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LEGISLATIVE ACTION

Senate

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House

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Senator Braynon moved the following:

1 **Senate Amendment to Amendment (234288) (with title**
2 **amendment)**

3
4 Delete lines 30 - 2251

5 and insert:

6 Section 5. Paragraph (c) of subsection (9) of section
7 121.091, Florida Statutes, is amended, and paragraph (f) is
8 added to that subsection to read:

9 121.091 Benefits payable under the system.—Benefits may not
10 be paid under this section unless the member has terminated
11 employment as provided in s. 121.021(39) (a) or begun



130062

12 participation in the Deferred Retirement Option Program as
13 provided in subsection (13), and a proper application has been
14 filed in the manner prescribed by the department. The department
15 may cancel an application for retirement benefits when the
16 member or beneficiary fails to timely provide the information
17 and documents required by this chapter and the department's
18 rules. The department shall adopt rules establishing procedures
19 for application for retirement benefits and for the cancellation
20 of such application when the required information or documents
21 are not received.

22 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

23 (c) Any person whose retirement is effective on or after
24 July 1, 2010, or whose participation in the Deferred Retirement
25 Option Program terminates on or after July 1, 2010, who is
26 retired under this chapter, except under the disability
27 retirement provisions of subsection (4) or as provided in s.
28 121.053, may be reemployed by an employer that participates in a
29 state-administered retirement system and receive retirement
30 benefits and compensation from that employer. However, a person
31 may not be reemployed by an employer participating in the
32 Florida Retirement System before meeting the definition of
33 termination in s. 121.021 and may not receive both a salary from
34 the employer and retirement benefits for 6 calendar months after
35 meeting the definition of termination, except as provided in
36 paragraph (f). However, a DROP participant shall continue
37 employment and receive a salary during the period of
38 participation in the Deferred Retirement Option Program, as
39 provided in subsection (13).

40 1. The reemployed retiree may not renew membership in the



130062

41 Florida Retirement System, except as provided in s. 121.122.

42 2. The employer shall pay retirement contributions in an
43 amount equal to the unfunded actuarial liability portion of the
44 employer contribution that would be required for active members
45 of the Florida Retirement System in addition to the
46 contributions required by s. 121.76.

47 3. A retiree initially reemployed in violation of this
48 paragraph and an employer that employs or appoints such person
49 are jointly and severally liable for reimbursement of any
50 retirement benefits paid to the retirement trust fund from which
51 the benefits were paid, including the Florida Retirement System
52 Trust Fund and the Public Employee Optional Retirement Program
53 Trust Fund, as appropriate. The employer must have a written
54 statement from the employee that he or she is not retired from a
55 state-administered retirement system. Retirement benefits shall
56 remain suspended until repayment is made. Benefits suspended
57 beyond the end of the retiree's 6-month reemployment limitation
58 period shall apply toward the repayment of benefits received in
59 violation of this paragraph.

60 (f) A retired law enforcement officer may be reemployed as
61 a school resource officer by an employer that participates in
62 the Florida Retirement System and receive compensation from that
63 employer and retirement benefits after meeting the definition of
64 termination in s. 121.021, but may not receive both a salary
65 from the employer and retirement benefits for 6 calendar months
66 immediately subsequent to the date of retirement. The reemployed
67 retired law enforcement officer may not renew membership in the
68 Florida Retirement System, except as provided in s. 121.122.

69 Section 6. Paragraphs (c) and (d) of subsection (2) of



130062

70 section 394.463, Florida Statutes, are amended to read:

71 394.463 Involuntary examination.—

72 (2) INVOLUNTARY EXAMINATION.—

73 (c) A law enforcement officer acting in accordance with an
74 ex parte order issued pursuant to this subsection may:

75 1. Serve and execute such order on any day of the week, at
76 any time of the day or night; and

77 2. Use such reasonable physical force as is necessary to
78 gain entry to the premises, and any dwellings, buildings, or
79 other structures located on the premises, and take custody of
80 the person who is the subject of the ex parte order. When
81 practicable, a law enforcement officer who has received crisis
82 intervention team (CIT) training shall be assigned to serve and
83 execute the ex parte order.

84 (d)1. A law enforcement officer taking custody of a person
85 under this subsection may seize and hold a firearm or any
86 ammunition the person possesses at the time of taking him or her
87 into custody if the person poses a potential danger to himself
88 or herself or others and has made a credible threat of violence
89 against another person.

90 2. If the law enforcement officer takes custody of the
91 person at the person's residence and the criteria in
92 subparagraph 1. have been met, the law enforcement officer may
93 seek the voluntary surrender of firearms or ammunition kept in
94 the residence which have not already been seized under
95 subparagraph 1. If such firearms or ammunition are not
96 voluntarily surrendered, or if the person has other firearms or
97 ammunition that were not seized or voluntarily surrendered when
98 he or she was taken into custody, a law enforcement officer may



130062

99 petition the appropriate court under s. 790.401 for a risk
100 protection order against the person.

101 3. Firearms or ammunition seized or voluntarily surrendered
102 under this paragraph must be made available for return no later
103 than 24 hours after the person taken into custody can document
104 that he or she is no longer subject to involuntary examination
105 and has been released or discharged from any inpatient or
106 involuntary outpatient treatment provided or ordered under
107 paragraph (g), unless a risk protection order entered under s.
108 790.401 directs the law enforcement agency to hold the firearms
109 or ammunition for a longer period or the person is subject to a
110 firearm purchase disability under s. 790.065(2), or a firearm
111 possession and firearm ownership disability under s. 790.064.
112 The process for the actual return of firearms or ammunition
113 seized or voluntarily surrendered under this paragraph may not
114 take longer than 7 days.

115 4. Law enforcement agencies must develop policies and
116 procedures relating to the seizure, storage, and return of
117 firearms or ammunition held under this paragraph. A law
118 ~~enforcement officer acting in accordance with an ex parte order~~
119 ~~issued pursuant to this subsection may use such reasonable~~
120 ~~physical force as is necessary to gain entry to the premises,~~
121 ~~and any dwellings, buildings, or other structures located on the~~
122 ~~premises, and to take custody of the person who is the subject~~
123 ~~of the ex parte order.~~

124 Section 7. Section 394.495, Florida Statutes, is amended to
125 read:

126 394.495 Child and adolescent mental health system of care;
127 programs and services.-



130062

128 (1) The department shall establish, within available
129 resources, an array of services to meet the individualized
130 service and treatment needs of children and adolescents who are
131 members of the target populations specified in s. 394.493, and
132 of their families. It is the intent of the Legislature that a
133 child or adolescent may not be admitted to a state mental health
134 facility and such a facility may not be included within the
135 array of services.

136 (2) The array of services must include assessment services
137 that provide a professional interpretation of the nature of the
138 problems of the child or adolescent and his or her family;
139 family issues that may impact the problems; additional factors
140 that contribute to the problems; and the assets, strengths, and
141 resources of the child or adolescent and his or her family. The
142 assessment services to be provided shall be determined by the
143 clinical needs of each child or adolescent. Assessment services
144 include, but are not limited to, evaluation and screening in the
145 following areas:

146 (a) Physical and mental health for purposes of identifying
147 medical and psychiatric problems.

148 (b) Psychological functioning, as determined through a
149 battery of psychological tests.

150 (c) Intelligence and academic achievement.

151 (d) Social and behavioral functioning.

152 (e) Family functioning.

