

## Committee on Rules

### **CS/HM 147 — Status of Puerto Rico**

by Local, Federal and Veterans Affairs Subcommittee; and Rep. Cortes, B. and others (SM 940 by Senators Rodriguez, Torres, and Campbell)

The memorial urges Congress to incorporate the territory and resident United States citizens of Puerto Rico into the United States and apply, without discrimination or inequality, all law and policy in Puerto Rico on the same basis as in a state of the Union.

Puerto Rico is currently classified as an “unincorporated territory.” An unincorporated territory is an area where Congress has not expressly and fully extended all of the United States Constitution within the meaning of Article IV, Section 3. In contrast, an “incorporated territory” is a territory to which the United States Constitution fully applies. Although Puerto Rico has been a possession of the United States since 1898, it has never been incorporated into the United States as other territories have been.

The memorial recounts the historical and legal relationship of the United States and Puerto Rico since 1898. It concludes by urging Congress to incorporate the territory and United States resident citizens of Puerto Rico into the United States.

*Vote: Senate Adopted; House Adopted*

## Committee on Rules

### **SB 1940 — Public Records and Public Meetings/School Safety**

by Senators Galvano and Benacquisto

This bill creates three new public records exemptions. Each of these exemptions is related to legislation on school safety. The School Safety legislation provides for, among other things, enhancement of the School Safety Awareness Program (FortifyFL) through implementation of a new mobile suspicious activity reporting tool, the designation of school guardians and other safe-school officers, and the creation of the Marjory Stoneman Douglas High School Public Safety Commission.

First, the bill makes confidential and exempt from disclosure the identity of a reporting party received through the mobile suspicious activity reporting tool which is held by the Department of Law Enforcement, law enforcement agencies, or school officials. Without the exemption, a person may be fearful of reporting suspicious activity which could otherwise be used by law enforcement as a lead in preventing an incident of mass violence.

Another public records exemption is created to make exempt from disclosure information held by a law enforcement agency, school district, or charter school which would identify whether a particular individual has been appointed as a safe-school officer. The exemption is needed to maximize the effectiveness of safe-school officers, including adequately responding to an active assailant situation.

Finally, the bill makes exempt from disclosure a portion of a meeting of the Marjory Stoneman Douglas High School Public Safety Commission (commission) at which exempt or confidential and exempt information is discussed. In investigating failures in the Marjory Stoneman Douglas High School shooting and other mass violence incidents in the state, the commission will have for its review sensitive information that may already be protected from public records disclosure. Without the exemption provided in this bill, existing public records exemptions would be negated.

Each of these public records exemptions is subject to the Open Government Sunset Review and stands repealed October 2, 2023, unless the Legislature reviews the exemptions and saves them from repeal before that date.

If approved by the Governor, these provisions take effect on the same date that SB 7026 takes effect, which is upon becoming law.

*Vote: Senate 36-0; House 114-2*

## Committee on Rules

### **SB 7024 — Public Records/Victim of an Incident of Mass Violence**

by Rules Committee

This bill makes exempt from public records disclosure the address of a victim of an incident of mass violence. An incident of mass violence is defined as an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate violent act. A victim is defined as a person killed or injured during the incident of mass violence.

Without the exemption, the media or others could invade the privacy of the victim or the victim's family and subject them to harassment and additional pain and suffering.

In the Open Government Sunset Review, the bill provides that the public records exemption stands repealed on October 2, 2023, unless the Legislature reviews and saves the exemption from repeal before that date.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 35-1; House 117-0*

## Committee on Rules

### **CS/SB 7026 — Public Safety**

by Appropriations Committee and Rules Committee

The bill (Chapter 2018-3, L.O.F.) comprehensively addresses the crisis of gun violence, including but not limited to, gun violence on school campuses. The Legislature intends to address this crisis by providing law enforcement and the courts with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence, and by promoting school safety and enhanced coordination between education and law enforcement entities at the state and local level.

