

By the Committees on Criminal Justice; and Education Pre-K - 12;
and Senator Wise

591-03529A-12

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1 A bill to be entitled
2 An act relating to zero tolerance for crime and
3 victimization in schools; amending s. 1006.13, F.S.;
4 revising legislative intent to encourage schools to
5 address disruptive behavior through school offense
6 protocols; requiring that each district school board
7 adopt a policy for reporting to a law enforcement
8 agency acts that pose a serious threat to school
9 safety; requiring that minor incidents be diverted
10 from the juvenile justice system and handled within
11 the school system's disciplinary system; requiring
12 each district school board to implement a training
13 program for school administrators and teachers
14 regarding the negative consequences and future effects
15 of an arrest of a juvenile and of the existing in-
16 school alternatives to discipline a student for
17 committing petty acts of misconduct without involving
18 a law enforcement agency; requiring that each district
19 school board enter into an agreement with the county
20 sheriff's office and local police department which
21 includes a role for school resource officers, if
22 applicable, to handle reported incidents that pose a
23 serious threat to school safety; requiring the
24 agreements to prescribe the circumstances and offenses
25 that school officials may handle through alternatives
26 to arrest; requiring the school principal to send an
27 incident report when an arrest of a student under the
28 jurisdiction of the school board is for an incident
29 that is a serious threat to school safety; requiring

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30 that, by a specified date and annually thereafter,
31 each school district provide its policies related to
32 zero tolerance for crime and victimization to the
33 Department of Education; providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Section 1006.13, Florida Statutes, is amended to
38 read:

39 1006.13 Policy of zero tolerance for crime and
40 victimization.—

41 (1) It is the intent of the Legislature to promote a safe
42 and supportive learning environment in schools, to protect
43 students and staff from conduct that poses a serious threat to
44 school safety, and to encourage schools to use alternatives to
45 expulsion, or referral to law enforcement agencies by addressing
46 disruptive behavior through restitution, civil citation, teen
47 court, neighborhood restorative justice, school offense
48 protocols, or similar programs. The Legislature finds that zero-
49 tolerance policies are not intended to be rigorously applied to
50 petty acts of misconduct and misdemeanors, including, but not
51 limited to, minor fights or disturbances. The Legislature finds
52 that zero-tolerance policies must apply equally to all students
53 regardless of their economic status, race, or disability.

54 (2) Each district school board shall adopt a policy of zero
55 tolerance that:

56 (a) Defines criteria for reporting to a law enforcement
57 agency any act that occurs whenever or wherever students are
58 within the jurisdiction of the district school board that poses

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59 a serious threat to school safety.

60 (b) Defines acts that pose a serious threat to school
61 safety.

62 (c) Provides that school officials may not request a law
63 enforcement agency to respond to petty acts of misconduct. Such
64 incidents shall be handled within the school disciplinary
65 system.

66 (d)-(e) Defines petty acts of misconduct.

67 (e) Defines criteria for reporting to a law enforcement
68 agency the misdemeanor offenses that do not pose a serious
69 threat to school safety. These offenses may be handled within
70 the school disciplinary system with the victim's consent or by a
71 law enforcement agency.

72 (f) Provides, within existing inservice training modules, a
73 comprehensive training program for school administrators and
74 teachers regarding the potential negative consequences and
75 future effects of an arrest of a juvenile and of the existing
76 in-school alternatives to discipline a student for committing
77 petty acts of misconduct without involving a law enforcement
78 agency.

79 (g) Provides that the school disciplinary system shall
80 document and include corrective training, interventions, or
81 teaching of alternative behaviors specific to the offense when
82 the student is required to miss scheduled classroom instruction
83 time due to the offense and its disciplinary action.

84 (h)-(d) Minimizes the victimization of students, staff, or
85 volunteers, including taking all steps necessary to protect the
86 victim of any violent crime from any further victimization.

87 (i)-(e) Establishes a procedure that provides each student

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88 with the opportunity for a review of the disciplinary action
89 imposed pursuant to s. 1006.07.

90 (3) Zero-tolerance policies must require students found to
91 have committed one of the following offenses to be expelled,
92 with or without continuing educational services, from the
93 student's regular school for a period of not less than 1 full
94 year, and to be referred to the criminal justice or juvenile
95 justice system.

96 (a) Bringing a firearm or weapon, as defined in chapter
97 790, to school, to any school function, or onto any school-
98 sponsored transportation or possessing a firearm at school.

99 (b) Making a threat or false report, as defined by ss.
100 790.162 and 790.163, respectively, involving school or school
101 personnel's property, school transportation, or a school-
102 sponsored activity.

103

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

116 (4) (a) Each district school board shall enter into

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117 agreements with the county sheriff's office and local police
118 department specifying guidelines for ensuring that acts that
119 pose a serious threat to school safety, whether committed by a
120 student or adult, are reported to a law enforcement agency.