153

154 The assessment for academic achievement is the financial
155 responsibility of the school district. The department shall
156 cooperate with other state agencies and the school district to



130062

157 avoid duplicating assessment services.
158 (3) Assessments must be performed by:
159 (a) A professional as defined in s. 394.455(5), (7), (32),
160 (35), or (36);
161 (b) A professional licensed under chapter 491; or
162 (c) A person who is under the direct supervision of a
163 qualified professional as defined in s. 394.455(5), (7), (32),
164 (35), or (36) or a professional licensed under chapter 491.
165 (4) The array of services may include, but is not limited
166 to:
167 (a) Prevention services.
168 (b) Home-based services.
169 (c) School-based services.
170 (d) Family therapy.
171 (e) Family support.
172 (f) Respite services.
173 (g) Outpatient treatment.
174 (h) Day treatment.
175 (i) Crisis stabilization.
176 (j) Therapeutic foster care.
177 (k) Residential treatment.
178 (l) Inpatient hospitalization.
179 (m) Case management.
180 (n) Services for victims of sex offenses.
181 (o) Transitional services.
182 (p) Trauma-informed services for children who have suffered
183 sexual exploitation as defined in s. 39.01(71)(g).
184 (5) In order to enhance collaboration between agencies and
185 to facilitate the provision of services by the child and



130062

186 adolescent mental health treatment and support system and the
187 school district, the local child and adolescent mental health
188 system of care shall include the local educational multiagency
189 network for severely emotionally disturbed students specified in
190 s. 1006.04.

191 (6) The department shall contract for community action
192 treatment teams throughout the state with the managing entities.

193 A community action treatment team shall:

194 (a) Provide community-based behavioral health and support
195 services to children from 11 to 13 years of age, adolescents,
196 and young adults from 18 to 21 years of age with serious
197 behavioral health conditions who are at risk of out-of-home
198 placement as demonstrated by:

199 1. Repeated failures at less intensive levels of care;

200 2. Two or more behavioral health hospitalizations;

201 3. Involvement with the Department of Juvenile Justice;

202 4. A history of multiple episodes involving law

203 enforcement; or

204 5. A record of poor academic performance or suspensions.

205
206 Children younger than 11 years of age who otherwise meet the
207 criteria in this paragraph may be candidates for such services
208 if they demonstrate two or more of the characteristics listed in
209 subparagraph 1.-5.

210 (b) Use an integrated service delivery approach to
211 comprehensively address the needs of the child, adolescent, or
212 young adult and strengthen his or her family and support systems
213 to assist the child, adolescent, or young adult to live
214 successfully in the community. A community action treatment team



130062

215 shall address the therapeutic needs of the child, adolescent, or
216 young adult receiving services and assist parents and caregivers
217 in obtaining services and support. The community action
218 treatment team shall make referrals to specialized treatment
219 providers if necessary, with follow up by the community action
220 treatment team to ensure services are received.

221 (c) Focus on engaging the child, adolescent, or young adult
222 and his or her family as active participants in every phase of
223 the treatment process. Community action treatment teams shall be
224 available to the child, adolescent, or young adult and his or
225 her family at all times.

226 (d) Coordinate with other key entities providing services
227 and supports to the child, adolescent, or young adult and his or
228 her family, including, but not limited to, the child's,
229 adolescent's, or young adult's school, the local educational
230 multiagency network for severely emotionally disturbed students
231 under s. 1006.04, the child welfare system, and the juvenile
232 justice system. Community action treatment teams shall also
233 coordinate with the managing entity in their service location.

234 (e)1. Subject to appropriations and at a minimum,
235 individually serve each of the following counties or regions:

236 a. Alachua.

237 b. Alachua, Columbia, Dixie, Hamilton, Lafayette, and
238 Suwannee.

239 c. Bay.

240 d. Brevard.

241 e. Collier.

242 f. DeSoto and Sarasota.

243 g. Duval.



130062

- 244 h. Escambia.
- 245 i. Hardee, Highlands, and Polk.
- 246 j. Hillsborough.
- 247 k. Indian River, Martin, Okeechobee, and St. Lucie.
- 248 l. Lake and Sumter.
- 249 m. Lee.
- 250 n. Manatee.
- 251 o. Marion.
- 252 p. Miami-Dade.
- 253 q. Okaloosa.
- 254 r. Orange.
- 255 s. Palm Beach.
- 256 t. Pasco.
- 257 u. Pinellas.
- 258 v. Walton.

259 2. Subject to appropriations, the department shall contract
260 for additional teams through the managing entities to ensure the
261 availability of community action treatment team services in the
262 remaining areas of the state.

263 Section 8. Section 790.064, Florida Statutes, is created to
264 read:

265 790.064 Firearm possession and firearm ownership
266 disability.-

267 (1) A person who has been adjudicated mentally defective or
268 who has been committed to a mental institution, as those terms
269 are defined in s. 790.065(2), may not own a firearm or possess a
270 firearm until relief from the firearm possession and firearm
271 ownership disability is obtained.

272 (2) The firearm possession and firearm ownership disability



130062

273 runs concurrently with the firearm purchase disability provided
274 in s. 790.065(2).

275 (3) A person may petition the court that made the
276 adjudication or commitment, or that ordered that the record be
277 submitted to the Department of Law Enforcement pursuant to s.
278 790.065(2), for relief from the firearm possession and firearm
279 ownership disability.

280 (4) The person seeking relief must follow the procedures
281 set forth in s. 790.065(2) for obtaining relief from the firearm
282 purchase disability in seeking relief from the firearm
283 possession and firearm ownership disability.

284 (5) The person may seek relief from the firearm possession
285 and firearm ownership disability simultaneously with the relief
286 being sought from the firearm purchase disability, if such
287 relief is sought, pursuant to the procedure set forth in s.
288 790.065(2).

289 Section 9. Present subsection (13) of section 790.065,
290 Florida Statutes, is redesignated as subsection (14), and a new
291 subsection (13) is added to that section, to read:

292 790.065 Sale and delivery of firearms.—

293 (13) A person younger than 21 years of age may not purchase
294 a firearm. The sale or transfer of a firearm to a person younger
295 than 21 years of age may not be made or facilitated by a
296 licensed importer, licensed manufacturer, or licensed dealer. A
297 person who violates this subsection commits a felony of the
298 third degree, punishable as provided in s. 775.082, s. 775.083,
299 or s. 775.084. The prohibitions of this subsection do not apply
300 to the purchase of a rifle or shotgun by a law enforcement
301 officer or correctional officer, as those terms are defined in



130062

302 s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a
303 servicemember as defined in s. 250.01.

304 Section 10. Section 790.0655, Florida Statutes, is amended
305 to read:

306 790.0655 Purchase and delivery of firearms ~~handguns~~;
307 mandatory waiting period; exceptions; penalties.-

308 (1) (a) ~~There shall be~~ A mandatory ~~3-day~~ waiting period is
309 imposed between the purchase and delivery of a firearm. The
310 mandatory waiting period is, which shall be 3 days, excluding
311 weekends and legal holidays, or expires upon the completion of
312 the records checks required under s. 790.065, whichever occurs
313 later between the purchase and the delivery at retail of any
314 ~~handgun~~. "Purchase" means the transfer of money or other
315 valuable consideration to the retailer. "~~Handgun~~" ~~means a~~
316 ~~firearm capable of being carried and used by one hand, such as a~~
317 ~~pistol or revolver~~. "Retailer" means and includes a licensed
318 importer, licensed manufacturer, or licensed dealer every person
319 engaged in the business of making firearm sales at retail or for
320 distribution, or use, or consumption, or storage to be used or
321 consumed in this state, as defined in s. 212.02(13).

322 (b) Records of firearm ~~handgun~~ sales must be available for
323 inspection by any law enforcement agency, as defined in s.
324 934.02, during normal business hours.

