s. 775.084.

960 Section 14. Paragraph (f) of subsection (3) of section
961 921.0022, Florida Statutes, is amended to read:

962 921.0022 Criminal Punishment Code; offense severity ranking
963 chart.—

964 (3) OFFENSE SEVERITY RANKING CHART

965 (f) LEVEL 6

966

Florida Statute	Felony Degree	Description
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967	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
968	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
969	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
970	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
971	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
972	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
973	775.0875 (1)	3rd	Taking firearm from law



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974			enforcement officer.
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
975			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
976			
	784.041	3rd	Felony battery; domestic battery by strangulation.
977			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
978			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
979			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
980			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
981			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age



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or older.

982

784.081 (2) 2nd Aggravated assault on
specified official or
employee.

983

784.082 (2) 2nd Aggravated assault by
detained person on
visitor or other
detainee.

984

784.083 (2) 2nd Aggravated assault on
code inspector.

985

787.02 (2) 3rd False imprisonment;
restraining with purpose
other than those in s.
787.01.

986

790.115 (2) (d) 2nd Discharging firearm or
weapon on school
property.

987

790.161 (2) 2nd Make, possess, or throw
destructive device with
intent to do bodily harm
or damage property.

988

790.164 (1) 2nd False report concerning



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bomb, explosive, weapon
of mass destruction, act
of arson or violence to
state property, or use
of firearms in violent
manner.

989

790.19

2nd

Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

990

794.011 (8) (a)

3rd

Solicitation of minor to
participate in sexual
activity by custodial
adult.

991

794.05 (1)

2nd

Unlawful sexual activity
with specified minor.

992

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.

993

800.04 (6) (b)

2nd

Lewd or lascivious
conduct; offender 18



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994			years of age or older.
995	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
996	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
997	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
998	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
999	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
1000	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.



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1001	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
1002	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
1003	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
1004	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
1005	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
1006	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
1007	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.



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1008	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
1009	827.03 (2) (c)	3rd	Abuse of a child.
1010	827.03 (2) (d)	3rd	Neglect of a child.
1011	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1012	836.05	2nd	Threats; extortion.
1013	836.10	2nd	Written threats to kill, or <u>do bodily injury, or conduct a mass shooting or an act of terrorism.</u>
1014	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



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1015			minors.
1016	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
1017	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
1018	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
1019	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.
1020	944.40	2nd	Escapes.



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1021 944.46 3rd Harboring, concealing,
aiding escaped
prisoners.

1022 944.47(1)(a)5. 2nd Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

1023 951.22(1) 3rd Intoxicating drug,
firearm, or weapon
introduced into county
facility.

1024
1025
1026
1027 Section 15. Section 943.082, Florida Statutes, is created
1028 to read:

1029 943.082 School Safety Awareness Program.—
1030 (1) In collaboration with the Department of Legal Affairs,
1031 the department shall competitively procure a mobile suspicious
1032 activity reporting tool that allows students and the community
1033 to relay information anonymously concerning unsafe, potentially
1034 harmful, dangerous, violent, or criminal activities, or the
1035 threat of these activities, to appropriate public safety
1036 agencies and school officials. As recommended by students of
1037 Marjory Stoneman Douglas High School, the program shall be named



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1038 "FortifyFL." At a minimum, the department must receive reports
1039 electronically through the mobile suspicious activity reporting
1040 tool that is available on both Android and Apple devices.

1041 (2) The reporting tool must notify the reporting party of
1042 the following information:

1043 (a) That the reporting party may provide his or her report
1044 anonymously.

1045 (b) That if the reporting party chooses to disclose his or
1046 her identity, that information shall be shared with the
1047 appropriate law enforcement agency and school officials;
1048 however, the law enforcement agency and school officials shall
1049 be required to maintain the information as confidential.

1050 (3) Information reported using the tool must be promptly
1051 forwarded to the appropriate law enforcement agency or school
1052 official.

1053 (4) Law enforcement dispatch centers, school districts,
1054 schools, and other entities identified by the department shall
1055 be made aware of the mobile suspicious activity reporting tool.

1056 (5) The department, in collaboration with the Division of
1057 Victims Services within the Office of the Attorney General and
1058 the Office of Safe Schools within the Department of Education,
1059 shall develop and provide a comprehensive training and awareness
1060 program on the use of the mobile suspicious activity reporting
1061 tool.

1062 Section 16. Section 943.687, Florida Statutes, is created
1063 to read:

1064 943.687 Marjory Stoneman Douglas High School Public Safety
1065 Commission.—

1066 (1) There is created within the Department of Law



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1067 Enforcement the Marjory Stoneman Douglas High School Public
1068 Safety Commission, a commission as defined in s. 20.03.

1069 (2) (a) The commission shall convene no later than June 1,
1070 2018, and shall be composed of 16 members. Five members shall be
1071 appointed by the President of the Senate, five members shall be
1072 appointed by the Speaker of the House of Representatives, and
1073 five members shall be appointed by the Governor. From the
1074 members of the commission, the Governor shall appoint the chair.
1075 Appointments must be made by April 30, 2018. The Commissioner of
1076 the Department of Law Enforcement shall serve as a member of the
1077 commission. The Secretary of Children and Families, the
1078 Secretary of Juvenile Justice, the Secretary of Health Care
1079 Administration, and the Commissioner of Education shall serve as
1080 ex officio, nonvoting members of the commission. Members shall
1081 serve at the pleasure of the officer who appointed the member. A
1082 vacancy on the commission shall be filled in the same manner as
1083 the original appointment.

1084 (b) The General Counsel of the Department of Law
1085 Enforcement shall serve as the general counsel for the
1086 commission.

1087 (c) The Department of Law Enforcement staff, as assigned by
1088 the chair, shall assist the commission in performing its duties.

1089 (d) The commission shall meet as necessary to conduct its
1090 work at the call of the chair and at the time designated by him
1091 or her at locations throughout the state. The commission may
1092 conduct its meetings through teleconferences or other similar
1093 means.

1094 (e) Members of the commission are entitled to receive
1095 reimbursement for per diem and travel expenses pursuant to s.



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1096 112.061.

1097 (3) The commission shall investigate system failures in the
1098 Marjory Stoneman Douglas High School shooting and prior mass
1099 violence incidents in this state and develop recommendations for
1100 system improvements. At a minimum, the commission shall analyze
1101 information and evidence from the Marjory Stoneman Douglas High
1102 School shooting and other mass violence incidents in this state.

1103 At a minimum the commission shall:

1104 (a) Develop a timeline of the incident, incident response,
1105 and all relevant events preceding the incident, with particular
1106 attention to all perpetrator contacts with local, state and
1107 national government agencies and entities and any contract
1108 providers of such agencies and entities.

1109 (b) Investigate any failures in incident responses by local
1110 law enforcement agencies and school resource officers.

1111 1. Identify existing policies and procedures for active
1112 assailant incidents on school premises and evaluate the
1113 compliance with such policies and procedures in the execution of
1114 incident responses.

1115 2. Evaluate existing policies and procedures for active
1116 assailant incidents on school premises in comparison with
1117 national best practices.

1118 3. Evaluate the extent to which any failures in policy,
1119 procedure, or execution contributed to an inability to prevent
1120 deaths and injuries.

1121 4. Make specific recommendations for improving law
1122 enforcement and school resource officer incident response in the
1123 future.

1124 5. Make specific recommendations for determining the



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1125 appropriate ratio of school resource officers per school by
1126 school type. At a minimum, the methodology for determining the
1127 ratio should include the school location, student population,
1128 and school design.

1129 (c) Investigate any failures in interactions with
1130 perpetrators preceding mass violence incidents.

1131 1. Identify the history of interactions between
1132 perpetrators and governmental entities such as schools, law
1133 enforcement agencies, courts and social service agencies, and
1134 identify any failures to adequately communicate or coordinate
1135 regarding indicators of risk or possible threats.

1136 2. Evaluate the extent to which any such failures
1137 contributed to an inability to prevent deaths and injuries.

1138 3. Make specific recommendations for improving
1139 communication and coordination among entities with knowledge of
1140 indicators of risk or possible threats of mass violence in the
1141 future.

1142 4. Identify available state and local tools and resources
1143 for enhancing communication and coordination regarding
1144 indicators of risk or possible threats, including, but not
1145 limited to, the Department of Law Enforcement Fusion Center or
1146 Judicial Inquiry System, and make specific recommendations for
1147 using such tools and resources more effectively in the future.

1148 (4) The commission has the power to investigate. The
1149 commission may delegate to its investigators the authority to
1150 administer oaths and affirmations.

1151 (5) The Commissioner of the Department of Law Enforcement
1152 shall use his or her subpoena power to compel the attendance of
1153 witnesses to testify before the commission. The Commissioner of



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1154 the Department of Law Enforcement shall use his or her subpoena
1155 power to compel the production of any books, papers, records,
1156 documentary evidence, and other items, including confidential
1157 information, relevant to the performance of the duties of the
1158 commission or to the exercise of its powers. The chair or any
1159 other member of the commission may administer all oaths and
1160 affirmations in the manner prescribed by law to witnesses who
1161 appear before the commission for the purpose of testifying in
1162 any matter of which the commission desires evidence. In the case
1163 of a refusal to obey a subpoena, the commission may make
1164 application to any circuit court of this state having
1165 jurisdiction to order the witness to appear before the
1166 commission and to produce evidence, if so ordered, or to give
1167 testimony relevant to the matter in question. Failure to obey
1168 the order may be punished by the court as contempt.