In the area of mental health, the bill:

- Authorizes a law enforcement officer who is taking a person into custody for an involuntary examination under the Baker Act to seize and hold a firearm or ammunition in the person's possession and to seek the voluntary surrender of other firearms or ammunition kept in the residence.
- Provides that the firearms or ammunition seized or voluntarily surrendered must be available for return no longer than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged or discharged from any inpatient or involuntary outpatient treatment provided or ordered and does not have a risk protection order against them or is the subject of a firearm disability.
- Prohibits a person who has been adjudicated mentally defective or who has been committed to a mental institution from owning or possessing a firearm until a court orders otherwise.
- Creates a process for a law enforcement officer or law enforcement agency to petition a court for a risk protection order to temporarily prevent persons who are at high risk of harming themselves or others from possessing firearms or ammunition when a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.
- Allows a court to issue a risk protection order for up to 12 months and requires the surrender of all firearms and ammunition if a risk protection order is issued.
- Provides a process for a risk protection order to be vacated or extended by the court.

The bill provides the following in the area of gun safety:

- Requires a three-day waiting period between the purchase and delivery of a firearm or until the background check is completed, whichever is later.
- Provides exceptions of the three-day waiting period for concealed weapons permit holder, and for the purchase of firearms other than handguns, an exception for:
  - o Individuals who have completed a 16-hour hunter safety course and possess a hunter safety certification card;
  - o Persons who are exempt from the hunter safety course requirements and hold a valid Florida hunting license; or

- o Law enforcement officers, correctional officers, and servicemembers.
- Prohibits a person under 21 years of age from purchasing a firearm and a licensed firearm dealer, importer, and manufacturer, from selling a firearm, except in the case of a member of the military, or a law enforcement or correctional officer when purchasing a rifle or shotgun.
- Prohibits a bump-fire stock from being imported, transferred, distributed, sold, keeping for sale, offering for sale, possessing, or giving away within the state beginning October 1, 2018.

The bill improves school safety through the following provisions:

- Establishes the Marjory Stoneman Douglas High School Public Safety Commission (commission) to investigate system failures in the Parkland school shooting and prior mass violence incidents, and develop recommendations for system improvements. An initial report from the commission is due to the Governor and the Legislature by January 1, 2019; and the commission is scheduled to repeal on July 1, 2023.
- Codifies the Office of Safe Schools within the Florida Department of Education (DOE) which will serve as a central repository for the best practices, training standards, and compliance regarding school safety and security.
- Permits a sheriff to establish a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises. The bill allows school districts to decide whether to participate in the school guardian program if it is available in their county. A school guardian must complete 132 hours of comprehensive firearm safety and proficiency training, 12 hours of diversity training, pass a psychological evaluation, and initial drug test and subsequent random drug tests. No teacher will be required to participate. In fact, the legislation provides that personnel that are strictly classroom teachers with no other responsibilities cannot participate, with specified exceptions.
- Requires each district school board and school district superintendent to cooperate with law enforcement agencies to assign one or more safe-school officers at each school facility.
- Requires each district school board to:
  - o Designate a school administrator who completes the required training within the specified timeframe as the school safety specialist for the district to serve as the district's primary point of public contact for public school safety functions.
  - o Designate a threat assessment team at each school, and requires the team to operate under the district school safety specialist's direction. The bill requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act that would pose a threat to school safety.
  - o Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills for hostage and active shooter situations and incorporate procedures to address active shooter situations in the model emergency management and emergency preparedness procedures.

- o Requires each school safety specialist to coordinate with appropriate public safety agencies that are designated as the first responders to a school's campus to tour such campus once every 3 years and provide recommendations related to school safety.
- Requires the DOE to contract for the development of a Florida Safe School Assessment Tool to be used by each school district and public school in conducting security assessments to identify threats and vulnerabilities.
- Requires the DOE to establish evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is experiencing or developing an emotional disturbance, mental health, or substance abuse problem.
- Creates the mental health assistance allocation within the Florida Education Finance Program to provide funding to assist school districts in establishing or expanding school-based mental health care.
- Clarifies that the cost per student station does not include specified costs related to improving school safety.

The bill also:

- Prohibits a person from making, posting, or transmitting a threat to conduct a mass shooting or an act of terrorism.
- Requires the Department of Children and Families (DCF) to contract for community action treatment teams to provide behavioral health and support services.
- Requires the Florida Department of Law Enforcement to procure a mobile app that would allow students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities or threats. The students of Marjory Stoneman Douglas High School recommended that the program be named "FortifyFL."