325 (2) The ~~3-day~~ waiting period does shall not apply in the
326 following circumstances:

327 (a) When a firearm ~~handgun~~ is being purchased by a holder
328 of a concealed weapons permit as defined in s. 790.06.

329 (b) To a trade-in of another firearm ~~handgun~~.

330 (c) To the purchase of a rifle or shotgun, upon a person's



130062

331 successfully completing a minimum of a 16-hour hunter safety
332 course and possessing a hunter safety certification card issued
333 under s. 379.3581. A person who is exempt from the hunter safety
334 course requirements under s. 379.3581 and holds a valid Florida
335 hunting license, is exempt from the mandatory waiting period
336 under this section for the purchase of a rifle or shotgun.

337 (d) When a rifle or shotgun is being purchased by a law
338 enforcement officer or correctional officer, as those terms are
339 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a
340 servicemember as defined in s. 250.01.

341 (3) It is a felony of the third degree, punishable as
342 provided in s. 775.082, s. 775.083, or s. 775.084:

343 (a) For any retailer, or any employee or agent of a
344 retailer, to deliver a firearm handgun before the expiration of
345 the ~~3-day~~ waiting period, subject to the exceptions provided in
346 subsection (2).

347 (b) For a purchaser to obtain delivery of a firearm handgun
348 by fraud, false pretense, or false representation.

349 Section 11. Effective October 1, 2018, section 790.222,
350 Florida Statutes, is created to read:

351 790.222 Bump-fire stocks prohibited.—A person may not
352 import into this state or transfer, distribute, sell, keep for
353 sale, offer for sale, possess, or give to another person a bump-
354 fire stock. A person who violates this section commits a felony
355 of the third degree, punishable as provided in s. 775.082, s.
356 775.083, or s. 775.084. As used in this section, the term "bump-
357 fire stock" means a conversion kit, a tool, an accessory, or a
358 device used to alter the rate of fire of a firearm to mimic
359 automatic weapon fire or which is used to increase the rate of



130062

360 fire to a faster rate than is possible for a person to fire such
361 semiautomatic firearm unassisted by a kit, a tool, an accessory,
362 or a device.

363 Section 12. (1) Section 790.401, Florida Statutes, is
364 intended to temporarily prevent individuals who are at high risk
365 of harming themselves or others from accessing firearms or
366 ammunition by allowing law enforcement officers to obtain a
367 court order when there is demonstrated evidence that a person
368 poses a significant danger to himself or herself or others,
369 including significant danger as a result of a mental health
370 crisis or violent behavior.

371 (2) The purpose and intent of s. 790.401, Florida Statutes,
372 is to reduce deaths and injuries as a result of certain
373 individuals' use of firearms while respecting constitutional
374 rights by providing a judicial procedure for law enforcement
375 officers to obtain a court order temporarily restricting a
376 person's access to firearms and ammunition. The process
377 established by s. 790.401, Florida Statutes, is intended to
378 apply only to situations in which the person poses a significant
379 danger of harming himself or herself or others by possessing a
380 firearm or ammunition and to include standards and safeguards to
381 protect the rights of respondents and due process of law.

382 Section 13. Section 790.401, Florida Statutes, may be cited
383 as "The Risk Protection Order Act."

384 Section 14. Section 790.401, Florida Statutes, is created
385 to read:

386 790.401 Risk protection orders.—

387 (1) DEFINITIONS.—As used in this section, the term:

388 (a) "Petitioner" means a law enforcement officer or a law



130062

389 enforcement agency that petitions a court for a risk protection
390 order under this section.

391 (b) "Respondent" means the individual who is identified as
392 the respondent in a petition filed under this section.

393 (c) "Risk protection order" means a temporary ex parte
394 order or a final order granted under this section.

395 (2) PETITION FOR A RISK PROTECTION ORDER.—There is created
396 an action known as a petition for a risk protection order.

397 (a) A petition for a risk protection order may be filed by
398 a law enforcement officer or law enforcement agency.

399 (b) An action under this section must be filed in the
400 county where the petitioner's law enforcement office is located
401 or the county where the respondent resides.

402 (c) Such petition for a risk protection order does not
403 require either party to be represented by an attorney.

404 (d) Notwithstanding any other law, attorney fees may not be
405 awarded in any proceeding under this section.

406 (e) A petition must:

407 1. Allege that the respondent poses a significant danger of
408 causing personal injury to himself or herself or others by
409 having a firearm or any ammunition in his or her custody or
410 control or by purchasing, possessing, or receiving a firearm or
411 any ammunition, and must be accompanied by an affidavit made
412 under oath stating the specific statements, actions, or facts
413 that give rise to a reasonable fear of significant dangerous
414 acts by the respondent;

415 2. Identify the quantities, types, and locations of all
416 firearms and ammunition the petitioner believes to be in the
417 respondent's current ownership, possession, custody, or control;



130062

418 and

419 3. Identify whether there is a known existing protection
420 order governing the respondent under s. 741.30, s. 784.046, or
421 s. 784.0485 or under any other applicable statute.

422 (f) The petitioner must make a good faith effort to provide
423 notice to a family or household member of the respondent and to
424 any known third party who may be at risk of violence. The notice
425 must state that the petitioner intends to petition the court for
426 a risk protection order or has already done so and must include
427 referrals to appropriate resources, including mental health,
428 domestic violence, and counseling resources. The petitioner must
429 attest in the petition to having provided such notice or must
430 attest to the steps that will be taken to provide such notice.

431 (g) The petitioner must list the address of record on the
432 petition as being where the appropriate law enforcement agency
433 is located.

434 (h) A court or a public agency may not charge fees for
435 filing or for service of process to a petitioner seeking relief
436 under this section and must provide the necessary number of
437 certified copies, forms, and instructional brochures free of
438 charge.

439 (i) A person is not required to post a bond to obtain
440 relief in any proceeding under this section.

441 (j) The circuit courts of this state have jurisdiction over
442 proceedings under this section.

443 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

444 (a) Upon receipt of a petition, the court must order a
445 hearing to be held no later than 14 days after the date of the
446 order and must issue a notice of hearing to the respondent for



130062

447 the same.

448 1. The clerk of the court shall cause a copy of the notice
449 of hearing and petition to be forwarded on or before the next
450 business day to the appropriate law enforcement agency for
451 service upon the respondent as provided in subsection (5).

452 2. The court may, as provided in subsection (4), issue a
453 temporary ex parte risk protection order pending the hearing
454 ordered under this subsection. Such temporary ex parte order
455 must be served concurrently with the notice of hearing and
456 petition as provided in subsection (5).

457 3. The court may conduct a hearing by telephone pursuant to
458 a local court rule to reasonably accommodate a disability or
459 exceptional circumstances. The court must receive assurances of
460 the petitioner's identity before conducting a telephonic
461 hearing.

462 (b) Upon notice and a hearing on the matter, if the court
463 finds by clear and convincing evidence that the respondent poses
464 a significant danger of causing personal injury to himself or
465 herself or others by having in his or her custody or control, or
466 by purchasing, possessing, or receiving, a firearm or any
467 ammunition, the court must issue a risk protection order for a
468 period that it deems appropriate, up to and including but not
469 exceeding 12 months.

470 (c) In determining whether grounds for a risk protection
471 order exist, the court may consider any relevant evidence,
472 including, but not limited to, any of the following:

473 1. A recent act or threat of violence by the respondent
474 against himself or herself or others, whether or not such
475 violence or threat of violence involves a firearm.



130062

476 2. An act or threat of violence by the respondent within
477 the past 12 months, including, but not limited to, acts or
478 threats of violence by the respondent against himself or herself
479 or others.