1169 (6) The commission may call upon appropriate agencies of
1170 state government for such professional assistance as may be
1171 needed in the discharge of its duties, and such agencies shall
1172 provide such assistance in a timely manner.

1173 (7) Notwithstanding any other law, the commission may
1174 request and shall be provided with access to any information or
1175 records, including exempt or confidential and exempt information
1176 or records, which pertain to the Marjory Stoneman Douglas High
1177 School shooting and prior mass violence incidents in Florida
1178 being reviewed by the commission and which are necessary for the
1179 commission to carry out its duties. Information or records
1180 obtained by the commission which are otherwise exempt or
1181 confidential and exempt shall retain such exempt or confidential
1182 and exempt status and the commission may not disclose any such



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1183 information or records.

1184 (8) The commission shall submit an initial report on its
1185 findings and recommendations to the Governor, President of the
1186 Senate, and Speaker of the House of Representatives by January
1187 1, 2019, and may issue reports annually thereafter. The
1188 commission shall sunset July 1, 2023, and this section is
1189 repealed on that date.

1190 Section 17. Section 1001.212, Florida Statutes, is created
1191 to read:

1192 1001.212 Office of Safe Schools.—There is created in the
1193 Department of Education the Office of Safe Schools. The office
1194 is fully accountable to the Commissioner of Education. The
1195 office shall serve as a central repository for best practices,
1196 training standards, and compliance oversight in all matters
1197 regarding school safety and security, including prevention
1198 efforts, intervention efforts, and emergency preparedness
1199 planning. The office shall:

1200 (1) Establish and update as necessary a school security
1201 risk assessment tool for use by school districts pursuant to s.
1202 1006.07(6). The office shall make the security risk assessment
1203 tool available for use by charter schools.

1204 (2) Provide ongoing professional development opportunities
1205 to school district personnel.

1206 (3) Provide a coordinated and interdisciplinary approach to
1207 providing technical assistance and guidance to school districts
1208 on safety and security and recommendations to address findings
1209 identified pursuant to s. 1006.07(6).

1210 (4) Develop and implement a School Safety Specialist
1211 Training Program for school safety specialists appointed



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1212 pursuant to s. 1006.07(6). The office shall develop the training
1213 program which shall be based on national and state best
1214 practices on school safety and security and must include active
1215 shooter training. The office shall develop training modules in
1216 traditional or online formats. A school safety specialist
1217 certificate of completion shall be awarded to a school safety
1218 specialist who satisfactorily completes the training required by
1219 rules of the office.

1220 (5) Review and provide recommendations on the security risk
1221 assessments. The department may contract with security
1222 personnel, consulting engineers, architects, or other safety and
1223 security experts the department deems necessary for safety and
1224 security consultant services.

1225 (6) Coordinate with the Department of Law Enforcement to
1226 provide a centralized integrated data repository and data
1227 analytics resources to improve access to timely, complete and
1228 accurate information integrating data from, at a minimum, but
1229 not limited to, the following data sources by December 1, 2018:

- 1230 (a) Social Media;
- 1231 (b) Department of Children and Families;
- 1232 (c) Department of Law Enforcement;
- 1233 (d) Department of Juvenile Justice; and
- 1234 (e) Local law enforcement.

1235 (7) Data that is exempt or confidential and exempt from
1236 public records requirements retains its exempt or confidential
1237 and exempt status when incorporated into the centralized
1238 integrated data repository.

1239 (8) To maintain the confidentially requirements attached to
1240 the information provided to the centralized integrated data



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1241 repository by the various state and local agencies, data
1242 governance and security shall ensure compliance with all
1243 applicable state and federal data privacy requirements through
1244 the use of user authorization and role based security, data
1245 anonymization and aggregation and auditing capabilities.

1246 (9) To maintain the confidentially requirements attached to
1247 the information provided to the centralized integrated data
1248 repository by the various state and local agencies, each source
1249 agency providing data for the repository shall be the sole
1250 custodian of the data for the purpose of any request for
1251 inspection or copies thereof under ch. 119. The department shall
1252 only allow access to data from the source agencies in accordance
1253 with rules adopted by the respective source agencies.

1254 (10) Award grants to schools to improve the safety and
1255 security of school buildings based upon recommendations of the
1256 security risk assessment developed pursuant to subsection (1).

1257 (11) Disseminate, in consultation with the Department of
1258 Law Enforcement, to participating schools awareness and
1259 education materials on the School Safety Awareness Program
1260 developed pursuant to s. 943.082.

1261 Section 18. Paragraph (a) of subsection (10) of section
1262 1002.32, Florida Statutes, is amended to read:

1263 1002.32 Developmental research (laboratory) schools.—

1264 (10) EXCEPTIONS TO LAW.—To encourage innovative practices
1265 and facilitate the mission of the lab schools, in addition to
1266 the exceptions to law specified in s. 1001.23(2), the following
1267 exceptions shall be permitted for lab schools:

1268 (a) The methods and requirements of the following statutes
1269 shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;



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1270 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;
1271 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;
1272 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46;
1273 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
1274 1001.49; 1001.50; 1001.51; 1006.12(2) ~~1006.12(1)~~; 1006.21(3),
1275 (4); 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43;
1276 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50;
1277 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3),
1278 (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71;
1279 1011.72; 1011.73; and 1011.74.

1280 Section 19. Subsection (1) of section 1006.04, Florida
1281 Statutes, is amended to read:

1282 1006.04 Educational multiagency services for students with
1283 severe emotional disturbance.—

1284 (1) (a) The multiagency network for students with emotional
1285 and behavioral disabilities works with education, mental health,
1286 child welfare, and juvenile justice professionals, along with
1287 other agencies and families, to provide children with mental
1288 illness or emotional and behavioral problems and their families
1289 with access to the services and supports they need to succeed An
1290 intensive, integrated educational program; a continuum of mental
1291 health treatment services; and, when needed, residential
1292 services are necessary to enable students with severe emotional
1293 disturbance to develop appropriate behaviors and demonstrate
1294 academic and career education skills. The small incidence of
1295 severe emotional disturbance in the total school population
1296 requires multiagency programs to provide access to appropriate
1297 services for all students with severe emotional disturbance.
1298 District school boards should provide educational programs, and



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1299 state departments and agencies administering children's mental
1300 health funds should provide mental health treatment and
1301 residential services when needed, as part of the forming a
1302 multiagency network ~~to provide support for students with severe~~
1303 ~~emotional disturbance.~~

1304 (b) The purpose of the multiagency network is to: ~~The~~
1305 ~~program goals for each component of the multiagency network are~~
1306 ~~to~~

1307 1. Enable students with severe emotional disturbance to
1308 learn appropriate behaviors, reduce dependency, and fully
1309 participate in all aspects of school and community living. ~~;~~ ~~to~~

1310 2. Develop individual programs for students with severe
1311 emotional disturbance, including necessary educational,
1312 residential, and mental health treatment services. ~~;~~ ~~to~~

1313 3. Provide programs and services as close as possible to
1314 the student's home in the least restrictive manner consistent
1315 with the student's needs. ~~;~~ ~~and to~~

1316 4. Integrate a wide range of services necessary to support
1317 students with severe emotional disturbance and their families.

1318 (c) The multiagency network shall:

1319 1. Support and represent the needs of students in each
1320 school district in joint planning with fiscal agents of
1321 children's mental health funds, including the expansion of
1322 school-based mental health services, transition services, and
1323 integrated education and treatment programs.

1324 2. Improve coordination of services for children with or at
1325 risk of emotional or behavioral disabilities and their families
1326 by assisting multi-agency collaborative initiatives to identify
1327 critical issues and barriers of mutual concern and develop local



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1328 response systems that increase home and school connections and
1329 family engagement.

1330 3. Increase parent and youth involvement and development
1331 with local systems of care.

1332 4. Facilitate student and family access to effective
1333 services and programs for students with and at risk of emotional
1334 or behavioral disabilities that include necessary educational,
1335 residential, and mental health treatment services, enabling
1336 these students to learn appropriate behaviors, reduce
1337 dependency, and fully participate in all aspects of school and
1338 community living.

1339 Section 20. Paragraph (b) of subsection (1), paragraphs (k)
1340 through (m) of subsection (2), and subsections (3), (4), and (6)
1341 of section 1006.07, Florida Statutes, are amended, and
1342 subsections (7) and (8) are added to that section to read:

1343 1006.07 District school board duties relating to student
1344 discipline and school safety.—The district school board shall
1345 provide for the proper accounting for all students, for the
1346 attendance and control of students at school, and for proper
1347 attention to health, safety, and other matters relating to the
1348 welfare of students, including:

1349 (1) CONTROL OF STUDENTS.—

1350 (b) Require each student at the time of initial
1351 registration for school in the school district to note previous
1352 school expulsions, arrests resulting in a charge, ~~and~~ juvenile
1353 justice actions, and referrals to mental health services the
1354 student has had, and have the authority as the district school
1355 board of a receiving school district to honor the final order of
1356 expulsion or dismissal of a student by any in-state or out-of-



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1357 state public district school board or private school, or lab
1358 school, for an act which would have been grounds for expulsion
1359 according to the receiving district school board's code of
1360 student conduct, in accordance with the following procedures:

1361 1. A final order of expulsion shall be recorded in the
1362 records of the receiving school district.

