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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2009	.	
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The Committee on Criminal Justice (Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 26 - 228
and insert:

Section 1. Paragraph (c) of subsection (4) and subsection (5) of section 1002.20, Florida Statutes, are amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory



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12 rights including, but not limited to, the following:

13 (4) DISCIPLINE.—

14 (c) *Corporal punishment*.—

15 1. In accordance with the provisions of s. 1003.32,
16 corporal punishment of a public school student may only be
17 administered by a teacher or school principal within guidelines
18 of the school principal and according to district school board
19 policy. Another adult must be present and must be informed in
20 the student's presence of the reason for the punishment. Upon
21 request, the teacher or school principal must provide the parent
22 with a written explanation of the reason for the punishment and
23 the name of the other adult who was present.

24 2. A district school board having a policy authorizing the
25 use of corporal punishment as a form of discipline shall review
26 its policy on corporal punishment once every 3 years during a
27 district school board meeting held pursuant to s. 1001.372. The
28 district school board shall take public testimony at the board
29 meeting. If such board meeting is not held in accordance with
30 this subparagraph, the portion of the district school board's
31 policy authorizing corporal punishment expires.

32 (5) SAFETY.—In accordance with the provisions of s.
33 1006.13(6) ~~s. 1006.13(5)~~, students who have been victims of
34 certain felony offenses by other students, as well as the
35 siblings of the student victims, have the right to be kept
36 separated from the student offender both at school and during
37 school transportation.

38 Section 2. Subsection (4) of section 1006.09, Florida
39 Statutes, is amended to read:

40 1006.09 Duties of school principal relating to student



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41 discipline and school safety.-

42 (4) When a student has been the victim of a violent crime
43 perpetrated by another student who attends the same school, the
44 school principal shall make full and effective use of the
45 provisions of subsection (2) and s. 1006.13(6) ~~s. 1006.13(5)~~. A
46 school principal who fails to comply with this subsection shall
47 be ineligible for any portion of the performance pay policy
48 incentive or the differentiated pay under s. 1012.22. However,
49 if any party responsible for notification fails to properly
50 notify the school, the school principal shall be eligible for
51 the incentive or differentiated pay.

52 Section 3. Section 1006.13, Florida Statutes, is amended to
53 read:

54 1006.13 Policy of zero tolerance for crime and
55 victimization.-

56 (1) It is the intent of the Legislature to promote a safe
57 and supportive learning environment in schools, to protect
58 students and staff from conduct that poses a serious threat to
59 school safety, and to encourage schools to use alternatives to
60 expulsion or referral to law enforcement agencies by addressing
61 disruptive behavior through restitution, civil citation, teen
62 court, neighborhood restorative justice, or similar programs.
63 The Legislature finds that zero-tolerance policies are not
64 intended to be rigorously applied to petty acts of misconduct
65 and misdemeanors, including, but not limited to, minor fights or
66 disturbances. The Legislature finds that zero-tolerance policies
67 must apply equally to all students regardless of their economic
68 status, race, or disability.

69 (2) ~~(1)~~ Each district school board shall adopt a policy of



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70 zero tolerance that for:

71 (a) Defines criteria for reporting to a law enforcement
72 agency any act that occurs whenever or wherever students are
73 within the jurisdiction of the district school board.

74 (b) Defines acts that pose a serious threat to school
75 safety.

76 (c) Defines petty acts of misconduct. ~~Crime and substance~~
77 ~~abuse, including the reporting of delinquent acts and crimes~~
78 ~~occurring whenever and wherever students are under the~~
79 ~~jurisdiction of the district school board.~~

80 (d) ~~(b)~~ Minimizes the victimization of students, staff, or
81 volunteers, including taking all steps necessary to protect the
82 victim of any violent crime from any further victimization.

83 (e) Establishes a procedure that provides each student with
84 the opportunity for a review of the disciplinary action imposed
85 pursuant to s. 1006.07.

86 (3) ~~(2)~~ Zero-tolerance policies must ~~The zero tolerance~~
87 ~~policy shall~~ require students found to have committed one of the
88 following offenses to be expelled, with or without continuing
89 educational services, from the student's regular school for a
90 period of not less than 1 full year, and to be referred to the
91 criminal justice or juvenile justice system.