480 3. Evidence of the respondent being seriously mentally ill
481 or having recurring mental health issues.

482 4. A violation by the respondent of a risk protection order
483 or a no contact order issued under s. 741.30, s. 784.046, or s.
484 784.0485.

485 5. A previous or existing risk protection order issued
486 against the respondent.

487 6. A violation of a previous or existing risk protection
488 order issued against the respondent.

489 7. Whether the respondent, in this state or any other
490 state, has been convicted of, had adjudication withheld on, or
491 pled nolo contendere to a crime that constitutes domestic
492 violence as defined in s. 741.28.

493 8. The respondent's ownership of, access to, or intent to
494 possess firearms or ammunition.

495 9. The unlawful or reckless use, display, or brandishing of
496 a firearm by the respondent.

497 10. The recurring use of, or threat to use, physical force
498 by the respondent against another person or the respondent
499 stalking another person.

500 11. Whether the respondent, in this state or any other
501 state, has been arrested for, convicted of, had adjudication
502 withheld on, or pled nolo contendere to a crime involving
503 violence or a threat of violence.

504 12. Corroborated evidence of the abuse of controlled



130062

505 substances or alcohol by the respondent.

506 13. Evidence of recent acquisition of firearms or
507 ammunition by the respondent.

508 14. Any relevant information from family and household
509 members concerning the respondent.

510 15. Witness testimony, taken while the witness is under
511 oath, relating to the matter before the court.

512 (d) A person, including an officer of the court, who offers
513 evidence or recommendations relating to the cause of action
514 either must present the evidence or recommendations in writing
515 to the court with copies to each party and his or her attorney,
516 if one is retained, or must present the evidence under oath at a
517 hearing at which all parties are present.

518 (e) In a hearing under this section, the rules of evidence
519 apply to the same extent as in a domestic violence injunction
520 proceeding under s. 741.30.

521 (f) During the hearing, the court must consider whether a
522 mental health evaluation or chemical dependency evaluation is
523 appropriate and, if such determination is made, may order such
524 evaluations, if appropriate.

525 (g) A risk protection order must include all of the
526 following:

527 1. A statement of the grounds supporting the issuance of
528 the order;

529 2. The date the order was issued;

530 3. The date the order ends;

531 4. Whether a mental health evaluation or chemical
532 dependency evaluation of the respondent is required;

533 5. The address of the court in which any responsive



130062

534 pleading should be filed;

535 6. A description of the requirements for the surrender of
536 all firearms and ammunition that the respondent owns, under
537 subsection (7); and

538 7. The following statement:

539

540 "To the subject of this protection order: This order will last
541 until the date noted above. If you have not done so already, you
542 must surrender immediately to the (insert name of local law
543 enforcement agency) all firearms and ammunition that you own in
544 your custody, control, or possession and any license to carry a
545 concealed weapon or firearm issued to you under s. 790.06,
546 Florida Statutes. You may not have in your custody or control,
547 or purchase, possess, receive, or attempt to purchase or
548 receive, a firearm or ammunition while this order is in effect.
549 You have the right to request one hearing to vacate this order,
550 starting after the date of the issuance of this order, and to
551 request another hearing after every extension of the order, if
552 any. You may seek the advice of an attorney as to any matter
553 connected with this order."

554

555 (h) If the court issues a risk protection order, the court
556 must inform the respondent that he or she is entitled to request
557 a hearing to vacate the order in the manner provided by
558 subsection (6). The court shall provide the respondent with a
559 form to request a hearing to vacate.

560 (i) If the court denies the petitioner's request for a risk
561 protection order, the court must state the particular reasons
562 for the denial.



130062

563 (4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.—

564 (a) A petitioner may request that a temporary ex parte risk
565 protection order be issued before a hearing for a risk
566 protection order, without notice to the respondent, by including
567 in the petition detailed allegations based on personal knowledge
568 that the respondent poses a significant danger of causing
569 personal injury to himself or herself or others in the near
570 future by having in his or her custody or control, or by
571 purchasing, possessing, or receiving, a firearm or ammunition.

572 (b) In considering whether to issue a temporary ex parte
573 risk protection order under this section, the court shall
574 consider all relevant evidence, including the evidence described
575 in paragraph (3) (c).

576 (c) If a court finds there is reasonable cause to believe
577 that the respondent poses a significant danger of causing
578 personal injury to himself or herself or others in the near
579 future by having in his or her custody or control, or by
580 purchasing, possessing, or receiving, a firearm or ammunition,
581 the court must issue a temporary ex parte risk protection order.

582 (d) The court must hold a temporary ex parte risk
583 protection order hearing in person or by telephone on the day
584 the petition is filed or on the business day immediately
585 following the day the petition is filed.

586 (e) A temporary ex parte risk protection order must include
587 all of the following:

- 588 1. A statement of the grounds asserted for the order;
589 2. The date the order was issued;
590 3. The address of the court in which any responsive
591 pleading may be filed;



130062

592 4. The date and time of the scheduled hearing;

593 5. A description of the requirements for the surrender of
594 all firearms and ammunition that the respondent owns, under
595 subsection (7); and

596 6. The following statement:

597
598 "To the subject of this protection order: This order is valid
599 until the date noted above. You are required to surrender all
600 firearms and ammunition that you own in your custody, control,
601 or possession. You may not have in your custody or control, or
602 purchase, possess, receive, or attempt to purchase or receive, a
603 firearm or ammunition while this order is in effect. You must
604 surrender immediately to the (insert name of local law
605 enforcement agency) all firearms and ammunition in your custody,
606 control, or possession and any license to carry a concealed
607 weapon or firearm issued to you under s. 790.06, Florida
608 Statutes. A hearing will be held on the date and at the time
609 noted above to determine if a risk protection order should be
610 issued. Failure to appear at that hearing may result in a court
611 issuing an order against you which is valid for 1 year. You may
612 seek the advice of an attorney as to any matter connected with
613 this order."

614
615 (f) A temporary ex parte risk protection order ends upon
616 the hearing on the risk protection order.

617 (g) A temporary ex parte risk protection order must be
618 served by a law enforcement officer in the same manner as
619 provided for in subsection (5) for service of the notice of
620 hearing and petition and must be served concurrently with the



130062

621 notice of hearing and petition.

622 (h) If the court denies the petitioner's request for a
623 temporary ex parte risk protection order, the court must state
624 the particular reasons for the denial.

625 (5) SERVICE.—

626 (a) The clerk of the court shall furnish a copy of the
627 notice of hearing, petition, and temporary ex parte risk
628 protection order or risk protection order, as applicable, to the
629 sheriff of the county where the respondent resides or can be
630 found, who shall serve it upon the respondent as soon thereafter
631 as possible on any day of the week and at any time of the day or
632 night. When requested by the sheriff, the clerk of the court may
633 transmit a facsimile copy of a temporary ex parte risk
634 protection order or a risk protection order that has been
635 certified by the clerk of the court, and this facsimile copy may
636 be served in the same manner as a certified copy. Upon receiving
637 a facsimile copy, the sheriff must verify receipt with the
638 sender before attempting to serve it upon the respondent. The
639 clerk of the court shall be responsible for furnishing to the
640 sheriff information on the respondent's physical description and
641 location. Notwithstanding any other provision of law to the
642 contrary, the chief judge of each circuit, in consultation with
643 the appropriate sheriff, may authorize a law enforcement agency
644 within the jurisdiction to effect service. A law enforcement
645 agency effecting service pursuant to this section shall use
646 service and verification procedures consistent with those of the
647 sheriff. Service under this section takes precedence over the
648 service of other documents, unless the other documents are of a
649 similar emergency nature.



