

By Senator Silver

38-1256A-01

1 A bill to be entitled
2 An act relating to school safety; creating the
3 "Safe Passage Act"; creating s. 229.8349, F.S.;
4 providing legislative findings and intent;
5 providing for safety audits of school districts
6 and safety and security programs, district
7 plans and procedures, and safety and security
8 practices; requiring a public review of audit
9 recommendations; requiring an action plan to
10 address audit recommendations; providing for
11 appeal of a school district failure to adopt or
12 implement an action plan; providing for school
13 safety hotlines; requiring reporting of
14 offenses against school property or persons on
15 school property; providing penalties for
16 failure to report known or suspected threats;
17 providing penalties for false reports of
18 threats; providing immunity from liability for
19 good-faith reporting of suspected threats;
20 requiring a record of hotline calls and a
21 review of the record; providing for rules;
22 amending s. 235.06, F.S.; providing for the
23 State Fire Marshal to adopt rules for
24 firesafety in educational facilities; providing
25 for firesafety inspections by personnel or the
26 local fire control authority or the State Fire
27 Marshal; providing responsibilities of local
28 fire control authorities with respect to
29 firesafety in educational facilities; amending
30 s. 633.01, F.S.; prescribing duty of the State
31 Fire Marshal to adopt rules relating to

1 firesafety of occupants of educational
2 facilities; providing an effective date.

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4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. Section 229.8349, Florida Statutes, is
7 created to read:

8 229.8349 School safety accountability program.--

9 (1) SHORT TITLE.--This section may be cited as the
10 "Safe Passage Act."

11 (2) FINDINGS.--The Legislature finds that:

12 (a) The safety of our students, teachers, and staff is
13 as important to our children's welfare as academic
14 performance.

15 (b) A school atmosphere characterized by fear,
16 violence, and intimidation adversely affects learning,
17 teaching, and students' mental well-being, socialization, and
18 adaptation.

19 (c) A school atmosphere characterized by safety and
20 security promotes learning, teaching, and emotional health and
21 well-being.

22 (3) INTENT.--It is the intent of the Legislature to
23 foster a safe learning environment in each public school in
24 the state serving all or portions of grades K-12. To enhance
25 children's safe passage through Florida's K-12 public
26 education system, a school safety accountability program is
27 created. The Commissioner of Education may offer school
28 districts technical assistance to promote successful
29 implementation of this school safety accountability program.

30 (4) BEST SAFETY AND SECURITY PRACTICES.--"Best safety
31 and security practices" are those practices identified in this

1 section which have been developed pursuant to s. 230.23025 by
2 the Office of Program Policy Analysis and Government
3 Accountability and the Office of the Auditor General and
4 approved by the Commissioner of Education in consultation with
5 the Partnership for School Safety and Security established in
6 s. 229.8347. The Department of Education shall provide
7 Internet access to Best Safety and Security Practices, which
8 shall be used by school advisory councils for school
9 improvement plans required by s. 230.23(6).

10 (5) DESIGNATION OF SCHOOL DISTRICTS.--Each school
11 district shall be subject to a safety audit on a 5-year cycle
12 as provided by the Legislature in the General Appropriations
13 Act. No later than December 31 of each year, the Commissioner
14 of Education shall recommend to the President of the Senate
15 and the Speaker of the House of Representatives the school
16 districts that are proposed to undergo audits during the next
17 fiscal year. The Legislature shall annually designate in the
18 General Appropriations Act those school districts that will
19 receive a fully funded safety audit.

20 (6) SAFETY AUDITS.--

21 (a) School districts shall be subject to a
22 state-funded, mandatory audit to be conducted by professional,
23 third-party auditors under state contract with the Department
24 of Education. At least one member of the audit team must have
25 expertise in school psychology, social work, or guidance
26 counseling and one member of the audit team must have
27 expertise in law enforcement. The audit shall gather evidence
28 of the extent to which the district and schools within the
29 district have adopted and effectively implemented best safety
30 and security practices, including, without limitation, the
31 following:

1 1. The school district ensures that it has a safety
2 and security program that has clear direction and is effective
3 in meeting its intended purpose in a cost-efficient manner by
4 adoption and implementation of the following practices:

5 a. The district has established and implemented
6 accountability mechanisms to ensure the performance,
7 efficiency, and effectiveness of the safety and security
8 program.

9 b. The district regularly reviews the organizational
10 structure and staffing levels of the safety and security
11 program and minimizes administrative layers and processes.