1363 2. The expelled student applying for admission to the
1364 receiving school district shall be advised of the final order of
1365 expulsion.

1366 3. The district school superintendent of the receiving
1367 school district may recommend to the district school board that
1368 the final order of expulsion be waived and the student be
1369 admitted to the school district, or that the final order of
1370 expulsion be honored and the student not be admitted to the
1371 school district. If the student is admitted by the district
1372 school board, with or without the recommendation of the district
1373 school superintendent, the student may be placed in an
1374 appropriate educational program and referred to mental health
1375 services identified by the school district pursuant to s.
1376 1012.584(4), when appropriate, at the direction of the district
1377 school board.

1378 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
1379 conduct for elementary schools and a code of student conduct for
1380 middle and high schools and distribute the appropriate code to
1381 all teachers, school personnel, students, and parents, at the
1382 beginning of every school year. Each code shall be organized and
1383 written in language that is understandable to students and
1384 parents and shall be discussed at the beginning of every school
1385 year in student classes, school advisory council meetings, and



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1386 parent and teacher association or organization meetings. Each
1387 code shall be based on the rules governing student conduct and
1388 discipline adopted by the district school board and shall be
1389 made available in the student handbook or similar publication.
1390 Each code shall include, but is not limited to:

1391 (k) Policies to be followed for the assignment of violent
1392 or disruptive students to an alternative educational program or
1393 referral of such students to mental health services identified
1394 by the school district pursuant to s. 1012.584(4).

1395 (l) Notice that any student who is determined to have
1396 brought a firearm or weapon, as defined in chapter 790, to
1397 school, to any school function, or onto any school-sponsored
1398 transportation, or to have possessed a firearm at school, will
1399 be expelled, with or without continuing educational services,
1400 from the student's regular school for a period of not less than
1401 1 full year and referred to mental health services identified by
1402 the school district pursuant to s. 1012.584(4) and the criminal
1403 justice or juvenile justice system. District school boards may
1404 assign the student to a disciplinary program or second chance
1405 school for the purpose of continuing educational services during
1406 the period of expulsion. District school superintendents may
1407 consider the 1-year expulsion requirement on a case-by-case
1408 basis and request the district school board to modify the
1409 requirement by assigning the student to a disciplinary program
1410 or second chance school if the request for modification is in
1411 writing and it is determined to be in the best interest of the
1412 student and the school system.

1413 (m) Notice that any student who is determined to have made
1414 a threat or false report, as defined by ss. 790.162 and 790.163,



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1415 respectively, involving school or school personnel's property,
1416 school transportation, or a school-sponsored activity will be
1417 expelled, with or without continuing educational services, from
1418 the student's regular school for a period of not less than 1
1419 full year and referred for criminal prosecution and mental
1420 health services identified by the school district pursuant to s.
1421 1012.584(4) for evaluation or treatment, when appropriate.

1422 District school boards may assign the student to a disciplinary
1423 program or second chance school for the purpose of continuing
1424 educational services during the period of expulsion. District
1425 school superintendents may consider the 1-year expulsion
1426 requirement on a case-by-case basis and request the district
1427 school board to modify the requirement by assigning the student
1428 to a disciplinary program or second chance school if it is
1429 determined to be in the best interest of the student and the
1430 school system.

1431 (3) STUDENT CRIME WATCH PROGRAM.—By resolution of the
1432 district school board, implement a student crime watch program
1433 to promote responsibility among students and improve school
1434 safety. The student crime watch program shall allow students and
1435 the community to anonymously relay information concerning unsafe
1436 and potentially harmful, dangerous, violent, or criminal
1437 activities, or the threat of these activities, to appropriate
1438 public safety agencies and school officials ~~to assist in the~~
1439 ~~control of criminal behavior within the schools.~~

1440 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

1441 (a) Formulate and prescribe policies and procedures, in
1442 consultation with the appropriate public safety agencies, for
1443 emergency drills and for actual emergencies, including, but not



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1444 limited to, fires, natural disasters, active shooter and hostage
1445 situations, and bomb threats, for all students and faculty at
1446 all the public schools of the district comprised of which
1447 ~~comprise~~ grades K-12. Drills for active shooter and hostage
1448 situations shall be conducted at least as often as other
1449 emergency drills. District school board policies shall include
1450 commonly used alarm system responses for specific types of
1451 emergencies and verification by each school that drills have
1452 been provided as required by law and fire protection codes. The
1453 emergency response policy shall identify the individuals
1454 responsible for contacting the primary emergency response agency
1455 and the emergency response agency that is responsible for
1456 notifying the school district for each type of emergency ~~must be~~
1457 ~~listed in the district's emergency response policy.~~

1458 (b) Establish model emergency management and emergency
1459 preparedness procedures, including emergency notification
1460 procedures pursuant to paragraph (a), for the following life-
1461 threatening emergencies:

1462 1. Weapon-use, and hostage, and active shooter situations.
1463 The active shooter situation training for each school must
1464 engage the participation of the district school safety
1465 specialist, threat assessment team members, faculty, staff, and
1466 students and must be conducted by the law enforcement agency or
1467 agencies that are designated as first responders to the school's
1468 campus.

1469 2. Hazardous materials or toxic chemical spills.

1470 3. Weather emergencies, including hurricanes, tornadoes,
1471 and severe storms.

1472 4. Exposure as a result of a manmade emergency.



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1473 (c) Establish a schedule to test the functionality and
1474 coverage capacity of all emergency communication systems and
1475 determine if adequate signal strength is available in all areas
1476 of the school's campus.

1477 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
1478 school superintendent shall establish policies and procedures
1479 for the prevention of violence on school grounds, including the
1480 assessment of and intervention with individuals whose behavior
1481 poses a threat to the safety of the school community.

1482 (a) Each district school superintendent shall designate a
1483 school administrator as a school safety specialist for the
1484 district. The school safety specialist must earn a certificate
1485 of completion of the school safety specialist training provided
1486 by the Office of Safe Schools within 1 year after appointment
1487 and is responsible for the supervision and oversight for all
1488 school safety and security personnel, policies, and procedures
1489 in the school district. The school safety specialist shall:

1490 1. Review policies and procedures for compliance with state
1491 law and rules.

1492 2. Provide the necessary training and resources to students
1493 and school district staff in matters relating to youth mental
1494 health awareness and assistance; emergency procedures, including
1495 active shooter training; and school safety and security.

1496 3. Serve as the school district liaison with local public
1497 safety agencies and national, state, and community agencies and
1498 organizations in matters of school safety and security.

1499 4. Conduct a school security risk assessment in accordance
1500 with s. 1006.1493 at each public school using the school
1501 security risk assessment tool developed by the Office of Safe



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1502 ~~Schools Use the Safety and Security Best Practices developed by~~
1503 ~~the Office of Program Policy Analysis and Government~~
1504 ~~Accountability to conduct a self-assessment of the school~~
1505 ~~districts' current safety and security practices. Based on the~~
1506 ~~assessment these self-assessment findings, the district's school~~
1507 ~~safety specialist district school superintendent shall provide~~
1508 recommendations to the district school board which identify
1509 strategies and activities that the district school board should
1510 implement in order to improve school safety and security.
1511 Annually, each district school board must receive such findings
1512 and the school safety specialist's recommendations ~~the self-~~
1513 ~~assessment results~~ at a publicly noticed district school board
1514 meeting to provide the public an opportunity to hear the
1515 district school board members discuss and take action on the
1516 ~~report~~ findings and recommendations. Each school safety
1517 specialist district school superintendent shall report such
1518 findings the self-assessment results and school board action to
1519 the Office of Safe Schools commissioner within 30 days after the
1520 district school board meeting.

1521 (b) Each school safety specialist shall coordinate with the
1522 appropriate public safety agencies, as defined in s. 365.171,
1523 that are designated as first responders to a school's campus to
1524 conduct a tour of such campus once every 3 years and provide
1525 recommendations related to school safety. The recommendations by
1526 the public safety agencies must be considered as part of the
1527 recommendations by the school safety specialist pursuant to
1528 paragraph (a).

1529 (7) THREAT ASSESSMENT TEAMS.—Each district school board
1530 shall adopt policies for the establishment of threat assessment



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1531 teams at each school whose duties include the coordination of
1532 resources and assessment and intervention with individuals whose
1533 behavior may pose a threat to the safety of school staff or
1534 students consistent with the model policies developed by the
1535 Office of Safe Schools. Such policies shall include procedures
1536 for referrals to mental health services identified by the school
1537 district pursuant to s. 1012.584(4), when appropriate.

1538 (a) A threat assessment team shall include persons with
1539 expertise in counseling, instruction, school administration, and
1540 law enforcement. The threat assessment teams shall identify
1541 members of the school community to whom threatening behavior
1542 should be reported and provide guidance to students, faculty,
1543 and staff regarding recognition of threatening or aberrant
1544 behavior that may represent a threat to the community, school,
1545 or self.