130062

650 (b) All orders issued, changed, continued, extended, or
651 vacated after the original service of documents specified in
652 paragraph (a) must be certified by the clerk of the court and
653 delivered to the parties at the time of the entry of the order.
654 The parties may acknowledge receipt of such order in writing on
655 the face of the original order. If a party fails or refuses to
656 acknowledge the receipt of a certified copy of an order, the
657 clerk shall note on the original order that service was
658 effected. If delivery at the hearing is not possible, the clerk
659 shall mail certified copies of the order to the parties at the
660 last known address of each party. Service by mail is complete
661 upon mailing. When an order is served pursuant to this
662 subsection, the clerk shall prepare a written certification to
663 be placed in the court file specifying the time, date, and
664 method of service and shall notify the sheriff.

665 (6) TERMINATION AND EXTENSION OF ORDERS.—

666 (a) The respondent may submit one written request for a
667 hearing to vacate a risk protection order issued under this
668 section, starting after the date of the issuance of the order,
669 and may request another hearing after every extension of the
670 order, if any.

671 1. Upon receipt of the request for a hearing to vacate a
672 risk protection order, the court shall set a date for a hearing.
673 Notice of the request must be served on the petitioner in
674 accordance with subsection (5). The hearing must occur no sooner
675 than 14 days and no later than 30 days after the date of service
676 of the request upon the petitioner.

677 2. The respondent shall have the burden of proving by clear
678 and convincing evidence that the respondent does not pose a



130062

679 significant danger of causing personal injury to himself or
680 herself or others by having in his or her custody or control,
681 purchasing, possessing, or receiving a firearm or ammunition.
682 The court may consider any relevant evidence, including evidence
683 of the considerations listed in paragraph (3) (c).

684 3. If the court finds after the hearing that the respondent
685 has met his or her burden of proof, the court must vacate the
686 order.

687 4. The law enforcement agency holding any firearm or
688 ammunition or license to carry a concealed weapon or firearm
689 that has been surrendered pursuant to this section shall be
690 notified of the court order to vacate the risk protection order.

691 (b) The court must notify the petitioner of the impending
692 end of a risk protection order. Notice must be received by the
693 petitioner at least 30 days before the date the order ends.

694 (c) The petitioner may, by motion, request an extension of
695 a risk protection order at any time within 30 days before the
696 end of the order.

697 1. Upon receipt of the motion to extend, the court shall
698 order that a hearing be held no later than 14 days after the
699 date the order is issued and shall schedule such hearing.

700 a. The court may schedule a hearing by telephone in the
701 manner provided by subparagraph (3) (a)3.

702 b. The respondent must be personally serviced in the same
703 manner provided by subsection (5).

704 2. In determining whether to extend a risk protection order
705 issued under this section, the court may consider all relevant
706 evidence, including evidence of the considerations listed in
707 paragraph (3) (c).



130062

708 3. If the court finds by clear and convincing evidence that
709 the requirements for issuance of a risk protection order as
710 provided in subsection (3) continue to be met, the court must
711 extend the order. However, if, after notice, the motion for
712 extension is uncontested and no modification of the order is
713 sought, the order may be extended on the basis of a motion or
714 affidavit stating that there has been no material change in
715 relevant circumstances since entry of the order and stating the
716 reason for the requested extension.

717 4. The court may extend a risk protection order for a
718 period that it deems appropriate, up to and including but not
719 exceeding 12 months, subject to an order to vacate as provided
720 in paragraph (a) or to another extension order by the court.

721 (7) SURRENDER OF FIREARMS AND AMMUNITION.—

722 (a) Upon issuance of a risk protection order under this
723 section, including a temporary ex parte risk protection order,
724 the court shall order the respondent to surrender to the local
725 law enforcement agency all firearms and ammunition owned by the
726 respondent in the respondent's custody, control, or possession
727 except as provided in subsection (9), and any license to carry a
728 concealed weapon or firearm issued under s. 790.06, held by the
729 respondent.

730 (b) The law enforcement officer serving a risk protection
731 order under this section, including a temporary ex parte risk
732 protection order, shall request that the respondent immediately
733 surrender all firearms and ammunition owned by the respondent in
734 his or her custody, control, or possession and any license to
735 carry a concealed weapon or firearm issued under s. 790.06, held
736 by the respondent. The law enforcement officer shall take



130062

737 possession of all firearms and ammunition owned by the
738 respondent and any license to carry a concealed weapon or
739 firearm issued under s. 790.06, held by the respondent, which
740 are surrendered. Alternatively, if personal service by a law
741 enforcement officer is not possible or is not required because
742 the respondent was present at the risk protection order hearing,
743 the respondent must surrender any firearms and ammunition owned
744 by the respondent and any license to carry a concealed weapon or
745 firearm issued under s. 790.06, held by the respondent, in a
746 safe manner to the control of the local law enforcement agency
747 immediately after being served with the order by service or
748 immediately after the hearing at which the respondent was
749 present. Notwithstanding ss. 933.02 and 933.18, a law
750 enforcement officer may seek a search warrant from a court of
751 competent jurisdiction to conduct a search for firearms or
752 ammunition owned by the respondent if the officer has probable
753 cause to believe that there are firearms or ammunition owned by
754 the respondent in the respondent's custody, control, or
755 possession which have not been surrendered.

756 (c) At the time of surrender, a law enforcement officer
757 taking possession of any firearm or ammunition owned by the
758 respondent, or a license to carry a concealed weapon or firearm
759 issued under s. 790.06, held by the respondent shall issue a
760 receipt identifying all firearms and the quantity and type of
761 ammunition that have been surrendered, and any license
762 surrendered and shall provide a copy of the receipt to the
763 respondent. Within 72 hours after service of the order, the law
764 enforcement officer serving the order shall file the original
765 receipt with the court and shall ensure that his or her law



130062

766 enforcement agency retains a copy of the receipt.

767 (d) Notwithstanding ss. 933.02 and 933.18, upon the sworn
768 statement or testimony of any person alleging that the
769 respondent has failed to comply with the surrender of firearms
770 or ammunition owned by the respondent, as required by an order
771 issued under this section, the court shall determine whether
772 probable cause exists to believe that the respondent has failed
773 to surrender all firearms or ammunition owned by the respondent
774 in the respondent's custody, control, or possession. If the
775 court finds that probable cause exists, the court must issue a
776 warrant describing the firearms or ammunition owned by the
777 respondent and authorizing a search of the locations where the
778 firearms or ammunition owned by the respondent are reasonably
779 believed to be found and the seizure of any firearms or
780 ammunition owned by the respondent discovered pursuant to such
781 search.

782 (e) If a person other than the respondent claims title to
783 any firearms or ammunition surrendered pursuant to this section
784 and he or she is determined by the law enforcement agency to be
785 the lawful owner of the firearm or ammunition, the firearm or
786 ammunition shall be returned to him or her, if:

787 1. The lawful owner agrees to store the firearm or
788 ammunition in a manner such that the respondent does not have
789 access to or control of the firearm or ammunition.

790 2. The firearm or ammunition is not otherwise unlawfully
791 possessed by the owner.

792 (f) Upon the issuance of a risk protection order, the court
793 shall order a new hearing date and require the respondent to
794 appear no later than 3 business days after the issuance of the



130062

795 order. The court shall require proof that the respondent has
796 surrendered any firearms or ammunition owned by the respondent
797 in the respondent's custody, control, or possession. The court
798 may cancel the hearing upon a satisfactory showing that the
799 respondent is in compliance with the order.

800 (g) All law enforcement agencies must develop policies and
801 procedures regarding the acceptance, storage, and return of
802 firearms, ammunition, or licenses required to be surrendered
803 under this section.