12 2. The school district has comprehensive plans and
13 procedures to promote the safety and security of students and
14 employees, including, without limitation, the following best
15 safety and security practices:

16 a. The district has a written comprehensive plan that
17 includes district-wide emergency and safety procedures and
18 identifies those responsible for them.

19 b. The district has developed a checklist for each
20 school that provides step-by-step crisis response procedures.

21 c. The district identifies district and school
22 personnel who need school safety training and provides those
23 personnel with appropriate training.

24 3. The school district endeavors to identify,
25 minimize, and protect students, teachers, administrators,
26 resource officers, and other personnel from the effects of
27 disruptive or violent student behavior by adoption and
28 implementation of best safety and security practices,
29 including, without limitation, the following:

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1 a. Each school has in place a state-of-the-art threat
2 assessment methodology for students, teachers, administrators,
3 resource officers, and other personnel.

4 b. The district identifies and implements parent and
5 community outreach strategies to promote safety in the home
6 and community.

7 c. The district conducts a needs assessment to
8 determine the need for violence and drug prevention programs
9 and, based on identified needs, implements appropriate
10 programs.

11 d. The district and each school have behavioral and
12 disciplinary policies that are well-defined and
13 well-communicated to students, parents, teachers,
14 administrators, resource officers, and other personnel.

15 e. The school board adopts curricula and programs
16 aimed at protecting students, teachers, administrators,
17 resource officers, and other personnel to include, without
18 limitation, training of students, teachers, administrators,
19 resource officers, and other personnel in the assessment and
20 management of threats; anger management; and dispute
21 resolution through mediation.

22 4. School facilities and equipment are safe and in
23 good working condition by adoption and implementation of best
24 safety and security practices, including, without limitation,
25 the following:

26 a. The district can demonstrate that each school in
27 the district has performed an annual self-assessment of all
28 relevant health and safety issues.

29 b. The district ensures that playgrounds are properly
30 constructed, maintained, and supervised so as to minimize the
31 risk of injury.

1 c. Each school has appropriate equipment to protect
2 the safety and security of property and records.

3 d. The district provides appropriate safety equipment
4 and information to prevent injuries to students and others.

5 (b) The school board shall conduct a public hearing to
6 review the audit recommendations and adopt within 60 calendar
7 days of issuance of the audit report an action plan
8 identifying those steps required to be taken at the district
9 and school levels in order to address the recommendations. The
10 school board shall institute the action plan and cause the
11 plan to be instituted at the school level and shall submit a
12 written report to the Commissioner of Education no later than
13 July 1 of the following year. The follow-up report shall
14 describe in detail the changes that were made and, by specific
15 reference to the audit, whether such changes that occurred at
16 the district and K-12 school levels corrected deficiencies
17 noted in the audit report and otherwise addressed audit
18 recommendations. The Department of Education shall provide
19 Internet access to all school district audit followup reports.

20 (7) CITIZEN APPEAL.--

21 (a) If the district school board fails to vote on
22 whether to adopt an action plan for implementation or the
23 school district fails to implement the action plan after
24 voting to implement the action plan any citizen who is a
25 resident of the school district may submit a written appeal to
26 the State Board of Education.

27 (b) An appeal on the grounds that the school district
28 has failed to vote whether to adopt an action plan may be
29 filed not less than 90 days following the school district
30 receipt of the audit report.

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1 (c) An appeal on the grounds that the school district
2 has failed to implement the action plan may be filed not less
3 than 180 days following the receipt of the audit report.

4 (d) The State Board of Education must, by majority
5 vote, accept or reject the decision of the district school
6 board no later than 60 days after an appeal is filed. The
7 State Board of Education shall remand the appeal to the
8 district school board with its written recommendations for
9 district school board actions.

10 (e) Upon receipt and evaluation of the appeal, the
11 Commissioner of Education may contact the school district,
12 assess the situation, urge the school district to commence
13 implementation, and offer technical assistance, if needed.

14 (8) SCHOOL SAFETY HOTLINE.--

15 (a) By September 1, 2001, each school district shall
16 create and maintain a toll-free school safety hotline to
17 provide a means for students, parents, school staff, and other
18 persons to anonymously report activity that affects the safety
19 and well-being of the school's population. School districts
20 shall adopt policies to encourage use of the toll-free school
21 safety hotline.

22 (b) Any adult person who knows of, or has reasonable
23 cause to suspect, an alleged offense directly threatening the
24 safety or well-being of a person or property within a school
25 or at a school-sponsored function shall report such knowledge
26 or suspicion to a toll-free school safety hotline. Any person
27 who knowingly and willfully fails to do so, or who knowingly
28 and willfully prevents another person from doing so, is guilty
29 of a misdemeanor of the first degree, punishable as provided
30 in s. 775.082 or s. 775.083.