1546 (b) Upon a preliminary determination that a student poses a
1547 threat of violence or physical harm to himself or herself or
1548 others, a threat assessment team shall immediately report its
1549 determination to the superintendent or his or her designee. The
1550 superintendent or his or her designee shall immediately attempt
1551 to notify the student's parent or legal guardian. Nothing in
1552 this subsection shall preclude school district personnel from
1553 acting immediately to address an imminent threat.

1554 (c) Upon a preliminary determination by the threat
1555 assessment team that a student poses a threat of violence to
1556 himself or herself or others or exhibits significantly
1557 disruptive behavior or need for assistance, the threat
1558 assessment team may obtain criminal history record information,
1559 as provided in s. 985.047. A member of a threat assessment team



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1560 may not disclose any criminal history record information
1561 obtained pursuant to this section or otherwise use any record of
1562 an individual beyond the purpose for which such disclosure was
1563 made to the threat assessment team.

1564 (d) Notwithstanding any other provision of law, all state
1565 and local agencies and programs that provide services to
1566 students experiencing or at risk of an emotional disturbance or
1567 a mental illness, including the school districts, school
1568 personnel, state and local law enforcement agencies, the
1569 Department of Juvenile Justice, the Department of Children and
1570 Families, the Department of Health, the Agency for Health Care
1571 Administration, the Agency for Persons with Disabilities, the
1572 Department of Education, the Statewide Guardian Ad Litem Office,
1573 and any service or support provider contracting with such
1574 agencies, may share with each other records or information that
1575 are confidential or exempt from disclosure under chapter 119 if
1576 the records or information are reasonably necessary to ensure
1577 access to appropriate services for the student or to ensure the
1578 safety of the student or others. All such state and local
1579 agencies and programs shall communicate, collaborate, and
1580 coordinate efforts to serve such students.

1581 (e) If an immediate mental health or substance abuse crisis
1582 is suspected, school personnel shall follow policies established
1583 by the threat assessment team to engage behavioral health crisis
1584 resources. Behavioral health crisis resources, including, but
1585 not limited to, mobile crisis teams and school resource officers
1586 trained in crisis intervention, shall provide emergency
1587 intervention and assessment, make recommendations, and refer the
1588 student for appropriate services. Onsite school personnel shall



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1589 report all such situations and actions taken to the threat
1590 assessment team, which shall contact the other agencies involved
1591 with the student and any known service providers to share
1592 information and coordinate any necessary followup actions.

1593 (f) Each threat assessment team established pursuant to
1594 this subsection shall report quantitative data on its activities
1595 to the Office of Safe Schools in accordance with guidance from
1596 the office.

1597 (8) SAFETY IN CONSTRUCTION PLANNING.—A district school
1598 board must allow the law enforcement agency or agencies that are
1599 designated as first responders to the district's campus and
1600 school's campuses to tour such campuses once every 3 years. Any
1601 changes related to school safety and emergency issues
1602 recommended by a law enforcement agency based on a campus tour
1603 must be documented by the district school board.

1604 Section 21. Subsection (2) of section 1006.08, Florida
1605 Statutes, is amended to read:

1606 1006.08 District school superintendent duties relating to
1607 student discipline and school safety.—

1608 (2) Notwithstanding the provisions of s. 985.04(7) or any
1609 other provision of law to the contrary, the court shall, within
1610 48 hours of the finding, notify the appropriate district school
1611 superintendent of the name and address of any student found to
1612 have committed a delinquent act, or who has had adjudication of
1613 a delinquent act withheld which, if committed by an adult, would
1614 be a felony, ~~or~~ the name and address of any student found guilty
1615 of a felony, or the name and address of any student the court
1616 refers to mental health services. Notification shall include the
1617 specific delinquent act found to have been committed or for



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1618 which adjudication was withheld, or the specific felony for
1619 which the student was found guilty.

1620 Section 22. Section 1006.12, Florida Statutes, is amended
1621 to read:

1622 1006.12 Safe-school school resource officers at each public
1623 school and school safety officers. For the protection and safety
1624 of school personnel, property, students, and visitors, each
1625 district school board and school district superintendent shall
1626 partner with law enforcement agencies to establish or assign one
1627 or more safe-school officers at each school facility within the
1628 district by implementing any combination of the following
1629 options which best meets the needs of the school district:

1630 (1) ~~District school boards may~~ Establish school resource
1631 officer programs, through a cooperative agreement with law
1632 enforcement agencies ~~or in accordance with subsection (2).~~

1633 (a) School resource officers shall undergo criminal
1634 background checks, drug testing, and a psychological evaluation
1635 and be certified law enforcement officers, as defined in s.
1636 943.10(1), who are employed by a law enforcement agency as
1637 defined in s. 943.10(4). The powers and duties of a law
1638 enforcement officer shall continue throughout the employee's
1639 tenure as a school resource officer.

1640 (b) School resource officers shall abide by district school
1641 board policies and shall consult with and coordinate activities
1642 through the school principal, but shall be responsible to the
1643 law enforcement agency in all matters relating to employment,
1644 subject to agreements between a district school board and a law
1645 enforcement agency. Activities conducted by the school resource
1646 officer which are part of the regular instructional program of



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1647 the school shall be under the direction of the school principal.

1648 (c) Complete mental health crisis intervention training
1649 using a curriculum developed by a national organization with
1650 expertise in mental health crisis intervention. The training
1651 shall improve officers' knowledge and skills as first responders
1652 to incidents involving students with emotional disturbance or
1653 mental illness, including de-escalation skills to ensure student
1654 and officer safety.

1655 (2) Commission one or more school safety officers for the
1656 protection and safety of school personnel, property, and
1657 students within the school district. The district school
1658 superintendent may recommend, and the district school board may
1659 appoint, one or more school safety officers.

1660 ~~(2)~~(a) School safety officers shall undergo criminal
1661 background checks, drug testing, and a psychological evaluation
1662 and be law enforcement officers, as defined in s. 943.10(1),
1663 certified under the provisions of chapter 943 and employed by
1664 either a law enforcement agency or by the district school board.
1665 If the officer is employed by the district school board, the
1666 district school board is the employing agency for purposes of
1667 chapter 943, and must comply with the provisions of that
1668 chapter.

1669 ~~(b) A district school board may commission one or more~~
1670 ~~school safety officers for the protection and safety of school~~
1671 ~~personnel, property, and students within the school district.~~
1672 ~~The district school superintendent may recommend and the~~
1673 ~~district school board may appoint one or more school safety~~
1674 ~~officers.~~

1675 (b)(e) A school safety officer has and shall exercise the



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1676 power to make arrests for violations of law on district school
1677 board property and to arrest persons, whether on or off such
1678 property, who violate any law on such property under the same
1679 conditions that deputy sheriffs are authorized to make arrests.
1680 A school safety officer has the authority to carry weapons when
1681 performing his or her official duties.

1682 (c)~~(d)~~ A district school board may enter into mutual aid
1683 agreements with one or more law enforcement agencies as provided
1684 in chapter 23. A school safety officer's salary may be paid
1685 jointly by the district school board and the law enforcement
1686 agency, as mutually agreed to.

1687 Section 23. Subsection (1), paragraph (c) of subsection
1688 (4), and subsection (8) of section 1006.13, Florida Statutes,
1689 are amended, and paragraph (f) is added to subsection (2) of
1690 that section, to read:

1691 1006.13 Policy of zero tolerance for crime and
1692 victimization.-

1693 (1) District school boards shall ~~It is the intent of the~~
1694 ~~Legislature to~~ promote a safe and supportive learning
1695 environment in schools by protecting, ~~to protect~~ students and
1696 staff from conduct that poses a serious threat to school safety.
1697 A threat assessment team may, ~~and to encourage schools to use~~
1698 alternatives to expulsion or referral to law enforcement
1699 agencies to address ~~by addressing~~ disruptive behavior through
1700 restitution, civil citation, teen court, neighborhood
1701 restorative justice, or similar programs. Zero-tolerance ~~The~~
1702 ~~Legislature finds that zero-tolerance policies~~ may are not
1703 ~~intended to~~ be rigorously applied to petty acts of misconduct
1704 and misdemeanors, including, but not limited to, minor fights or



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1705 disturbances. Zero-tolerance policies ~~The Legislature finds that~~
1706 ~~zero-tolerance policies~~ must apply equally to all students
1707 regardless of their economic status, race, or disability.

1708 (2) Each district school board shall adopt a policy of zero
1709 tolerance that:

1710 (f) Requires the threat assessment team to consult with law
1711 enforcement when a student exhibits a pattern of behavior, based
1712 upon previous acts or the severity of an act, that would pose a
1713 threat to school safety.

1714 (4)

1715 (c) Zero-tolerance policies do not require the reporting of
1716 petty acts of misconduct and misdemeanors to a law enforcement
1717 agency, including, but not limited to, disorderly conduct,
1718 ~~disrupting a school function,~~ simple assault or battery, affray,
1719 theft of less than \$300, trespassing, and vandalism of less than
1720 \$1,000. However, if a student commits more than one misdemeanor,
1721 the threat assessment team must consult with law enforcement to
1722 determine if the act should be reported to law enforcement.