92 (a) Bringing a firearm or weapon, as defined in chapter
93 790, to school, to any school function, or onto any school-
94 sponsored transportation or possessing a firearm at school.

95 (b) Making a threat or false report, as defined by ss.
96 790.162 and 790.163, respectively, involving school or school
97 personnel's property, school transportation, or a school-
98 sponsored activity.



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100 District school boards may assign the student to a disciplinary
101 program for the purpose of continuing educational services
102 during the period of expulsion. District school superintendents
103 may consider the 1-year expulsion requirement on a case-by-case
104 basis and request the district school board to modify the
105 requirement by assigning the student to a disciplinary program
106 or second chance school if the request for modification is in
107 writing and it is determined to be in the best interest of the
108 student and the school system. If a student committing any of
109 the offenses in this subsection is a student who has ~~with~~ a
110 disability, the district school board shall comply with
111 applicable State Board of Education rules.

112 (4) (a) (3) Each district school board shall enter into
113 agreements with the county sheriff's office and local police
114 department specifying guidelines for ensuring that acts that
115 pose a serious threat to school safety felonies and violent
116 ~~misdemeanors~~, whether committed by a student or adult, ~~and~~
117 ~~delinquent acts that would be felonies or violent misdemeanors~~
118 ~~if committed by an adult~~, are reported to a law enforcement
119 agency. ~~Each district school board shall adopt a cooperative~~
120 ~~agreement, pursuant to s. 1003.52(13) with the Department of~~
121 ~~Juvenile Justice, that specifies guidelines for ensuring that~~
122 ~~all no contact orders entered by the court are reported and~~
123 ~~enforced and that all steps necessary are taken to protect the~~
124 ~~victim of any such crime. Such~~

125 (b) The agreements must ~~shall~~ include the role of school
126 resource officers, if applicable, in handling reported
127 incidents, ~~special~~ circumstances in which school officials may



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128 handle incidents without filing a report with a ~~to~~ law
129 enforcement agency, and a procedure for ensuring that school
130 personnel properly report appropriate delinquent acts and
131 crimes.

132 (c) Zero-tolerance policies may not require the reporting
133 of petty acts of misconduct and misdemeanors to a law
134 enforcement agency, including, but not limited to, disorderly
135 conduct, disrupting a school function, simple assault or
136 battery, affray, theft of less than \$300, trespassing, and
137 vandalism of less than \$1,000.

138 (d) The school principal shall ensure ~~be responsible for~~
139 ~~ensuring~~ that all school personnel are properly informed as to
140 their responsibilities regarding crime reporting, that
141 appropriate delinquent acts and crimes are properly reported,
142 and that actions taken in cases with special circumstances are
143 properly taken and documented.

144 (5)~~(4)~~ Notwithstanding any other provision of law, each
145 district school board shall adopt rules providing that any
146 student found to have committed any offense in a violation of s.
147 784.081(1), (2), or (3) shall be expelled or placed in an
148 alternative school setting or other program, as appropriate.
149 Upon being charged with the offense, the student shall be
150 removed from the classroom immediately and placed in an
151 alternative school setting pending disposition.

152 (6)~~(5)~~(a) Notwithstanding any provision of law prohibiting
153 the disclosure of the identity of a minor, whenever any student
154 who is attending a public school is adjudicated guilty of or
155 delinquent for, or is found to have committed, regardless of
156 whether adjudication is withheld, or pleads guilty or nolo