121 (b) The agreements must prescribe: ~~include~~

122 1. The role of school resource officers, if applicable, in
123 handling reported incidents that pose a serious threat to school
124 safety;~~7~~

125 2. The circumstances in which those misdemeanor offenses
126 that do not pose a serious threat to school safety ~~officials~~ may
127 be handled through alternatives to arrest with the victim's
128 consent, if applicable; and ~~handle incidents without filing a~~
129 report with a law enforcement agency, and a procedure for
130 ensuring that school personnel properly report appropriate
131 delinquent acts and crimes.

132 3. The circumstances and incidents of petty misconduct that
133 school officials shall handle without filing a report with a law
134 enforcement agency.

135 (c) Zero-tolerance policies do not require the reporting of
136 petty acts of misconduct and misdemeanors to a law enforcement
137 agency, including, but not limited to, disorderly conduct,
138 disrupting a school function, simple assault or battery, affray,
139 theft of less than \$300, trespassing, and vandalism of less than
140 \$1,000.

141 (d) The school principal shall ensure that all school
142 personnel are properly informed of ~~as to~~ their responsibilities
143 regarding crime reporting, that appropriate delinquent acts and
144 crimes are properly reported, and that actions taken in cases
145 with special circumstances are properly managed ~~taken~~ and

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146 documented. In addition, the school principal shall send an
147 incident report to the superintendent, in writing, of the arrest
148 of a student who is under the jurisdiction of the district
149 school board for an act that poses a serious threat to school
150 safety.

151 (5) Notwithstanding any other ~~provision of law~~, each
152 district school board shall adopt rules providing that any
153 student found to have committed any offense in s. 784.081(1),
154 (2), or (3) shall be expelled or placed in an alternative school
155 setting or other program, as appropriate. Upon being charged
156 with the offense, the student shall be removed from the
157 classroom immediately and placed in an alternative school
158 setting pending disposition.

159 (6) (a) Notwithstanding any provision of law prohibiting the
160 disclosure of the identity of a minor, whenever any student who
161 is attending a public school is adjudicated guilty of or
162 delinquent for, or is found to have committed, regardless of
163 whether adjudication is withheld, or pleads guilty or nolo
164 contendere to, a felony violation of:

- 165 1. Chapter 782, relating to homicide;
- 166 2. Chapter 784, relating to assault, battery, and culpable
167 negligence;
- 168 3. Chapter 787, relating to kidnapping, false imprisonment,
169 luring or enticing a child, and custody offenses;
- 170 4. Chapter 794, relating to sexual battery;
- 171 5. Chapter 800, relating to lewdness and indecent exposure;
- 172 6. Chapter 827, relating to abuse of children;
- 173 7. Section 812.13, relating to robbery;
- 174 8. Section 812.131, relating to robbery by sudden

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175 snatching;

176 9. Section 812.133, relating to carjacking; or

177 10. Section 812.135, relating to home-invasion robbery,

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179 and, before or at the time of such adjudication, withholding of
180 adjudication, or plea, the offender was attending a school
181 attended by the victim or a sibling of the victim of the
182 offense, the Department of Juvenile Justice shall notify the
183 appropriate district school board of the adjudication or plea,
184 the requirements in this paragraph, and whether the offender is
185 prohibited from attending that school or riding on a school bus
186 whenever the victim or a sibling of the victim is attending the
187 same school or riding on the same school bus, except as provided
188 pursuant to a written disposition order under s. 985.455(2).
189 Upon receipt of such notice, the district school board shall
190 take appropriate action to effectuate the provisions in
191 paragraph (b).

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

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204 is not attended by the victim or sibling of the victim of the
205 offense; or the offender may be permitted by another district
206 school board to attend a school in that district if the offender
207 is unable to attend any school in the district in which the
208 offender resides.

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

220 (d) The offender, or the parents of the offender if the
221 offender is a juvenile, shall arrange and pay for transportation
222 associated with or required by the offender's attending another
223 school or that would be required as a consequence of the
224 prohibition against riding on a school bus on which the victim
225 or a sibling of the victim is riding. However, the offender or
226 the parents of the offender may not be charged for existing
227 modes of transportation that can be used by the offender at no
228 additional cost to the district school board.

229 (7) Any disciplinary or prosecutorial action taken against
230 a student who violates a zero-tolerance policy must be based on
231 the particular circumstances of the student's misconduct.

232 (8) School districts are encouraged to use alternatives to

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233 expulsion or referral to law enforcement agencies unless the use
234 of such alternatives will pose a threat to school safety. By
235 September 1, 2013, and annually thereafter, each school district
236 shall provide its policy related to zero tolerance to the
237 department to ensure compliance.

238 Section 2. This act shall take effect July 1, 2012.