1723 (8) A threat assessment team may ~~School districts are~~
1724 ~~encouraged to~~ use alternatives to expulsion or referral to law
1725 enforcement agencies unless the use of such alternatives will
1726 pose a threat to school safety.

1727 Section 24. Section 1006.1493, Florida Statutes, is created
1728 to read:

1729 1006.1493 Florida Safe Schools Assessment Tool.-

1730 (1) The department through the Office of Safe Schools
1731 pursuant s. 1001.212 shall contract with a security consulting
1732 firm that specializes in the development of risk assessment
1733 software solutions and has experience in conducting security



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1734 assessments of public facilities to develop, update, and
1735 implement a risk assessment tool, which shall be known as the
1736 Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be
1737 used by school officials at each school district and public
1738 school site in the state in conducting security assessments for
1739 use by school officials at each school district and public
1740 school site in the state.

1741 (2) The FSSAT must help school officials identify threats,
1742 vulnerabilities, and appropriate safety controls for the schools
1743 that they supervise, pursuant to the security risk assessment
1744 requirements of s. 1006.07(6).

1745 (a) At a minimum, the FSSAT must address all of the
1746 following components:

1747 1. School emergency and crisis preparedness planning;

1748 2. Security, crime, and violence prevention policies and
1749 procedures;

1750 3. Physical security measures;

1751 4. Professional development training needs;

1752 5. An examination of support service roles in school
1753 safety, security, and emergency planning;

1754 6. School security and school police staffing, operational
1755 practices, and related services;

1756 7. School and community collaboration on school safety; and

1757 8. A return on investment analysis of the recommended
1758 physical security controls.

1759 (b) The department shall require by contract that the
1760 security consulting firm:

1761 1. Generate written automated reports on assessment

1762 findings for review by the department and school and district



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1763 officials;
1764 2. Provide training to the department and school officials
1765 in the use of the FSSAT and other areas of importance identified
1766 by the department; and
1767 3. Advise in the development and implementation of
1768 templates, formats, guidance, and other resources necessary to
1769 facilitate the implementation of this section at state,
1770 district, school, and local levels.
1771 (3) By December 1, 2018, and annually by that date
1772 thereafter, the department must report to the Governor, the
1773 President of the Senate, and the Speaker of the House of
1774 Representatives on the status of implementation across school
1775 districts and schools. The report must include a summary of the
1776 positive school safety measures in place at the time of the
1777 assessment and any recommendations for policy changes or funding
1778 needed to facilitate continued school safety planning,
1779 improvement, and response at the state, district, or school
1780 levels.
1781 (4) In accordance with ss. 119.071(3)(a) and 281.301, data
1782 and information related to security risk assessments
1783 administered pursuant to this section and s. 1006.07(6) and the
1784 security information contained in the annual report required
1785 pursuant to subsection (3) are confidential and exempt from
1786 public records requirements.
1787 Section 25. Subsection (16) and (17) of section 1011.62,
1788 Florida Statutes, are redesignated as subsections (17) and (18),
1789 respectively, paragraph (a) of subsection (4), paragraph (b) of
1790 subsection (6), subsection (14), and subsection (15) of that
1791 section are amended, and a new subsection (16) is added to that



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1792 section, to read:

1793 1011.62 Funds for operation of schools.—If the annual
1794 allocation from the Florida Education Finance Program to each
1795 district for operation of schools is not determined in the
1796 annual appropriations act or the substantive bill implementing
1797 the annual appropriations act, it shall be determined as
1798 follows:

1799 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1800 Legislature shall prescribe the aggregate required local effort
1801 for all school districts collectively as an item in the General
1802 Appropriations Act for each fiscal year. The amount that each
1803 district shall provide annually toward the cost of the Florida
1804 Education Finance Program for kindergarten through grade 12
1805 programs shall be calculated as follows:

1806 (a) *Estimated taxable value calculations.*—

1807 1.a. Not later than 2 working days before July 19, the
1808 Department of Revenue shall certify to the Commissioner of
1809 Education its most recent estimate of the taxable value for
1810 school purposes in each school district and the total for all
1811 school districts in the state for the current calendar year
1812 based on the latest available data obtained from the local
1813 property appraisers. The value certified shall be the taxable
1814 value for school purposes for that year, and no further
1815 adjustments shall be made, except those made pursuant to
1816 paragraphs (c) and (d), or an assessment roll change required by
1817 final judicial decisions as specified in paragraph (17) (b)
1818 ~~(16) (b)~~. Not later than July 19, the Commissioner of Education
1819 shall compute a millage rate, rounded to the next highest one
1820 one-thousandth of a mill, which, when applied to 96 percent of



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1821 the estimated state total taxable value for school purposes,
1822 would generate the prescribed aggregate required local effort
1823 for that year for all districts. The Commissioner of Education
1824 shall certify to each district school board the millage rate,
1825 computed as prescribed in this subparagraph, as the minimum
1826 millage rate necessary to provide the district required local
1827 effort for that year.

1828 b. The General Appropriations Act shall direct the
1829 computation of the statewide adjusted aggregate amount for
1830 required local effort for all school districts collectively from
1831 ad valorem taxes to ensure that no school district's revenue
1832 from required local effort millage will produce more than 90
1833 percent of the district's total Florida Education Finance
1834 Program calculation as calculated and adopted by the
1835 Legislature, and the adjustment of the required local effort
1836 millage rate of each district that produces more than 90 percent
1837 of its total Florida Education Finance Program entitlement to a
1838 level that will produce only 90 percent of its total Florida
1839 Education Finance Program entitlement in the July calculation.

1840 2. On the same date as the certification in sub-
1841 subparagraph 1.a., the Department of Revenue shall certify to
1842 the Commissioner of Education for each district:

1843 a. Each year for which the property appraiser has certified
1844 the taxable value pursuant to s. 193.122(2) or (3), if
1845 applicable, since the prior certification under sub-subparagraph
1846 1.a.

1847 b. For each year identified in sub-subparagraph a., the
1848 taxable value certified by the appraiser pursuant to s.
1849 193.122(2) or (3), if applicable, since the prior certification



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1850 under sub-subparagraph 1.a. This is the certification that
1851 reflects all final administrative actions of the value
1852 adjustment board.

1853 (6) CATEGORICAL FUNDS.—

1854 (b) If a district school board finds and declares in a
1855 resolution adopted at a regular meeting of the school board that
1856 the funds received for any of the following categorical
1857 appropriations are urgently needed to maintain school board
1858 specified academic classroom instruction or improve school
1859 safety, the school board may consider and approve an amendment
1860 to the school district operating budget transferring the
1861 identified amount of the categorical funds to the appropriate
1862 account for expenditure:

1863 1. Funds for student transportation.

1864 ~~2. Funds for safe schools.~~

1865 ~~2.3.~~ Funds for supplemental academic instruction if the
1866 required additional hour of instruction beyond the normal school
1867 day for each day of the entire school year has been provided for
1868 the students in each low-performing elementary school in the
1869 district pursuant to paragraph (1)(f).

1870 ~~3.4.~~ Funds for research-based reading instruction if the
1871 required additional hour of instruction beyond the normal school
1872 day for each day of the entire school year has been provided for
1873 the students in each low-performing elementary school in the
1874 district pursuant to paragraph (9)(a).

1875 ~~4.5.~~ Funds for instructional materials if all instructional
1876 material purchases necessary to provide updated materials that
1877 are aligned with applicable state standards and course
1878 descriptions and that meet statutory requirements of content and



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1879 learning have been completed for that fiscal year, but no sooner
1880 than March 1. Funds available after March 1 may be used to
1881 purchase hardware for student instruction.

1882 (14) QUALITY ASSURANCE GUARANTEE.—The Legislature may
1883 annually in the General Appropriations Act determine a
1884 percentage increase in funds per K-12 unweighted FTE as a
1885 minimum guarantee to each school district. The guarantee shall
1886 be calculated from prior year base funding per unweighted FTE
1887 student which shall include the adjusted FTE dollars as provided
1888 in subsection (17) ~~(16)~~, quality guarantee funds, and actual
1889 nonvoted discretionary local effort from taxes. From the base
1890 funding per unweighted FTE, the increase shall be calculated for
1891 the current year. The current year funds from which the
1892 guarantee shall be determined shall include the adjusted FTE
1893 dollars as provided in subsection (17) ~~(16)~~ and potential
1894 nonvoted discretionary local effort from taxes. A comparison of
1895 current year funds per unweighted FTE to prior year funds per
1896 unweighted FTE shall be computed. For those school districts
1897 which have less than the legislatively assigned percentage
1898 increase, funds shall be provided to guarantee the assigned
1899 percentage increase in funds per unweighted FTE student. Should
1900 appropriated funds be less than the sum of this calculated
1901 amount for all districts, the commissioner shall prorate each
1902 district's allocation. This provision shall be implemented to
1903 the extent specifically funded.

