

1 setting or other program providing appropriate
2 educational services; requiring district school
3 boards to ensure that an offender continues to
4 receive appropriate educational services;
5 providing an effective date.

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

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9 Section 1. Section 1006.13, Florida Statutes, is
10 amended to read:

11 1006.13 Policy of zero tolerance for addressing crime
12 and victimization.--

13 (1) Each district school board shall adopt a policy of
14 zero tolerance to address ~~for~~:

15 (a) Crime and substance abuse, including the reporting
16 of delinquent acts and crimes occurring whenever and wherever
17 students are under the jurisdiction of the district school
18 board.

19 (b) Victimization of students, including taking
20 appropriate ~~all~~ steps ~~necessary~~ to protect the victim of a ~~any~~
21 violent crime from ~~any~~ further victimization.

22 (2) The zero tolerance policy ~~may shall~~ require that
23 students found to have committed one of the following offenses
24 ~~to be expelled or suspended~~, with ~~or without~~ continuing
25 educational services, from the student's regular school or for
26 ~~a period of not less than 1 full year, and to be referred to~~
27 the criminal justice or juvenile justice system. However, if a
28 referred student is not prosecuted or is found not guilty, the
29 student may be returned to the student's regular school.

30 (a) Bringing a firearm or weapon, as defined in
31 chapter 790, to school, to any school function, or onto any

1 school-sponsored transportation or possessing a firearm at
2 school.

3 (b) Making a threat or false report, as defined by ss.
4 790.162 and 790.163, respectively, involving school or school
5 personnel's property, school transportation, or a
6 school-sponsored activity.

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8 District school boards may assign the student to a
9 disciplinary program for the purpose of continuing educational
10 services during the period of expulsion or suspension.

11 District school superintendents shall ~~may~~ consider the ~~1-year~~
12 expulsion or suspension requirement on a case-by-case basis
13 and request the district school board to modify the
14 requirement by assigning the student to a disciplinary program
15 or second chance school if ~~the request for modification is in~~
16 ~~writing and~~ it is determined to be in the best interest of the
17 student and the school system. If a student committing any of
18 the offenses in this subsection is a student with a
19 disability, the district school board shall comply with
20 applicable State Board of Education rules.

21 (3) Each district school board shall enter into
22 agreements with the county sheriff's office and local police
23 department specifying guidelines for ensuring that felonies
24 and violent misdemeanors, whether committed by a student or
25 adult, and delinquent acts that would be felonies or violent
26 misdemeanors if committed by an adult, are reported to law
27 enforcement if it involves conduct that poses a serious threat
28 to school safety. Each district school board shall adopt a
29 cooperative agreement, pursuant to s. 1003.52(13) with the
30 Department of Juvenile Justice, that specifies guidelines for
31 ensuring that all no contact orders entered by the court are

1 reported and enforced and that all steps necessary are taken
2 to protect the victim of any such crime. Such agreements shall
3 include the role of school resource officers, if applicable,
4 in handling reported incidents, special circumstances in which
5 school officials may handle incidents without filing a report
6 to law enforcement, and a procedure for ensuring that school
7 personnel properly report appropriate delinquent acts and
8 crimes. The school principal shall be responsible for ensuring
9 that all school personnel are properly informed as to their
10 responsibilities regarding crime reporting, that appropriate
11 delinquent acts and crimes that involve conduct that poses a
12 serious threat to school safety are properly reported, and
13 that actions taken in cases with special circumstances are
14 properly taken and documented.

15 (4) Notwithstanding any other provision of law, each
16 district school board shall adopt rules providing that any
17 student found to have committed a violation of s. 784.081(1),
18 (2), or (3) ~~may shall~~ be expelled, suspended, or placed in an
19 alternative school setting or other program ~~with, as~~
20 appropriate educational services. Upon being charged with the
21 offense, the student shall be removed from the classroom
22 immediately and placed in an alternative school setting
23 pending disposition.