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157 contendere to, a felony violation of:
158 1. Chapter 782, relating to homicide;
159 2. Chapter 784, relating to assault, battery, and culpable
160 negligence;
161 3. Chapter 787, relating to kidnapping, false imprisonment,
162 luring or enticing a child, and custody offenses;
163 4. Chapter 794, relating to sexual battery;
164 5. Chapter 800, relating to lewdness and indecent exposure;
165 6. Chapter 827, relating to abuse of children;
166 7. Section 812.13, relating to robbery;
167 8. Section 812.131, relating to robbery by sudden
168 snatching;
169 9. Section 812.133, relating to carjacking; or
170 10. Section 812.135, relating to home-invasion robbery,
171
172 and, before or at the time of such adjudication, withholding of
173 adjudication, or plea, the offender was attending a school
174 attended by the victim or a sibling of the victim of the
175 offense, the Department of Juvenile Justice shall notify the
176 appropriate district school board of the adjudication or plea,
177 the requirements in ~~of~~ this paragraph, and whether the offender
178 is prohibited from attending that school or riding on a school
179 bus whenever the victim or a sibling of the victim is attending
180 the same school or riding on the same school bus, except as
181 provided pursuant to a written disposition order under s.
182 985.455(2). Upon receipt of such notice, the district school
183 board shall take appropriate action to effectuate the provisions
184 in ~~of~~ paragraph (b).
185 (b) Each district school board shall adopt a cooperative



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186 agreement with the Department of Juvenile Justice which
187 establishes guidelines for ensuring that any no contact order
188 entered by a court is reported and enforced and that all of the
189 necessary steps are taken to protect the victim of the offense.
190 Any offender described in paragraph (a), who is not exempted as
191 provided in paragraph (a), may ~~shall~~ not attend any school
192 attended by the victim or a sibling of the victim of the offense
193 or ride on a school bus on which the victim or a sibling of the
194 victim is riding. The offender shall be permitted by the
195 district school board to attend another school within the
196 district in which the offender resides, only if ~~provided~~ the
197 other school is not attended by the victim or sibling of the
198 victim of the offense; or the offender may be permitted by
199 another district school board to attend a school in that
200 district if the offender is unable to attend any school in the
201 district in which the offender resides.

202 (c) If the offender is unable to attend any other school in
203 the district in which the offender resides and is prohibited
204 from attending a school in another school district, the district
205 school board in the school district in which the offender
206 resides shall take every reasonable precaution to keep the
207 offender separated from the victim while on school grounds or on
208 school transportation. The steps to be taken by a district
209 school board to keep the offender separated from the victim must
210 ~~shall~~ include, but are not limited to, in-school suspension of
211 the offender and the scheduling of classes, lunch, or other
212 school activities of the victim and the offender so as not to
213 coincide.

214 (d) The offender, or the parents of the offender if the



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215 offender is a juvenile, shall arrange ~~be responsible for~~
216 ~~arranging~~ and pay ~~paying~~ for transportation associated with or
217 required by the offender's attending another school or that
218 would be required as a consequence of the prohibition against
219 riding on a school bus on which the victim or a sibling of the
220 victim is riding. However, the offender or the parents of the
221 offender may ~~shall~~ not be charged for existing modes of
222 transportation that can be used by the offender at no additional
223 cost to the district school board.

224 (7) Any disciplinary or prosecutorial action taken against
225 a student who violates a zero-tolerance policy must be based on
226 the particular circumstances of the
227

228 ===== T I T L E A M E N D M E N T =====

229 And the title is amended as follows:

230 Delete lines 3 - 17

231 and insert:

232 s. 1002.20, F.S.; conforming cross-references;
233 requiring that a district school board having a policy
234 authorizing corporal punishment as a form of
235 discipline review its policy on corporal punishment at
236 specified intervals; requiring that such review be
237 conducted at a district school board meeting held
238 pursuant to state law; requiring that the district
239 school board take public testimony at such meeting;
240 providing for the expiration of a district school
241 board's policy authorizing corporal punishment under
242 certain circumstances; amending s. 1006.09, F.S.;

243 conforming cross-references; amending s. 1006.13,



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244 F.S.; providing legislative intent and findings;
245 revising the requirements for zero-tolerance policies;
246 deleting provisions relating to agreements with the
247 county sheriff's office and local police departments;
248 requiring that such agreements specify guidelines for
249 addressing acts that pose a serious threat to school
250 safety; prohibiting zero-tolerance policies from
251 requiring the reporting of petty acts of misconduct
252 and misdemeanors to a law enforcement agency;
253 requiring each district school board to adopt a
254 cooperative agreement with the Department of Justice
255 which establishes certain guidelines; requiring that
256 any disciplinary or prosecutorial action taken against
257 a student who violates a zero-tolerance policy be
258 based on the particular circumstances surrounding the