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1 (c) The department may impose a fine, not to exceed
2 \$1,000 for each violation, upon a person who knowingly and
3 willfully makes a false report of an alleged offense directly
4 threatening the safety or well-being of a person or property
5 within a school.

6 (d) Any person reporting in good faith to the
7 toll-free school safety hotline any suspected or alleged
8 offense is immune from any civil or criminal liability that
9 might otherwise result by reason of such action.

10 (e) The toll-free school safety hotline shall be
11 operated in a manner that ensures that a designated local law
12 enforcement official and a designated school official are
13 notified of a complaint received through the hotline if the
14 complaint concerns that school. A complaint that concerns an
15 alleged offense directly threatening the safety or well-being
16 of a person or property within a school must be reported to
17 the designated official of the affected school as soon as
18 possible after the complaint is made, and the designated
19 official must conduct an investigation and take appropriate
20 action in a timely manner. Nothing herein shall affect the
21 district's obligations under section 231.262(1)(c), Florida
22 Statutes, with respect to timely investigation and reporting
23 of complaints against certificateholders.

24 (f) A record of calls shall be maintained. A summary
25 report of the calls shall be periodically provided to the
26 school district, parents, school staff, local law enforcement,
27 and the Department of Education. The Department of Education
28 shall provide Internet access to all safety hotline reports.

29 (g) There shall not be an award or monetary benefit
30 for reporting an incident through the toll-free school safety
31 hotline.

1 (9) RULES.--The State Board of Education shall adopt
2 rules pursuant to sections 120.536(1) and 120.54, Florida
3 Statutes, to implement the provision of this section. For
4 purposes of rule development, the Commissioner of Education,
5 in conjunction with the Partnership for School Safety and
6 Security established in section 229.8347, Florida Statutes,
7 shall hold public workshops in various regions of the state,
8 to be determined by the commissioner, so as to encourage the
9 involvement of the public, parents, educators, students, and
10 other stakeholders. The commissioner's determination of the
11 location of such workshops is not subject to review pursuant
12 to sections 120.569 and 120.57, Florida Statutes.

13 Section 2. Section 235.06, Florida Statutes, is
14 amended to read:

15 235.06 Safety and sanitation standards and inspection
16 of property.--The Commissioner of Education shall adopt and
17 administer rules prescribing standards for the safety and
18 health of occupants of educational and ancillary plants as a
19 part of the State Uniform Building Code for Public Educational
20 Facilities Construction as provided in s. 235.26, except that
21 the State Fire Marshal shall adopt and administer the rules
22 prescribing firesafety standards ~~the provisions of chapter 633~~
23 ~~to the contrary notwithstanding.~~ These standards must be used
24 by all public agencies when inspecting public educational and
25 ancillary plants. In accordance with such standards, each
26 board shall prescribe policies and procedures establishing a
27 comprehensive program of safety and sanitation for the
28 protection of occupants of public educational and ancillary
29 plants. Such policies must contain procedures for periodic
30 inspections as prescribed herein and for withdrawal of any
31 educational and ancillary plant, or portion thereof, from use

1 until unsafe or unsanitary conditions are corrected or
2 removed.

3 (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--

4 (a) Each board shall provide for periodic inspection
5 of each educational and ancillary plant at least once during
6 each fiscal year to determine compliance with standards of
7 sanitation and casualty safety prescribed by ~~in~~ the rules of
8 the commissioner or State Fire Marshal.

9 (b) Firesafety inspections of each educational and
10 ancillary plant must be made annually by persons certified by
11 the Division of State Fire Marshal to be eligible to conduct
12 firesafety inspections in public educational and ancillary
13 plants. The board shall submit a copy of the firesafety
14 inspection report to the State Fire Marshal and, if there is a
15 local fire control authority that conducts firesafety
16 inspections, to the local fire control authority.

17 (c) In each firesafety inspection report, the board
18 shall include a plan of action and a schedule for the
19 correction of each deficiency which have been formulated in
20 consultation with the local fire control authority. If
21 immediate life-threatening deficiencies are noted in any
22 inspection, the board shall either take action to promptly
23 correct the deficiencies or withdraw the educational or
24 ancillary plant from use until such time as the deficiencies
25 are corrected.