1904 (15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is
1905 created to provide funding to assist school districts in their
1906 compliance with s. 1006.07 ~~ss. 1006.07-1006.148~~, with priority
1907 given to implementing the district's ~~establishing a school~~



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1908 resource officer program pursuant to s. 1006.12. Each school
1909 district shall receive a minimum safe schools allocation in an
1910 amount provided in the General Appropriations Act. Of the
1911 remaining balance of the safe schools allocation, two-thirds
1912 shall be allocated to school districts based on the most recent
1913 official Florida Crime Index provided by the Department of Law
1914 Enforcement and one-third shall be allocated based on each
1915 school district's proportionate share of the state's total
1916 unweighted full-time equivalent student enrollment. Any
1917 additional funds appropriated to this allocation in the 2018-
1918 2019 fiscal year to the school resource officer program
1919 established pursuant to s. 1006.12 shall be used exclusively for
1920 employing or contracting for school resource officers, which
1921 shall be in addition to the number of officers employed or
1922 contracted for in the 2017-2018 fiscal year.

1923 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
1924 assistance allocation is created to provide funding to assist
1925 school districts in establishing or expanding school-based
1926 mental health care. These funds shall be allocated annually in
1927 the General Appropriations Act or other law to each eligible
1928 school district. Each school district shall receive a minimum of
1929 \$100,000 with the remaining balance allocated based on each
1930 school district's proportionate share of the state's total
1931 unweighted full-time equivalent student enrollment. Eligible
1932 charter schools are entitled to a proportionate share of
1933 district funding. At least 90 percent of a district's allocation
1934 must be expended on the elements specified in subparagraphs
1935 (b)1. and 2. The allocated funds may not supplant funds that are
1936 provided for this purpose from other operating funds and may not



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1937 be used to increase salaries or provide bonuses. School
1938 districts are encouraged to maximize third party health
1939 insurance benefits and Medicaid claiming for services, where
1940 appropriate.

1941 (a) Before the distribution of the allocation:

1942 1. The school district must develop and submit a detailed
1943 plan outlining the local program and planned expenditures to the
1944 district school board for approval.

1945 2. A charter school must develop and submit a detailed plan
1946 outlining the local program and planned expenditures to its
1947 governing body for approval. After the plan is approved by the
1948 governing body, it must be provided to the charter school's
1949 sponsor.

1950 (b) The plans required under paragraph (a) must be focused
1951 on delivering evidence-based mental health care treatment to
1952 children and include the following elements:

1953 1. Provision of mental health assessment, diagnosis,
1954 intervention, treatment, and recovery services to students with
1955 one or more mental health or co-occurring substance abuse
1956 diagnoses and students at high risk of such diagnoses.

1957 2. Coordination of such services with a student's primary
1958 care provider and with other mental health providers involved in
1959 the student's care.

1960 3. Direct employment of such service providers, or a
1961 contract-based collaborative effort or partnership with one or
1962 more local community mental health programs, agencies, or
1963 providers.

1964 (c) School districts shall submit approved plans, including
1965 approved plans of each charter school in the district, to the



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1966 commissioner by August 1 of each fiscal year.
1967 (d) Beginning September 30, 2019, and annually by September
1968 30 thereafter, each school district shall submit to the
1969 Department of Education a report on its program outcomes and
1970 expenditures for the previous fiscal year that, at a minimum,
1971 must include the number of each of the following:
1972 1. Students who receive screenings or assessments.
1973 2. Students who are referred for services or assistance.
1974 3. Students who receive services or assistance.
1975 4. Direct employment service providers employed by each
1976 school district.
1977 5. Contract-based collaborative efforts or partnerships
1978 with community mental health programs, agencies, or providers.
1979 Section 26. Section 1012.584, Florida Statutes, is created
1980 to read:
1981 1012.584 Continuing education and inservice training for
1982 youth mental health awareness and assistance.-
1983 (1) Beginning with the 2018-2019 school year, the
1984 Department of Education shall establish an evidence-based youth
1985 mental health awareness and assistance training program to help
1986 school personnel identify and understand the signs of emotional
1987 disturbance, mental illness, and substance use disorders and
1988 provide such personnel with the skills to help a person who is
1989 developing or experiencing an emotional disturbance, mental
1990 health, or substance use problem.
1991 (2) The Department of Education shall select a national
1992 authority on youth mental health awareness and assistance to
1993 facilitate providing youth mental health awareness and
1994 assistance training, using a trainer certification model, to all



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1995 school personnel in elementary, middle, and high schools. Each
1996 school safety specialist shall earn, or designate one or more
1997 individuals to earn, certification as a youth mental health
1998 awareness and assistance trainer. The school safety specialist
1999 shall ensure that all school personnel within his or her school
2000 district receive youth mental health awareness and assistance
2001 training.

2002 (3) The training program shall include, but is not limited
2003 to:

2004 (a) An overview of mental illnesses and substance use
2005 disorders and the need to reduce the stigma of mental illness.

2006 (b) Information on the potential risk factors and warning
2007 signs of emotional disturbance, mental illness, or substance use
2008 disorders, including, but not limited to, depression, anxiety,
2009 psychosis, eating disorders, and self-injury, as well as common
2010 treatments for those conditions and how to assess those risks.

2011 (c) Information on how to engage at-risk students with the
2012 skills, resources, and knowledge required to assess the
2013 situation, and how to identify and encourage the student to use
2014 appropriate professional help and other support strategies,
2015 including, but not limited to, peer, social, or self-help care.

2016 (4) Each school district shall notify all school personnel
2017 who have received training pursuant to this section of mental
2018 health services that are available in the school district, and
2019 the individual to contact if a student needs services. The term
2020 "mental health services" includes, but is not limited to,
2021 community mental health services, health care providers, and
2022 services provided under ss. 1006.04 and 1011.62(17).

2023 Section 27. For the purpose of incorporating the amendment



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2024 made by this act to section 836.10, Florida Statutes, in a
2025 reference thereto, subsection (1) of section 794.056, Florida
2026 Statutes, is reenacted to read:

2027 794.056 Rape Crisis Program Trust Fund.—

2028 (1) The Rape Crisis Program Trust Fund is created within
2029 the Department of Health for the purpose of providing funds for
2030 rape crisis centers in this state. Trust fund moneys shall be
2031 used exclusively for the purpose of providing services for
2032 victims of sexual assault. Funds credited to the trust fund
2033 consist of those funds collected as an additional court
2034 assessment in each case in which a defendant pleads guilty or
2035 nolo contendere to, or is found guilty of, regardless of
2036 adjudication, an offense provided in s. 775.21(6) and (10)(a),
2037 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
2038 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
2039 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
2040 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
2041 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
2042 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
2043 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
2044 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
2045 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
2046 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
2047 fund also shall include revenues provided by law, moneys
2048 appropriated by the Legislature, and grants from public or
2049 private entities.

2050 Section 28. For the purpose of incorporating the amendment
2051 made by this act to section 836.10, Florida Statutes, in a
2052 reference thereto, section 938.085, Florida Statutes, is



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2053 reenacted to read:

2054 938.085 Additional cost to fund rape crisis centers.—In
2055 addition to any sanction imposed when a person pleads guilty or
2056 nolo contendere to, or is found guilty of, regardless of
2057 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
2058 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
2059 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
2060 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
2061 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
2062 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
2063 796.07(2) (a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
2064 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
2065 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
2066 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a), (13), and
2067 (14) (c); or s. 985.701(1), the court shall impose a surcharge of
2068 \$151. Payment of the surcharge shall be a condition of
2069 probation, community control, or any other court-ordered
2070 supervision. The sum of \$150 of the surcharge shall be deposited
2071 into the Rape Crisis Program Trust Fund established within the
2072 Department of Health by chapter 2003-140, Laws of Florida. The
2073 clerk of the court shall retain \$1 of each surcharge that the
2074 clerk of the court collects as a service charge of the clerk's
2075 office.

2076 Section 29. For the 2018-2019 fiscal year, the sum of \$69,
2077 237,286 in recurring funds is appropriated from the General
2078 Revenue Fund to the Department of Education in the Aid to Local
2079 Governments Grants and Aids - Florida Education Finance Program
2080 to fund the mental health assistance allocation created pursuant
2081 to s. 1011.62(16), Florida Statutes.



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2082 Section 30. For the 2018-2019 fiscal year, the sums of
2083 \$500,000 in recurring funds and \$6,200,000 in nonrecurring funds
2084 are appropriated from the General Revenue Fund to the Department
2085 of Education to implement the youth mental health awareness and
2086 assistance training as directed pursuant to s. 1012.584, Florida
2087 Statutes.

2088 Section 31. For the 2018-2019 fiscal year, the sum of \$1
2089 million in nonrecurring funds is appropriated from the General
2090 Revenue Fund to the Department of Education for the design and
2091 construction of a memorial honoring those who lost their lives
2092 on February 14, 2018, at Marjory Stoneman Douglas High School in
2093 Broward County. The department shall collaborate with the
2094 students and faculty of Marjory Stoneman Douglas High School,
2095 the families of the victims, the Broward County School District,
2096 and other relevant entities of the Parkland community on the
2097 design and placement of the memorial.

2098 Section 32. For the 2018-2019 fiscal year, the sum of
2099 \$25,262,714 in nonrecurring funds is appropriated from the
2100 General Revenue Fund to the Department of Education combined
2101 with an equal amount of local matching funds for the purpose of
2102 replacing Building 12, as listed in the Florida Inventory of
2103 School Houses, at Marjory Stoneman Douglas High School in
2104 Broward County.