804 (8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

805 (a) If a risk protection order is vacated or ends without
806 extension, a law enforcement agency holding a firearm or any
807 ammunition owned by the respondent or a license to carry a
808 concealed weapon or firearm issued under s. 790.06, held by the
809 respondent, that has been surrendered or seized pursuant to this
810 section must return such surrendered firearm, ammunition, or
811 license to carry a concealed weapon or firearm issued under s.
812 790.06, as requested by a respondent only after confirming
813 through a background check that the respondent is currently
814 eligible to own or possess firearms and ammunition under federal
815 and state law and after confirming with the court that the risk
816 protection order has been vacated or has ended without
817 extension.

818 (b) If a risk protection order is vacated or ends without
819 extension, the Department of Agriculture and Consumer Services,
820 if it has suspended a license to carry a concealed weapon or
821 firearm pursuant to this section, must reinstate such license
822 only after confirming that the respondent is currently eligible
823 to have a license to carry a concealed weapon or firearm



130062

824 pursuant to s. 790.06.

825 (c) A law enforcement agency must provide notice to any
826 family or household members of the respondent before the return
827 of any surrendered firearm and ammunition owned by the
828 respondent.

829 (d) Any firearm and ammunition surrendered by a respondent
830 pursuant to subsection (7) which remains unclaimed for 1 year by
831 the lawful owner after an order to vacate the risk protection
832 order shall be disposed of in accordance with the law
833 enforcement agency's policies and procedures for the disposal of
834 firearms in police custody.

835 (9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may
836 elect to transfer all firearms and ammunition owned by the
837 respondent that have been surrendered to or seized by a local
838 law enforcement agency pursuant to subsection (7) to another
839 person who is willing to receive the respondent's firearms and
840 ammunition. The law enforcement agency must allow such a
841 transfer only if it is determined that the chosen recipient:

842 (a) Currently is eligible to own or possess a firearm and
843 ammunition under federal and state law after confirmation
844 through a background check;

845 (b) Attests to storing the firearms and ammunition in a
846 manner such that the respondent does not have access to or
847 control of the firearms and ammunition until the risk protection
848 order against the respondent is vacated or ends without
849 extension; and

850 (c) Attests not to transfer the firearms or ammunition back
851 to the respondent until the risk protection order against the
852 respondent is vacated or ends without extension.



130062

853 (10) REPORTING OF ORDERS.—
854 (a) Within 24 hours after issuance, the clerk of the court
855 shall enter any risk protection order or temporary ex parte risk
856 protection order issued under this section into the uniform case
857 reporting system.
858 (b) Within 24 hours after issuance, the clerk of the court
859 shall forward a copy of an order issued under this section to
860 the appropriate law enforcement agency specified in the order.
861 Upon receipt of the copy of the order, the law enforcement
862 agency shall enter the order into the Florida Crime Information
863 Center and National Crime Information Center. The order must
864 remain in each system for the period stated in the order, and
865 the law enforcement agency may only remove an order from the
866 systems which has ended or been vacated. Entry of the order into
867 the Florida Crime Information Center and National Crime
868 Information Center constitutes notice to all law enforcement
869 agencies of the existence of the order. The order is fully
870 enforceable in any county in this state.
871 (c) The issuing court shall, within 3 business days after
872 issuance of a risk protection order or temporary ex parte risk
873 protection order, forward all available identifying information
874 concerning the respondent, along with the date of order
875 issuance, to the Department of Agriculture and Consumer
876 Services. Upon receipt of the information, the department shall
877 determine if the respondent has a license to carry a concealed
878 weapon or firearm. If the respondent does have a license to
879 carry a concealed weapon or firearm, the department must
880 immediately suspend the license.
881 (d) If a risk protection order is vacated before its end



130062

882 date, the clerk of the court shall, on the day of the order to
883 vacate, forward a copy of the order to the Department of
884 Agriculture and Consumer Services and the appropriate law
885 enforcement agency specified in the order to vacate. Upon
886 receipt of the order, the law enforcement agency shall promptly
887 remove the order from any computer-based system in which it was
888 entered pursuant to paragraph (b).

889 (11) PENALTIES.—

890 (a) A person who makes a false statement, which he or she
891 does not believe to be true, under oath in a hearing under this
892 this section in regard to any material matter commits a felony
893 of the third degree, punishable as provided in s. 775.082, s.
894 775.083, or s. 775.084.

895 (b) A person who has in his or her custody or control a
896 firearm or any ammunition or who purchases, possesses, or
897 receives a firearm or any ammunition with knowledge that he or
898 she is prohibited from doing so by an order issued under this
899 section commits a felony of the third degree, punishable as
900 provided in s. 775.082, s. 775.083, or s. 775.084.

901 (12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section
902 does not affect the ability of a law enforcement officer to
903 remove a firearm or ammunition or license to carry a concealed
904 weapon or concealed firearm from any person or to conduct any
905 search and seizure for firearms or ammunition pursuant to other
906 lawful authority.

907 (13) LIABILITY.—Except as provided in subsection (8) or
908 subsection (11), this section does not impose criminal or civil
909 liability on any person or entity for acts or omissions related
910 to obtaining a risk protection order or temporary ex parte risk



130062

911 protection order, including, but not limited to, providing
912 notice to the petitioner, a family or household member of the
913 respondent, and any known third party who may be at risk of
914 violence or failure to provide such notice, or reporting,
915 declining to report, investigating, declining to investigate,
916 filing, or declining to file, a petition under this section.

917 (14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.-

918 (a) The Office of the State Courts Administrator shall
919 develop and prepare instructions and informational brochures,
920 standard petitions and risk protection order forms, and a court
921 staff handbook on the risk protection order process. The
922 standard petition and order forms must be used after January 1,
923 2019, for all petitions filed and orders issued pursuant to this
924 section. The office shall determine the significant non-English-
925 speaking or limited English-speaking populations in the state
926 and prepare the instructions and informational brochures and
927 standard petitions and risk protection order forms in such
928 languages. The instructions, brochures, forms, and handbook must
929 be prepared in consultation with interested persons, including
930 representatives of gun violence prevention groups, judges, and
931 law enforcement personnel. Materials must be based on best
932 practices and must be available online to the public.

933 1. The instructions must be designed to assist petitioners
934 in completing the petition and must include a sample of a
935 standard petition and order for protection forms.

936 2. The instructions and standard petition must include a
937 means for the petitioner to identify, with only layman's
938 knowledge, the firearms or ammunition the respondent may own,
939 possess, receive, or have in his or her custody or control. The



130062

940 instructions must provide pictures of types of firearms and
941 ammunition that the petitioner may choose from to identify the
942 relevant firearms or ammunition, or must provide an equivalent
943 means to allow petitioners to identify firearms or ammunition
944 without requiring specific or technical knowledge regarding the
945 firearms or ammunition.

946 3. The informational brochure must describe the use of and
947 the process for obtaining, extending, and vacating a risk
948 protection order under this section and must provide relevant
949 forms.

950 4. The risk protection order form must include, in a
951 conspicuous location, notice of criminal penalties resulting
952 from violation of the order and the following statement: "You
953 have the sole responsibility to avoid or refrain from violating
954 this order's provisions. Only the court can change the order and
955 only upon written request."

956 5. The court staff handbook must allow for the addition of
957 a community resource list by the clerk of the court.

958 (b) Any clerk of court may create a community resource list
959 of crisis intervention, mental health, substance abuse,
960 interpreter, counseling, and other relevant resources serving
961 the county in which the court is located. The court may make the
962 community resource list available as part of or in addition to
963 the informational brochures described in paragraph (a).