The bill includes, but is not limited to, the following appropriations for the proposals discussed above:

- Over \$69 million to the DOE to fund the mental health assistance allocation;
- \$1 million for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School.
- Over \$25 million for replacing building 12 at Marjory Stoneman Douglas High School.
- Over \$67 million for sheriff's offices who decide to establish a school guardian program.
- Over \$97 million to aid for the safe school allocation.
- Over \$98 million to implement a grant program for improving the physical security of school buildings.
- \$400,000 for the "FortifyFL" mobile app.
- \$18.3 million to the DCF for additional mobile crisis teams to ensure reasonable access among all counties.

These provisions were approved by the Governor and take effect on March 9, 2018, unless otherwise provided.

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| This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office. |
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*Vote: Senate 20-18; House 67-50*

## Committee on Rules

### **SB 7028 — Ratification of Department of Elderly Affairs Rules**

by Rules Committee

SB 7028 ratifies a Department of Elderly Affairs rule to ensure that assisted living facilities have an alternative power source. The rule was developed in response to the death of 12 nursing home residents in Hollywood, Florida, from heat exposure due to power outages resulting from Hurricane Irma in September, 2017. Assisted living facilities are licensed by the state to provide custodial care for residents who cannot live independently but do not need skilled nursing care.

The Department of Elderly Affairs wrote Rule 58A-5.036, Florida Administrative Code, entitled “Emergency Environmental Control for Assisted Living Facilities” to require all such facilities to have an alternative power source by June 1, 2018. The power source must ensure that the temperature in a portion of the facility large enough to accommodate all of the facility’s residents is maintained at 81 degrees Fahrenheit or cooler. Assisted living facilities must have access to sufficient fuel to run the alternative power source for a minimum of 96 hours in the event of the loss of primary electrical power. The rule was published February 13, 2018.

Section 120.541, Florida Statutes, requires any rule that increases regulatory costs on the private sector by more than \$1 million over 5 years be ratified by the Legislature before it may take effect. The Department of Elderly Affairs determined that the proposed rule will likely increase regulatory costs by more than this amount with the implementation of the rule.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 37-0; House 108-1*

## Committee on Rules

### **HB 7045 — The Legislature/Date for Convening 2020 Regular Session**

by Rules and Policy Committee and Representative Nuñez

The bill provides that the 2020 Regular Session of the Legislature will convene on January 14, 2020.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 34-3; House 110-4*

## Committee on Rules

### **HB 7099 — Ratification of Agency for Health Care Administration Rules**

by Health and Human Services Committee and Rep. Magar (SB 7030 by Rules Committee)

HB 7099 ratifies Agency for Health Care Administration (AHCA) Rule 59A-4.1265, F.A.C., entitled “Emergency Environmental Control for Nursing Homes.” This rule requires, by June 1, 2018, each nursing home to acquire an alternative power source to ensure that temperatures are maintained at 81 degrees Fahrenheit or cooler in a sufficient portion of the facility to accommodate all of the facility’s residents. The rule also requires each facility to implement certain policies and procedures to ensure that residents do not suffer complications from heat exposure.

The Statement of Estimated Regulatory Costs developed by the AHCA determined that the proposed rule will likely increase regulatory costs in excess of \$1 million in the aggregate within five years after implementation of the rule. Accordingly, the rule must be ratified by the Legislature before it may go into effect.

The bill also:

- Directs that the act shall not be codified in the Florida Statutes;
- Requires that after the act becomes law, its enactment and effective date shall be noted in the Florida Administrative Code, the F.A.R., or both, as appropriate;
- Provides that the act does not alter rulemaking authority or constitute a legislative preemption of, or exception to, any other provision of law regarding adoption or enforcement of the rule and is intended to preserve the status of the rule; and
- Does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of requirements governing adoption of the rule.

The Statement of Estimated Regulatory Costs developed by the AHCA determined that the proposed rule will likely increase regulatory costs in excess of \$1 million in the aggregate within five years after implementation of the rule. Accordingly, the rule must be ratified by the Legislature before it may go into effect.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 35-0; House 113-0*