26 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
27 AGENCIES.--

28 (a) A safety or sanitation inspection of any
29 educational or ancillary plant may be made at any time by the
30 Department of Education or any other state or local agency
31 authorized or required to conduct such inspections by either

1 general or special law. Each agency conducting inspections
2 shall use the standards adopted by the Commissioner of
3 Education or State Fire Marshall in lieu of, and to the
4 exclusion of, any other inspection standards prescribed either
5 by statute or administrative rule, ~~the provisions of chapter~~
6 ~~633 to the contrary notwithstanding.~~ The agency shall submit a
7 copy of the inspection report to the board.

8 (b) If an educational or ancillary plant is located in
9 a county, municipality, or special fire control district that
10 conducts firesafety inspections, at least one firesafety
11 inspection of that plant must be conducted each fiscal year by
12 the county, municipality, or district using the standards
13 adopted by the State Fire Marshal; and at least one firesafety
14 inspection of an educational or ancillary plant not located in
15 a county, municipality, or special fire control district that
16 conducts firesafety inspections must be conducted each fiscal
17 year by personnel of the State Fire Marshal. The board shall
18 cooperate with the inspecting authority when a firesafety
19 inspection is made by a governmental authority under this
20 paragraph.~~In addition to school board inspections, the~~
21 ~~applicable local fire control authority shall also annually~~
22 ~~inspect educational facilities within its fire control~~
23 ~~district, using the standards adopted by the Commissioner of~~
24 ~~Education. Reports shall be filed with the school board, and a~~
25 ~~copy shall be on file with the local site administrator.~~

26 (3) CORRECTIVE ACTION.--Upon failure of the board to
27 take corrective action within a reasonable time, the agency
28 making the inspection may request the State Fire Marshal or
29 local fire control authority commissioner to:

30 (a) Order that appropriate action be taken to correct
31 all deficiencies in accordance with a schedule determined

1 jointly by the inspecting authority and the board; in
2 developing the schedule, consideration must be given to the
3 seriousness of the deficiencies and the ability of the board
4 to obtain the necessary funds; or

5 (b) After 30 calendar days' notice to the board, order
6 all or a portion of the educational or ancillary plant
7 withdrawn from use until the deficiencies are corrected.

8 (4) ADDITIONAL STANDARDS.--The State Fire Marshal
9 shall adopt and administer rules prescribing the following
10 standards for the safety and health of occupants of
11 educational and ancillary plants.

12 (a) The designation of serious life safety hazards
13 including, but not limited to, nonfunctional fire alarm
14 systems, nonfunctional fire sprinkler systems, doors with
15 padlocks or other locks or devices that preclude egress at any
16 time, inadequate exits, hazardous electrical system
17 conditions, potential structural failure, and storage
18 conditions that create a fire hazard. Other conditions may be
19 identified as serious by the inspection authority.

20 (b) The occupant load in number of persons for whom
21 means of egress and other requirements are to be provided must
22 be determined on the basis of the following occupant load
23 factors or the maximum probable population of any room or
24 section under consideration, whichever is greater:

25 1. Classrooms: one person for each 20 net square feet.

26 2. Shops, laboratories, and similar vocational rooms:
27 one person for each 50 net square feet.

28 (c) The proper placement of functional smoke and heat
29 detectors and accessible, unexpired fire extinguishers.

30 (d) The maintenance of fire doors without doorstops or
31 wedges improperly holding them open.

1 (5) IMMEDIATE SAFETY HAZARDS.--When a firesafety
2 inspection of an educational plant discloses a violation of
3 rules and standards constituting an immediate hazard to the
4 safety of students or staff, the inspector, whether acting on
5 behalf of the Department of Education, the State Fire Marshal,
6 or a local fire control authority, may order the plant closed
7 until the violation has been corrected.

8 Section 3. Subsection (7) is added to section 633.01,
9 Florida Statutes, to read:

10 633.01 State Fire Marshal; powers and duties; rules.--

11 (7) The State Fire Marshal shall adopt and administer
12 rules prescribing standards for the firesafety of occupants of
13 educational and ancillary facilities in accordance with ss.
14 235.06 and 235.26.

15 Section 4. This act shall take effect July 1, 2001.

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18 SENATE SUMMARY

19 Creates the Safe Passage Act, which provides for audits
20 of school safety and safety and security plans,
21 practices, facilities, and equipment. Requires district
22 school boards to review independent, third-party audits
23 and formulate plans to correct safety deficiencies.
24 Provides for remedies in cases of school board inaction.
25 Requires persons having actual or suspected knowledge of
26 danger to persons at school facilities or to school
27 property to report it, on pain of criminal penalties.
28 Immunizes persons providing information in good faith
29 from liability. Transfers responsibility for the adoption
30 and administration of rules prescribing firesafety
31 standards from the Commissioner of Education to the State
Fire Marshal.