964 (c) The Office of the State Courts Administrator shall
965 distribute a master copy of the petition and order forms,
966 instructions, and informational brochures to the clerks of
967 court. Distribution of all documents shall, at a minimum, be in
968 an electronic format or formats accessible to all courts and



130062

969 clerks of court in the state.

970 (d) Within 90 days after receipt of the master copy from
971 the Office of the State Courts Administrator, the clerk of the
972 court shall make available the standardized forms, instructions,
973 and informational brochures required by this subsection.

974 (e) The Office of the State Courts Administrator shall
975 update the instructions, brochures, standard petition and risk
976 protection order forms, and court staff handbook as necessary,
977 including when changes in the law make an update necessary.

978 Section 15. Section 836.10, Florida Statutes, is amended to
979 read:

980 836.10 Written threats to kill, ~~or~~ do bodily injury, or
981 conduct a mass shooting or an act of terrorism; punishment.—Any
982 person who writes or composes and also sends or procures the
983 sending of any letter, inscribed communication, or electronic
984 communication, whether such letter or communication be signed or
985 anonymous, to any person, containing a threat to kill or to do
986 bodily injury to the person to whom such letter or communication
987 is sent, or a threat to kill or do bodily injury to any member
988 of the family of the person to whom such letter or communication
989 is sent, or any person who makes, posts, or transmits a threat
990 in a writing or other record, including an electronic record, to
991 conduct a mass shooting or an act of terrorism, in any manner
992 that would allow another person to view the threat, commits a
993 felony of the second degree, punishable as provided in s.
994 775.082, s. 775.083, or s. 775.084.

995 Section 16. Paragraph (f) of subsection (3) of section
996 921.0022, Florida Statutes, is amended to read:

997 921.0022 Criminal Punishment Code; offense severity ranking



130062

998	chart.-		
999	(3) OFFENSE SEVERITY RANKING CHART		
1000	(f) LEVEL 6		
1001			
	Florida	Felony	
	Statute	Degree	Description
1002	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
1003	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
1004	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
1005	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
1006	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.



130062

1007	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
1008	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
1009	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
1010	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
1011	784.041	3rd	Felony battery; domestic battery by strangulation.
1012	784.048 (3)	3rd	Aggravated stalking; credible threat.
1013	784.048 (5)	3rd	Aggravated stalking of person under 16.
1014	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
1015	784.074 (1) (b)	2nd	Aggravated assault on



130062

1016			sexually violent predators facility staff.
1017	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
1018	784.081 (2)	2nd	Aggravated assault on specified official or employee.
1019	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
1020	784.083 (2)	2nd	Aggravated assault on code inspector.
1021	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
1022	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.



130062

1023	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
1024	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
1025	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
1026	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
1027	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older



130062

1028			but less than 16 years of age; offender less than 18 years.
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
1029			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
1030			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
1031			
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
1032			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
1033			
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.



130062

1034	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
1035	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
1036	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
1037	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
1038	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
1039	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
1040	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.



130062

1041	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
1042	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
1043	827.03 (2) (c)	3rd	Abuse of a child.
1044	827.03 (2) (d)	3rd	Neglect of a child.
1045	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1046	836.05	2nd	Threats; extortion.
1047	836.10	2nd	Written threats to kill, or <u>do bodily injury, or conduct a mass shooting or an act of terrorism.</u>
1048	843.12	3rd	Aids or assists person to escape.



130062

1049	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
1050	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
1051	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
1052	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
1053	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on



130062

1054			community supervision, resulting in great bodily harm.
1055	944.40	2nd	Escapes.
1056	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
1057	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
1058			
1059			
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1066			

Section 17. Section 943.082, Florida Statutes, is created
to read:

943.082 School Safety Awareness Program.—

(1) In collaboration with the Department of Legal Affairs,
the department shall competitively procure a mobile suspicious



130062

1067 activity reporting tool that allows students and the community
1068 to relay information anonymously concerning unsafe, potentially
1069 harmful, dangerous, violent, or criminal activities, or the
1070 threat of these activities, to appropriate public safety
1071 agencies and school officials. As recommended by students of
1072 Marjory Stoneman Douglas High School, the program shall be named
1073 "FortifyFL." At a minimum, the department must receive reports
1074 electronically through the mobile suspicious activity reporting
1075 tool that is available on both Android and Apple devices.

1076 (2) The reporting tool must notify the reporting party of
1077 the following information:

1078 (a) That the reporting party may provide his or her report
1079 anonymously.

1080 (b) That if the reporting party chooses to disclose his or
1081 her identity, that information shall be shared with the
1082 appropriate law enforcement agency and school officials;
1083 however, the law enforcement agency and school officials shall
1084 be required to maintain the information as confidential.

1085 (3) Information reported using the tool must be promptly
1086 forwarded to the appropriate law enforcement agency or school
1087 official.

1088 (4) Law enforcement dispatch centers, school districts,
1089 schools, and other entities identified by the department shall
1090 be made aware of the mobile suspicious activity reporting tool.

1091 (5) The department, in collaboration with the Division of
1092 Victims Services within the Office of the Attorney General and
1093 the Office of Safe Schools within the Department of Education,
1094 shall develop and provide a comprehensive training and awareness
1095 program on the use of the mobile suspicious activity reporting



130062

1096 tool.

1097 Section 18. Section 943.687, Florida Statutes, is created
1098 to read:

1099 943.687 Marjory Stoneman Douglas High School Public Safety
1100 Commission.-

1101 (1) There is created within the Department of Law
1102 Enforcement the Marjory Stoneman Douglas High School Public
1103 Safety Commission, a commission as defined in s. 20.03.

1104 (2)(a) The commission shall convene no later than June 1,
1105 2018, and shall be composed of 16 members. Five members shall be
1106 appointed by the President of the Senate, five members shall be
1107 appointed by the Speaker of the House of Representatives, and
1108 five members shall be appointed by the Governor. From the
1109 members of the commission, the Governor shall appoint the chair.
1110 Appointments must be made by April 30, 2018. The Commissioner of
1111 the Department of Law Enforcement shall serve as a member of the
1112 commission. The Secretary of Children and Families, the
1113 Secretary of Juvenile Justice, the Secretary of Health Care
1114 Administration, and the Commissioner of Education shall serve as
1115 ex officio, nonvoting members of the commission. Members shall
1116 serve at the pleasure of the officer who appointed the member. A
1117 vacancy on the commission shall be filled in the same manner as
1118 the original appointment.

1119 (b) The General Counsel of the Department of Law
1120 Enforcement shall serve as the general counsel for the
1121 commission.

1122 (c) The Department of Law Enforcement staff, as assigned by
1123 the chair, shall assist the commission in performing its duties.

1124 (d) The commission shall meet as necessary to conduct its



130062

1125 work at the call of the chair and at the time designated by him
1126 or her at locations throughout the state. The commission may
1127 conduct its meetings through teleconferences or other similar
1128 means.

1129 (e) Members of the commission are entitled to receive
1130 reimbursement for per diem and travel expenses pursuant to s.
1131 112.061.

1132 (3) The commission shall investigate system failures in the
1133 Marjory Stoneman Douglas High School shooting and prior mass
1134 violence incidents in this state and develop recommendations for
1135 system improvements. At a minimum, the commission shall analyze
1136 information and evidence from the Marjory Stoneman Douglas High
1137 School shooting and other mass violence incidents in this state.
1138 At a minimum the commission shall:

1139 (a) Develop a timeline of the incident, incident response,
1140 and all relevant events preceding the incident, with particular
1141 attention to all perpetrator contacts with local, state and
1142 national government agencies and entities and any contract
1143 providers of such agencies and entities.

