

1 A bill to be entitled
 2 An act relating to public school safety; amending s.
 3 1006.13, F.S.; revising requirements of district school
 4 board policies of zero tolerance for crime and
 5 victimization; authorizing expulsion, suspension, or
 6 placement in an alternative program of students found to
 7 have committed certain offenses; requiring consideration
 8 on a case-by-case basis; revising guidelines for reporting
 9 certain acts; requiring appropriate continuing educational
 10 services for student offenders; providing an effective
 11 date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 1006.13, Florida Statutes, is amended
 16 to read:

17 1006.13 Policy of zero tolerance that addresses ~~for~~ crime
 18 and victimization.--

19 (1) Each district school board shall adopt a policy of
 20 zero tolerance that addresses ~~for~~:

21 (a) Crime and substance abuse, including the reporting of
 22 delinquent acts and crimes occurring whenever and wherever
 23 students are under the jurisdiction of the district school
 24 board.

25 (b) Victimization of students, including taking
 26 appropriate all steps necessary to protect the victims ~~victim~~ of
 27 ~~any~~ violent crime from ~~any~~ further victimization.

28 (2) The zero-tolerance ~~zero-tolerance~~ policy may ~~shall~~
 29 require a student ~~students~~ found to have committed one of the
 30 following offenses to be expelled or suspended, with ~~or without~~
 31 continuing educational services, from the student's regular
 32 school or ~~for a period of not less than 1 full year~~, and to be
 33 referred to the criminal justice or juvenile justice system;
 34 however, if a referred student is not prosecuted or is found not
 35 guilty, the student shall be returned to the student's regular
 36 school:-

37 (a) Bringing a firearm or weapon, as defined in chapter
 38 790, to school, to any school function, or onto any school-
 39 sponsored transportation or possessing a firearm at school.

40 (b) Making a threat or false report, as defined by ss.
 41 790.162 and 790.163, respectively, involving school or school
 42 personnel's property, school transportation, or a school-
 43 sponsored activity.

44
 45 The district school board ~~boards~~ may assign the student to a
 46 disciplinary program for the purpose of continuing educational
 47 services during the period of expulsion or suspension. The
 48 district school superintendent shall ~~superintendents may~~
 49 consider the ~~1-year~~ expulsion or suspension ~~requirement~~ on a
 50 case-by-case basis and request the district school board to
 51 assign ~~modify the requirement by assigning~~ the student to a
 52 disciplinary program or second chance school if ~~the request for~~
 53 ~~modification is in writing and~~ it is determined to be in the
 54 best interest of the student and the school system. If a student
 55 committing any of the offenses in this subsection is a student

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56 with a disability, the district school board shall comply with
57 applicable State Board of Education rules.

58 (3) Each district school board shall enter into agreements
59 with the county sheriff's office and local police department
60 specifying guidelines for ensuring that felonies and violent
61 misdemeanors, whether committed by a student or adult, and
62 delinquent acts that would be felonies or violent misdemeanors
63 if committed by an adult, are reported to law enforcement if
64 they involve conduct that poses a serious threat to school
65 safety. Each district school board shall adopt a cooperative
66 agreement, pursuant to s. 1003.52(13) with the Department of
67 Juvenile Justice, that specifies guidelines for ensuring that
68 all no contact orders entered by the court are reported and
69 enforced and that all steps necessary are taken to protect the
70 victim of any such crime. Such agreements shall include the role
71 of school resource officers, if applicable, in handling reported
72 incidents, special circumstances in which school officials may
73 handle incidents without filing a report to law enforcement, and
74 a procedure for ensuring that school personnel properly report
75 appropriate delinquent acts and crimes. The school principal
76 shall be responsible for ensuring that all school personnel are
77 properly informed as to their responsibilities regarding crime
78 reporting, that ~~appropriate~~ delinquent acts and crimes involving
79 conduct that poses a serious threat to school safety are
80 properly reported, and that actions taken in cases with special
81 circumstances are properly taken and documented.