2105 Section 33. For the 2018-2019 fiscal year, three full-time
2106 equivalent positions, with associated salary rate of 150,000,
2107 are authorized, and the sum of \$344,393 in recurring funds is
2108 appropriated from the General Revenue Fund to the Department of
2109 Education to fund the Office of Safe Schools created pursuant to
2110 s. 1001.212, Florida Statutes.



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2111 Section 34. For the 2018-2019 fiscal year, the sum of
2112 \$97,500,000 in recurring funds is appropriated from the General
2113 Revenue Fund to the Department of Education in the Aid to Local
2114 Governments Grants and Aids - Florida Education Finance Program
2115 category for the safe schools allocation. These funds are in
2116 addition to the safe schools allocation funds appropriated in
2117 the Florida Education Finance Program in the Fiscal Year 2018-
2118 2019 General Appropriations Act. From these funds, \$187,340
2119 shall be distributed to each school district and developmental
2120 research school to increase each school districts' minimum
2121 amount to \$250,000 when combined with the minimum amount
2122 appropriated in the 2018-2019 General Appropriations Act.
2123 Notwithstanding s. 1011.62(15), Florida Statutes, the balance of
2124 the funds appropriated in this section shall be distributed to
2125 school districts based on each district's proportionate share of
2126 the state's total unweighted full-time equivalent student
2127 enrollment. Each school district must use these funds
2128 exclusively for hiring or contracting for school resource
2129 officers pursuant to s. 1006.12, Florida Statutes.

2130 Section 35. For the 2018-2019 fiscal year, the sum of
2131 \$100,000 in recurring funds is appropriated from the General
2132 Revenue Fund to the Department of Education to competitively
2133 procure the active shooter training component of the school
2134 safety specialist training program pursuant to s. 1001.212,
2135 Florida Statutes.

2136 Section 36. For the 2018-2019 fiscal year, the sum of
2137 \$98,962,286 in nonrecurring funds is appropriated from the
2138 General Revenue Fund to the Department of Education to implement
2139 a grant program that will provide awards to schools to fund, in



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2140 whole or in part, the fixed capital outlay costs associated with
2141 improving the physical security of school buildings as
2142 identified by a security risk assessment completed before August
2143 1, 2018, by a school district or charter school. By August 31,
2144 2018, the department shall submit the grant guidelines, which
2145 must include an application submission deadline of no later than
2146 December 1, 2018, and the specific evaluation criteria, to all
2147 school districts and charter schools. The department shall award
2148 grants no later than January 15, 2019, based upon the evaluation
2149 criteria set forth in the application guidelines.

2150 Section 37. For the 2018-2019 fiscal year, the sums of
2151 \$300,000 in nonrecurring funds and \$100,000 in recurring funds
2152 are appropriated from the General Revenue Fund to the Department
2153 of Law Enforcement to competitively procure proposals for the
2154 development or acquisition of the mobile suspicious activity
2155 reporting tool pursuant to s. 943.082, Florida Statutes. The
2156 tool shall be implemented no later than January 31, 2019.

2157 Section 38. For the 2018-2019 fiscal year, five full-time
2158 equivalent positions, with associated salary rate of 345,000,
2159 are authorized and the recurring sum of \$600,000 and the
2160 nonrecurring sum of \$50,000 are appropriated from the General
2161 Revenue Fund to the Department of Law Enforcement to fund the
2162 operations of the Marjory Stoneman Douglas High School Public
2163 Safety Commission.

2164 Section 39. For the 2018-2019 fiscal year, the sum of
2165 \$9,800,000 in recurring funds is appropriated from the General
2166 Revenue Fund to the Department of Children and Families to
2167 competitively procure for additional community action treatment
2168 teams to ensure reasonable access among all counties. The



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2169 department shall consider the geographic location of existing
2170 community action treatment teams and select providers to serve
2171 the areas of greatest need.

2172 Section 40. For the 2018-2019 fiscal year, the sums of
2173 \$18,300,000 in recurring funds are appropriated from the General
2174 Revenue Fund to the Department of Children and Families to
2175 competitively procure proposals for additional mobile crisis
2176 teams to ensure reasonable access among all counties. The
2177 department shall consider the geographic location of existing
2178 mobile crisis teams and select providers to serve the areas of
2179 greatest need.

2180 Section 41. For the 2018-2019 fiscal year, the sums of
2181 \$18,321 in recurring funds and \$225,000 in nonrecurring funds
2182 are appropriated from the General Revenue Fund to the Department
2183 of Education in the Special Categories - Teacher and School
2184 Administrator Death Benefits category to provide for the
2185 benefits awarded pursuant to s. 112.1915, Florida Statutes, to
2186 the eligible recipients of the three Marjory Stoneman Douglas
2187 High School staff members who lost their lives on February 14,
2188 2018.

2189 Section 42. For the 2018-2019 fiscal year, the sum of \$3
2190 million in recurring funds is appropriated from the General
2191 Revenue Fund to the Department of Education to competitively
2192 procure for the development or acquisition of the centralized
2193 data repository and analytics resources pursuant to s. 1001.212,
2194 Florida Statutes. The department shall collaborate with the
2195 Department of Law Enforcement and school districts to identify
2196 the requirements and functionality of the data repository and
2197 analytics resources and shall make such resources available to



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2198 the school districts no later than December 1, 2018.

2199 Section 43. For the 2018-2019 fiscal year, the sum of \$1
2200 million in nonrecurring funds is appropriated from the General
2201 Revenue Fund to the Department of Education to competitively
2202 procure a contract with a third-party security consultant with
2203 experience in conducting security risk assessments of public
2204 schools. Contract funds shall be used to review and analyze the
2205 department's current security risk assessment tool known as the
2206 Florida Safe Schools Assessment Tool (FSSAT) and a sample of
2207 self-assessments conducted by school districts using the FSSAT
2208 to determine the effectiveness of the recommendations produced
2209 based upon the FSSAT. The review shall include any recommended
2210 updates and enhancements with associated costs for their
2211 implementation to aid districts in developing recommendations to
2212 address safety and security issues discovered by the FSSAT. The
2213 department shall submit the completed review to the State Board
2214 of Education, the Executive Office of the Governor's Office of
2215 Policy and Budget, the chair of the Senate Committee on
2216 Appropriations, and the House of Representatives Appropriations
2217 Committee no later than January 1, 2019.

2218 Section 44. Except as otherwise expressly provided in this
2219 act, this act shall take effect upon becoming a law.

2220
2221 ===== T I T L E A M E N D M E N T =====

2222 And the title is amended as follows:

2223 Delete everything before the enacting clause
2224 and insert:

2225 A bill to be entitled

2226 An act relating to public safety; providing a short



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2227 title; providing legislative findings; amending
2228 16.555, F.S.; authorizing the awarding of grants
2229 through the Crime Stoppers Trust Fund for student
2230 crime watch programs; amending s. 20.15, F.S.;
2231 establishing the Office of Safe Schools within the
2232 Department of Education; amending s. 121.091, F.S.;
2233 authorizing certain retired law enforcement officers
2234 to be reemployed as school resource officers after
2235 meeting specified termination requirements;
2236 authorizing such retired law enforcement officers to
2237 receive compensation and retirement benefits after a
2238 specified period; providing that such retired law
2239 enforcement officers may not renew membership in the
2240 Florida Retirement System, except as otherwise
2241 provided; amending s. 394.463, F.S.; requiring when
2242 practicable that a law enforcement officer with
2243 certain training be assigned to serve and execute
2244 certain ex parte orders; authorizing a law enforcement
2245 officer to seize and hold firearms and ammunition if
2246 taking custody of a person who poses a potential
2247 danger to himself or herself or others and who has
2248 made a credible threat against another person;
2249 authorizing a law enforcement officer to seek the
2250 voluntary surrender of firearms and ammunition kept in
2251 the residence if the law enforcement officer takes
2252 custody of the person at the person's residence and
2253 certain criteria are met; authorizing such law
2254 enforcement officer to petition an appropriate court
2255 for a risk protection order under certain



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2256 circumstances; requiring that firearms and ammunition
2257 seized or voluntarily surrendered be returned within a
2258 certain timeframe under specified circumstances;
2259 providing exceptions; requiring law enforcement
2260 agencies to develop policies and procedures relating
2261 to the seizure, storage, and return of firearms and
2262 ammunition; amending s. 394.495, F.S.; requiring the
2263 Department of Children and Families to contract for
2264 community action treatment teams throughout the state
2265 with the managing entities; specifying requirements
2266 for community action treatment teams; subject to
2267 legislative appropriation, requiring the department to
2268 contract for additional teams to ensure statewide
2269 availability of services; creating s. 790.222, F.S.;
2270 defining the term "bump-fire stock"; prohibiting
2271 specified acts relating to the sale and possession of
2272 bump-fire stocks; providing criminal penalties;
2273 providing legislative intent; providing a short title;
2274 creating s. 790.064, F.S.; prohibiting a person who
2275 has been adjudicated mentally defective or been
2276 committed to a mental institution from owning or
2277 possessing a firearm until certain relief is obtained;
2278 specifying that the firearm possession and ownership
2279 disability runs concurrently with the firearm purchase
2280 disability under certain provisions; authorizing a
2281 person to petition for relief from the firearm
2282 possession and ownership disability; requiring that
2283 petitions for relief follow certain procedures;
2284 authorizing such person to petition for simultaneous



