



541602

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/23/2014 11:11 AM

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Senator Bullard moved the following:

Senate Amendment (with title amendment)

Between lines 80 and 81

insert:

Section 2. Section 1006.13, Florida Statutes, is amended to read:

1006.13 Policy on serious threats to school safety ~~of zero tolerance for crime and victimization.~~-

(1) It is the intent of the Legislature to promote a safe and supportive learning environment in schools, to protect students and staff from conduct that poses a serious threat to



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12 school safety, and to require ~~encourage~~ schools to use
13 alternatives to expulsion or referral to law enforcement
14 agencies for petty acts of misconduct by addressing disruptive
15 behavior through restitution, civil citation, teen court,
16 neighborhood restorative justice, or similar programs. The
17 Legislature finds that referrals to law enforcement ~~zero-~~
18 ~~tolerance policies~~ are not intended to be made for ~~rigorously~~
19 ~~applied to~~ petty acts of misconduct and misdemeanors, including,
20 but not limited to, minor fights or disturbances. The
21 Legislature finds that ~~zero-tolerance~~ policies on serious
22 threats to school safety must apply equally to all students
23 regardless of their economic status, race, or disability.

24 (2) Each district school board shall adopt a policy on
25 serious threats to school safety which ~~of zero tolerance that:~~

26 (a) Defines criteria for reporting to a law enforcement
27 agency any act that occurs whenever or wherever students are
28 within the jurisdiction of the district school board and that
29 poses a serious threat to school safety. An act that does not
30 pose a serious threat to school safety shall be handled by a
31 school's disciplinary system.

32 (b) Defines and enumerates acts that pose a serious threat
33 to school safety.

34 (c) Defines and enumerates petty acts of misconduct,
35 including acts listed in paragraph (4) (c).

36 (d) Minimizes the victimization of students, staff, or
37 volunteers, including taking all steps necessary to protect the
38 victim of any violent crime from any further victimization.

39 (e) Establishes a procedure that provides each student with
40 the opportunity for a review of the disciplinary action imposed



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41 pursuant to s. 1006.07.

42 (f) Clearly defines the role of law enforcement in
43 personnel matters and delineates clear roles in which school
44 principals and their designees, under the constraints of
45 district policies, are the primary decisionmakers on school
46 disciplinary consequences.

47 (3) The policy on serious threats to school safety ~~Zero-~~
48 ~~tolerance policies~~ must require that students found to have
49 committed one of the following offenses ~~to~~ be expelled, with or
50 without continuing educational services, from the student's
51 regular school for a period of not less than 1 full year, and ~~to~~
52 be referred to the criminal justice or juvenile justice system:—

53 (a) Bringing a firearm or weapon, as defined in chapter
54 790, to school, to any school function, or onto any school-
55 sponsored transportation or possessing a firearm at school.

56 (b) Making a threat or false report, as defined by ss.
57 790.162 and 790.163, respectively, involving school or school
58 personnel's property, school transportation, or a school-
59 sponsored activity.

60
61 District school boards may assign the student to a disciplinary
62 program for the purpose of continuing educational services
63 during the period of expulsion. District school superintendents
64 may consider the 1-year expulsion requirement on a case-by-case
65 basis and request the district school board to modify the
66 requirement by assigning the student to a disciplinary program
67 or second chance school if the request for modification is in
68 writing and it is determined to be in the best interest of the
69 student and the school system. If a student committing any of



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70 the offenses in this subsection is a student who has a
71 disability, the district school board shall comply with
72 applicable State Board of Education rules.

73 (4) (a) Each district school board, in collaboration with
74 students, educators, parents, and stakeholders, shall enter into
75 agreements with the county sheriff's office and local police
76 department specifying guidelines for ensuring that acts that
77 pose a serious threat to school safety, whether committed by a
78 student or adult, are reported to a law enforcement agency.

79 (b) The agreements must include the role of school resource
80 officers, if applicable, in handling reported incidents that
81 pose a serious threat to school safety and ~~circumstances in~~
82 ~~which school officials may handle incidents without filing a~~
83 ~~report with a law enforcement agency, and a procedure for~~
84 ~~ensuring that school personnel properly report appropriate~~
85 ~~delinquent acts and crimes.~~

86 (c) These agreements ~~Zero-tolerance policies~~ do not require
87 the reporting of petty acts of misconduct and misdemeanors to a
88 law enforcement agency, including, but not limited to,
89 disorderly conduct, disturbing ~~disrupting~~ a school function,
90 trespassing, loitering, simple assault or battery, affray, theft
91 of less than \$300, trespassing, ~~and~~ vandalism of less than
92 \$1,000, criminal mischief, simulations described in s.
93 1006.07(2)(g), and other misdemeanors that do not pose a serious
94 threat to school safety.