82 (4) Notwithstanding any other provision of law, each
83 district school board shall adopt rules providing that any

84 student found to have committed a violation of s. 784.081 may ~~s.~~
 85 ~~784.081(1), (2), or (3)~~ shall be expelled, suspended, or placed
 86 in an alternative school setting or other program with
 87 appropriate continuing educational services, ~~as appropriate~~.
 88 Upon being charged with the offense, the student shall be
 89 removed from the classroom immediately and placed in an
 90 alternative school setting pending disposition.

91 (5) (a) Notwithstanding any provision of law prohibiting
 92 the disclosure of the identity of a minor, whenever any student
 93 who is attending public school is adjudicated guilty of or
 94 delinquent for, or is found to have committed, regardless of
 95 whether adjudication is withheld, or pleads guilty or nolo
 96 contendere to, a felony violation of:

- 97 1. Chapter 782, relating to homicide;
- 98 2. Chapter 784, relating to assault, battery, and culpable
 99 negligence;
- 100 3. Chapter 787, relating to kidnapping, false
 101 imprisonment, luring or enticing a child, and custody offenses;
- 102 4. Chapter 794, relating to sexual battery;
- 103 5. Chapter 800, relating to lewdness and indecent
 104 exposure;
- 105 6. Chapter 827, relating to abuse of children;
- 106 7. Section 812.13, relating to robbery;
- 107 8. Section 812.131, relating to robbery by sudden
 108 snatching;
- 109 9. Section 812.133, relating to carjacking; or
- 110 10. Section 812.135, relating to home-invasion robbery,
- 111

112 and, before or at the time of such adjudication, withholding of
113 adjudication, or plea, the offender was attending a school
114 attended by the victim or a sibling of the victim of the
115 offense, the Department of Juvenile Justice shall notify the
116 appropriate district school board of the adjudication or plea,
117 the requirements of this paragraph, and whether the offender is
118 prohibited from attending that school or riding on a school bus
119 whenever the victim or a sibling of the victim is attending the
120 same school or riding on the same school bus, except as provided
121 pursuant to a written disposition order under s. 985.455(2).
122 Upon receipt of such notice, the district school board shall
123 take appropriate action to effectuate the provisions of
124 paragraph (b).

125 (b) Any offender described in paragraph (a) ~~7~~ who is not
126 exempted as provided in paragraph (a) ~~7~~ shall not attend any
127 school attended by the victim or a sibling of the victim of the
128 offense or ride on a school bus on which the victim or a sibling
129 of the victim is riding. The offender shall be permitted by the
130 district school board to attend another school within the
131 district in which the offender resides, provided the other
132 school is not attended by the victim or sibling of the victim of
133 the offense; or the offender may be permitted by another
134 district school board to attend a school in that district if the
135 offender is unable to attend any school in the district in which
136 the offender resides.

137 (c) If the offender is unable to attend any other school
138 in the district in which the offender resides and is prohibited
139 from attending school in another school district, the district

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140 school board in the school district in which the offender
141 resides shall take every reasonable precaution to keep the
142 offender separated from the victim while on school grounds or on
143 school transportation. The steps to be taken by a district
144 school board to keep the offender separated from the victim
145 shall include, but are not limited to, in-school suspension of
146 the offender and the scheduling of classes, lunch, or other
147 school activities of the victim and the offender so as not to
148 coincide.

149 (d) The offender, or the parents of the offender if the
150 offender is a juvenile, shall be responsible for arranging and
151 paying for transportation associated with or required by the
152 offender's attending another school or that would be required as
153 a consequence of the prohibition against riding on a school bus
154 on which the victim or a sibling of the victim is riding.
155 However, the offender or the parents of the offender shall not
156 be charged for existing modes of transportation that can be used
157 by the offender at no additional cost to the district school
158 board.

159 (e) Notwithstanding paragraphs (b), (c), and (d), the
160 district school board must ensure that the offender continues to
161 receive appropriate educational services.

162 Section 2. This act shall take effect July 1, 2008.