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2285 relief; creating s. 790.401, F.S.; defining terms;
2286 creating an action known as a petition for a risk
2287 protection order to prevent persons who are at high
2288 risk of harming themselves or others from accessing
2289 firearms or ammunition; providing requirements for
2290 petitions for such orders; providing duties for courts
2291 and clerks of court; prohibiting fees for the filing
2292 of or service of process of such petitions; providing
2293 for jurisdiction for such petitions; requiring
2294 hearings on petitions within a specified period;
2295 providing service requirements; providing grounds that
2296 may be considered in determining whether to grant such
2297 a petition; providing requirements for proceedings;
2298 providing requirements for risk protection orders;
2299 requiring the court to inform a respondent of his or
2300 her right to request a certain hearing; authorizing
2301 temporary ex parte orders under certain circumstances;
2302 providing requirements for petitions for such ex parte
2303 orders; providing for service of orders; providing for
2304 the termination or extension of an order; providing
2305 for the surrender and storage of firearms, ammunition,
2306 and licenses to carry a concealed weapon or firearm
2307 after issuance of a risk protection order; requiring
2308 law enforcement agencies to develop certain policies
2309 and procedures; providing for return of firearms and
2310 ammunition upon the vacating or end without the
2311 extension of an order under certain circumstances;
2312 authorizing a respondent to elect to transfer all
2313 firearms and ammunition surrendered or seized by a law



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2314 enforcement agency to another person under certain
2315 circumstances; requiring a clerk of the court to
2316 forward a copy of a risk protection order to the
2317 appropriate law enforcement agency within a specified
2318 timeframe; requiring the law enforcement agency to
2319 enter the order into the Florida Crime Information
2320 Center and the National Crime Information Center
2321 systems; requiring that the order be maintained in the
2322 systems for a specified period and prohibiting a law
2323 enforcement from removing an order from the systems
2324 which has not ended or been vacated; providing that
2325 entry of an order into the systems constitutes notice
2326 to law enforcement agencies; requiring an issuing
2327 court to forward specified information concerning a
2328 respondent to the Department of Agriculture and
2329 Consumer Services within a specified timeframe;
2330 requiring the department to suspend a license to carry
2331 a concealed weapon or firearm which is held by a
2332 person subject to such an order; prohibiting a person
2333 from making a false statement under oath; providing
2334 criminal penalties; prohibiting violations of such an
2335 order; providing criminal penalties; providing
2336 construction; providing that the risk protection order
2337 provisions do not create liability for certain acts or
2338 omissions; requiring the Office of the State Courts
2339 Administrator to develop and distribute certain
2340 instructional and informational material; amending
2341 836.10, F.S.; prohibiting a person from making,
2342 posting, or transmitting a threat to conduct a mass



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2343 shooting or an act of terrorism in a writing or other
2344 record in any manner that would allow another person
2345 to view the threat; providing criminal penalties;
2346 amending 921.0022, F.S.; conforming a provision to
2347 changes made by the act; creating s. 943.082, F.S.;
2348 requiring the Department of Law Enforcement, in
2349 collaboration with the Department of Legal Affairs, to
2350 competitively procure a mobile suspicious activity
2351 tool with certain features; requiring the department
2352 to receive certain electronic reports; requiring the
2353 reporting tool to notify the reporting party of
2354 certain information; requiring the forwarding of
2355 certain information to appropriate law enforcement
2356 agencies; requiring that certain entities be made
2357 aware of the reporting tool; requiring the department,
2358 in collaboration with certain entities, to develop and
2359 provide certain training and awareness relating to the
2360 reporting tool; creating s. 943.687, F.S.; creating
2361 the Marjory Stoneman Douglas High School Public Safety
2362 Commission within the Department of Law Enforcement;
2363 requiring the commission to convene by a certain date;
2364 specifying the composition of the commission;
2365 requiring Department of Law Enforcement staff to
2366 assist the commission; specifying meeting
2367 requirements; authorizing reimbursement for per diem
2368 and travel expenses; providing the duties and
2369 authority of the commission; requiring the commission
2370 to submit an initial report to the Governor and the
2371 Legislature within a specified time; providing for the



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2372 expiration of the commission; creating s. 1001.212,
2373 F.S.; creating the Office of Safe Schools within the
2374 Department of Education; providing duties of the
2375 office; amending s. 1002.32, F.S.; conforming a cross-
2376 reference; amending s. 1006.04, F.S.; revising the
2377 purpose and duties of the educational multiagency
2378 network for students with emotional and behavioral
2379 disabilities; amending s. 1006.07, F.S.; revising
2380 district school board duties relating to student
2381 discipline and school safety; requiring students to
2382 note referrals to mental health services upon initial
2383 registration for school within a school district;
2384 authorizing a district school board to refer a student
2385 to certain mental health services under certain
2386 circumstances; revising the code of student conduct
2387 relating to the referral of certain students to
2388 certain mental health services and law enforcement;
2389 providing requirements for student crime watch
2390 programs; revising the policies and procedures for
2391 emergency drills to include drills for active shooter
2392 and hostage situations; providing requirements for
2393 such drills; revising requirements for the emergency
2394 response policy; requiring model emergency management
2395 and emergency preparedness procedures for active
2396 shooter situations; requiring school districts to
2397 establish a schedule to test emergency communication
2398 systems; requiring district school superintendents to
2399 establish certain policies and procedures relating to
2400 the prevention of violence on school grounds and



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2401 designate a school safety specialist for the school
2402 district; providing requirements and duties for school
2403 safety specialists; providing school safety specialist
2404 requirements relating to the required school security
2405 risk assessments; requiring each district school board
2406 to establish a threat assessment team at each school
2407 within the district; providing requirements and duties
2408 for threat assessment teams; authorizing a threat
2409 assessment team to obtain certain criminal history
2410 record information under certain circumstances;
2411 prohibiting a member of a threat assessment team from
2412 disclosing or using such information except for a
2413 specified purpose; authorizing certain entities to
2414 share specified confidential information and records
2415 relating to students for specified purposes;
2416 authorizing school personnel to address an immediate
2417 mental health or substance abuse crisis; providing
2418 requirements for addressing such situations; providing
2419 threat assessment team reporting requirements;
2420 amending s. 1006.08, F.S.; requiring a district school
2421 superintendent to be notified by the court of a
2422 student referred to mental health services; amending
2423 s. 1006.12, F.S.; requiring district school boards to
2424 establish or assign safe-school officers at each
2425 district school facility within the district;
2426 requiring school resource officers and school safety
2427 officers to undergo specified evaluations; amending s.
2428 1006.13, F.S.; revising the policy of zero tolerance
2429 for crime and victimization; providing district school



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2430 board responsibilities; authorizing a threat
2431 assessment team to use specified alternatives to
2432 expulsion or referral to law enforcement to address
2433 disruptive behavior; providing requirements for zero-
2434 tolerance policies; requiring a threat assessment team
2435 to consult with law enforcement under certain
2436 circumstances; creating s. 1006.1493, F.S.; requiring
2437 the department to contract with a security consulting
2438 firm to develop, update, and implement a risk
2439 assessment tool; providing requirements for the
2440 Florida Safe Schools Assessment Tool; requiring
2441 reports, training, and advice in the security
2442 consulting firm contract; requiring a specified annual
2443 report to the Governor and Legislature by a specified
2444 date; providing for construction regarding the
2445 applicability of public records exemptions for certain
2446 security data and information; amending s. 1011.62,
2447 F.S.; authorizing a district school board to use
2448 certain categorical appropriations to improve school
2449 safety; revising the safe schools allocation; creating
2450 the mental health assistance allocation; providing the
2451 purpose of the allocation; requiring that funds be
2452 allocated annually in the General Appropriations Act;
2453 providing for the annual allocation of such funds on a
2454 specified basis; providing that eligible charter
2455 schools are entitled to a proportionate share;
2456 prohibiting the use of allocated funds to supplant
2457 funds provided from other operating funds, to increase
2458 salaries, or to provide bonuses, except in certain



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2459 circumstances; requiring that school districts and
2460 schools maximize certain third-party funding;
2461 requiring that school districts and charter schools
2462 annually develop and submit certain detailed plans;
2463 requiring that approved charter school plans be
2464 provided to the district for submission to the
2465 commissioner; providing that required plans must
2466 include certain elements; requiring school districts
2467 to annually submit approved plans to the Commissioner
2468 of Education by a specified date; requiring that
2469 entities receiving such allocations annually submit a
2470 final report on program outcomes and specific
2471 expenditures to the commissioner by a specified date;
2472 creating s. 1012.584, F.S.; requiring the department
2473 to establish a youth mental health awareness and
2474 assistance training program for specified purposes;
2475 providing department and program requirements;
2476 requiring certain school personnel to receive such
2477 training; requiring the school safety specialist to
2478 ensure certain personnel receive such training;
2479 requiring school districts to inform such personnel of
2480 the mental health services available in the district;
2481 providing appropriations for specified purposes;
2482 providing appropriations; reenacting ss. 794.056 and
2483 938.085, F.S.; relating to the Rape Crises Program
2484 Trust Fund and additional cost to fund rape crises
2485 centers, respectively, to incorporate the amendment
2486 made to s. 836.10, F.S.; providing appropriations;
2487 providing effective dates.