95 (d) The school principal shall ensure that all school
96 personnel are properly informed as to their responsibilities
97 regarding crime reporting, that appropriate delinquent acts and
98 crimes are properly reported, and that actions taken in cases



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99 with special circumstances are properly taken and documented.

100 (5) Notwithstanding any other provision of law, each
101 district school board shall adopt rules providing that any
102 student found to have committed any offense in s. 784.081(1),
103 (2), or (3) shall be expelled or placed in an alternative school
104 setting or other program, as appropriate. Upon being charged
105 with the offense, the student shall be removed from the
106 classroom immediately and placed in an alternative school
107 setting pending disposition.

108 (6) (a) Notwithstanding any provision of law prohibiting the
109 disclosure of the identity of a minor, whenever any student who
110 is attending a public school is adjudicated guilty of or
111 delinquent for, or is found to have committed, regardless of
112 whether adjudication is withheld, or pleads guilty or nolo
113 contendere to, a felony violation of:

- 114 1. Chapter 782, relating to homicide;
- 115 2. Chapter 784, relating to assault, battery, and culpable
116 negligence;
- 117 3. Chapter 787, relating to kidnapping, false imprisonment,
118 luring or enticing a child, and custody offenses;
- 119 4. Chapter 794, relating to sexual battery;
- 120 5. Chapter 800, relating to lewdness and indecent exposure;
- 121 6. Chapter 827, relating to abuse of children;
- 122 7. Section 812.13, relating to robbery;
- 123 8. Section 812.131, relating to robbery by sudden
124 snatching;
- 125 9. Section 812.133, relating to carjacking; or
- 126 10. Section 812.135, relating to home-invasion robbery,
- 127



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128 and, before or at the time of such adjudication, withholding of
129 adjudication, or plea, the offender was attending a school
130 attended by the victim or a sibling of the victim of the
131 offense, the Department of Juvenile Justice shall notify the
132 appropriate district school board of the adjudication or plea,
133 the requirements in this paragraph, and whether the offender is
134 prohibited from attending that school or riding on a school bus
135 whenever the victim or a sibling of the victim is attending the
136 same school or riding on the same school bus, except as provided
137 pursuant to a written disposition order under s. 985.455(2).
138 Upon receipt of such notice, the district school board shall
139 take appropriate action to effectuate the provisions in
140 paragraph (b).

141 (b) Each district school board shall adopt a cooperative
142 agreement with the Department of Juvenile Justice which
143 establishes guidelines for ensuring that any no contact order
144 entered by a court is reported and enforced and that all of the
145 necessary steps are taken to protect the victim of the offense.
146 Any offender described in paragraph (a), who is not exempted as
147 provided in paragraph (a), may not attend any school attended by
148 the victim or a sibling of the victim of the offense or ride on
149 a school bus on which the victim or a sibling of the victim is
150 riding. The offender shall be permitted by the district school
151 board to attend another school within the district in which the
152 offender resides, only if the other school is not attended by
153 the victim or sibling of the victim of the offense; or the
154 offender may be permitted by another district school board to
155 attend a school in that district if the offender is unable to
156 attend any school in the district in which the offender resides.



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157 (c) If the offender is unable to attend any other school in
158 the district in which the offender resides and is prohibited
159 from attending a school in another school district, the district
160 school board in the school district in which the offender
161 resides shall take every reasonable precaution to keep the
162 offender separated from the victim while on school grounds or on
163 school transportation. The steps to be taken by a district
164 school board to keep the offender separated from the victim must
165 include, but are not limited to, in-school suspension of the
166 offender and the scheduling of classes, lunch, or other school
167 activities of the victim and the offender so as not to coincide.

168 (d) The offender, or the parents of the offender if the
169 offender is a juvenile, shall arrange and pay for transportation
170 associated with or required by the offender's attending another
171 school or that would be required as a consequence of the
172 prohibition against riding on a school bus on which the victim
173 or a sibling of the victim is riding. However, the offender or
174 the parents of the offender may not be charged for existing
175 modes of transportation that can be used by the offender at no
176 additional cost to the district school board.

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

180 (8) School districts are encouraged to use alternatives to
181 expulsion or referral to law enforcement agencies unless the use
182 of such alternatives will pose a threat to school safety.

183

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

185 And the title is amended as follows:



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186 Delete line 12
187 and insert:
188 consequences for such conduct; amending s. 1006.13,
189 F.S.; revising legislative intent; requiring each
190 district school board to adopt a policy on serious
191 threats to school safety, rather than a zero-tolerance
192 policy; providing requirements for such policy;
193 requiring the district school board to collaborate
194 with students, educators, parents, and stakeholders
195 for specified purposes; conforming provisions to
196 changes made by the act; providing an effective