24 (5)(a) Notwithstanding any provision of law
25 prohibiting the disclosure of the identity of a minor,
26 whenever any student who is attending public school is
27 adjudicated guilty of or delinquent for, or is found to have
28 committed, regardless of whether adjudication is withheld, or
29 pleads guilty or nolo contendere to, a felony violation of:

- 30 1. Chapter 782, relating to homicide;

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1 2. Chapter 784, relating to assault, battery, and
2 culpable negligence;

3 3. Chapter 787, relating to kidnapping, false
4 imprisonment, luring or enticing a child, and custody
5 offenses;

6 4. Chapter 794, relating to sexual battery;

7 5. Chapter 800, relating to lewdness and indecent
8 exposure;

9 6. Chapter 827, relating to abuse of children;

10 7. Section 812.13, relating to robbery;

11 8. Section 812.131, relating to robbery by sudden
12 snatching;

13 9. Section 812.133, relating to carjacking; or

14 10. Section 812.135, relating to home-invasion
15 robbery,

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17 and, before or at the time of such adjudication, withholding
18 of adjudication, or plea, the offender was attending a school
19 attended by the victim or a sibling of the victim of the
20 offense, the Department of Juvenile Justice shall notify the
21 appropriate district school board of the adjudication or plea,
22 the requirements of this paragraph, and whether the offender
23 is prohibited from attending that school or riding on a school
24 bus whenever the victim or a sibling of the victim is
25 attending the same school or riding on the same school bus,
26 except as provided pursuant to a written disposition order
27 under s. 985.455(2). Upon receipt of such notice, the district
28 school board shall take appropriate action to effectuate the
29 provisions of paragraph (b).

30 (b) Any offender described in paragraph (a), who is
31 not exempted as provided in paragraph (a), shall not attend

1 | any school attended by the victim or a sibling of the victim
2 | of the offense or ride on a school bus on which the victim or
3 | a sibling of the victim is riding. The offender shall be
4 | permitted by the district school board to attend another
5 | school within the district in which the offender resides,
6 | provided the other school is not attended by the victim or
7 | sibling of the victim of the offense; or the offender may be
8 | permitted by another district school board to attend a school
9 | in that district if the offender is unable to attend any
10 | school in the district in which the offender resides.

11 | (c) If the offender is unable to attend any other
12 | school in the district in which the offender resides and is
13 | prohibited from attending school in another school district,
14 | the district school board in the school district in which the
15 | offender resides shall take every reasonable precaution to
16 | keep the offender separated from the victim while on school
17 | grounds or on school transportation. The steps to be taken by
18 | a district school board to keep the offender separated from
19 | the victim shall include, but are not limited to, in-school
20 | suspension of the offender and the scheduling of classes,
21 | lunch, or other school activities of the victim and the
22 | offender so as not to coincide.

23 | (d) The offender, or the parents of the offender if
24 | the offender is a juvenile, shall be responsible for arranging
25 | and paying for transportation associated with or required by
26 | the offender's attending another school or that would be
27 | required as a consequence of the prohibition against riding on
28 | a school bus on which the victim or a sibling of the victim is
29 | riding. However, the offender or the parents of the offender
30 | shall not be charged for existing modes of transportation that
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1 can be used by the offender at no additional cost to the
2 district school board.

3 (e) Notwithstanding paragraph (b), paragraph (c), or
4 paragraph (d), the district school board must ensure that the
5 offender continues to receive appropriate educational
6 services.

7 Section 2. This act shall take effect July 1, 2007.

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10 SENATE SUMMARY

11 Provides that a district school board shall adopt a
12 policy of zero tolerance in addressing certain crimes and
13 cases of victimization. Provides that a student found to
14 have committed a specified offense may be expelled,
15 suspended, or referred to the criminal justice or
16 juvenile justice system. Provides that a student found
17 not guilty may return to his or her home school. Provides
18 that school boards may assign a student to a disciplinary
19 program during the suspension or expulsion period.
20 Requires that a district school superintendent consider
21 expulsions or suspensions on a case-by-case basis.
22 Removes a requirement that modification requests be in
23 writing. Requires district school boards, county
24 sheriff's offices, and local police to enter into
25 agreements specifying guidelines for reporting crimes
26 that involve conduct that poses a serious threat to
27 school safety. Charges school principals with
28 responsibility for ensuring that all school personnel are
29 aware of their responsibilities regarding crimes and
30 conduct that poses a serious threat to school safety.
31 Provides that students found guilty of certain violations
may be expelled, suspended, or placed in an alternative
school-setting or other program providing appropriate
educational services. Provides that district school
boards must ensure that an offender continues to receive
appropriate educational services.