1144 (b) Investigate any failures in incident responses by local
1145 law enforcement agencies and school resource officers.

1146 1. Identify existing policies and procedures for active
1147 assailant incidents on school premises and evaluate the
1148 compliance with such policies and procedures in the execution of
1149 incident responses.

1150 2. Evaluate existing policies and procedures for active
1151 assailant incidents on school premises in comparison with
1152 national best practices.

1153 3. Evaluate the extent to which any failures in policy,



130062

1154 procedure, or execution contributed to an inability to prevent
1155 deaths and injuries.

1156 4. Make specific recommendations for improving law
1157 enforcement and school resource officer incident response in the
1158 future.

1159 5. Make specific recommendations for determining the
1160 appropriate ratio of school resource officers per school by
1161 school type. At a minimum, the methodology for determining the
1162 ratio should include the school location, student population,
1163 and school design.

1164 (c) Investigate any failures in interactions with
1165 perpetrators preceding mass violence incidents.

1166 1. Identify the history of interactions between
1167 perpetrators and governmental entities such as schools, law
1168 enforcement agencies, courts and social service agencies, and
1169 identify any failures to adequately communicate or coordinate
1170 regarding indicators of risk or possible threats.

1171 2. Evaluate the extent to which any such failures
1172 contributed to an inability to prevent deaths and injuries.

1173 3. Make specific recommendations for improving
1174 communication and coordination among entities with knowledge of
1175 indicators of risk or possible threats of mass violence in the
1176 future.

1177 4. Identify available state and local tools and resources
1178 for enhancing communication and coordination regarding
1179 indicators of risk or possible threats, including, but not
1180 limited to, the Department of Law Enforcement Fusion Center or
1181 Judicial Inquiry System, and make specific recommendations for
1182 using such tools and resources more effectively in the future.



130062

1183 (4) The commission has the power to investigate. The
1184 commission may delegate to its investigators the authority to
1185 administer oaths and affirmations.

1186 (5) The Commissioner of the Department of Law Enforcement
1187 shall use his or her subpoena power to compel the attendance of
1188 witnesses to testify before the commission. The Commissioner of
1189 the Department of Law Enforcement shall use his or her subpoena
1190 power to compel the production of any books, papers, records,
1191 documentary evidence, and other items, including confidential
1192 information, relevant to the performance of the duties of the
1193 commission or to the exercise of its powers. The chair or any
1194 other member of the commission may administer all oaths and
1195 affirmations in the manner prescribed by law to witnesses who
1196 appear before the commission for the purpose of testifying in
1197 any matter of which the commission desires evidence. In the case
1198 of a refusal to obey a subpoena, the commission may make
1199 application to any circuit court of this state having
1200 jurisdiction to order the witness to appear before the
1201 commission and to produce evidence, if so ordered, or to give
1202 testimony relevant to the matter in question. Failure to obey
1203 the order may be punished by the court as contempt.

1204 (6) The commission may call upon appropriate agencies of
1205 state government for such professional assistance as may be
1206 needed in the discharge of its duties, and such agencies shall
1207 provide such assistance in a timely manner.

1208 (7) Notwithstanding any other law, the commission may
1209 request and shall be provided with access to any information or
1210 records, including exempt or confidential and exempt information
1211 or records, which pertain to the Marjory Stoneman Douglas High



130062

1212 School shooting and prior mass violence incidents in Florida
1213 being reviewed by the commission and which are necessary for the
1214 commission to carry out its duties. Information or records
1215 obtained by the commission which are otherwise exempt or
1216 confidential and exempt shall retain such exempt or confidential
1217 and exempt status and the commission may not disclose any such
1218 information or records.

1219 (8) The commission shall submit an initial report on its
1220 findings and recommendations to the Governor, President of the
1221 Senate, and Speaker of the House of Representatives by January
1222 1, 2019, and may issue reports annually thereafter. The
1223 commission shall sunset July 1, 2023, and this section is
1224 repealed on that date.

1225 Section 19. Section 1001.212, Florida Statutes, is created
1226 to read:

1227 1001.212 Office of Safe Schools.—There is created in the
1228 Department of Education the Office of Safe Schools. The office
1229 is fully accountable to the Commissioner of Education. The
1230 office shall serve as a central repository for best practices,
1231 training standards, and compliance oversight in all matters
1232 regarding school safety and security, including prevention
1233 efforts, intervention efforts, and emergency preparedness
1234 planning. The office shall:

1235 (1) Establish and update as necessary a school security
1236 risk assessment tool for use by school districts pursuant to s.
1237 1006.07(6). The office shall make the security risk assessment
1238 tool available for use by charter schools.

1239 (2) Provide ongoing professional development opportunities
1240 to school district personnel.



130062

1241 (3) Provide a coordinated and interdisciplinary approach to
1242 providing technical assistance and guidance to school districts
1243 on safety and security and recommendations to address findings
1244 identified pursuant to s. 1006.07(6).

1245 (4) Develop and implement a School Safety Specialist
1246 Training Program for school safety specialists appointed
1247 pursuant to s. 1006.07(6). The office shall develop the training
1248 program which shall be based on national and state best
1249 practices on school safety and security and must include active
1250 shooter training. The office shall develop training modules in
1251 traditional or online formats. A school safety specialist
1252 certificate of completion shall be awarded to a school safety
1253 specialist who satisfactorily completes the training required by
1254 rules of the office.

1255 (5) Review and provide recommendations on the security risk
1256 assessments. The department may contract with security
1257 personnel, consulting engineers, architects, or other safety and
1258 security experts the department deems necessary for safety and
1259 security consultant services.

1260 (6) Coordinate with the Department of Law Enforcement to
1261 provide a centralized integrated data repository and data
1262 analytics resources to improve access to timely, complete and
1263 accurate information integrating data from, at a minimum, but
1264 not limited to, the following data sources by December 1, 2018:

- 1265 (a) Social Media;
- 1266 (b) Department of Children and Families;
- 1267 (c) Department of Law Enforcement;
- 1268 (d) Department of Juvenile Justice; and
- 1269 (e) Local law enforcement.



130062

1270 (7) Data that is exempt or confidential and exempt from
1271 public records requirements retains its exempt or confidential
1272 and exempt status when incorporated into the centralized
1273 integrated data repository.

1274 (8) To maintain the confidentially requirements attached to
1275 the information provided to the centralized integrated data
1276 repository by the various state and local agencies, data
1277 governance and security shall ensure compliance with all
1278 applicable state and federal data privacy requirements through
1279 the use of user authorization and role based security, data
1280 anonymization and aggregation and auditing capabilities.

1281 (9) To maintain the confidentially requirements attached to
1282 the information provided to the centralized integrated data
1283 repository by the various state and local agencies, each source
1284 agency providing data for the repository shall be the sole
1285 custodian of the data for the purpose of any request for
1286 inspection or copies thereof under ch. 119. The department shall
1287 only allow access to data from the source agencies in accordance
1288 with rules adopted by the respective source agencies.

1289 (10) Award grants to schools to improve the safety and
1290 security of school buildings based upon recommendations of the
1291 security risk assessment developed pursuant to subsection (1).

1292 (11) Disseminate, in consultation with the Department of
1293 Law Enforcement, to participating schools awareness and
1294 education materials on the School Safety Awareness Program
1295 developed pursuant to s. 943.082.

1296 Section 20. Paragraph (a) of subsection (10) of section
1297 1002.32, Florida Statutes, is amended to read:

1298 1002.32 Developmental research (laboratory) schools.-



130062

1299 (10) EXCEPTIONS TO LAW.—To encourage innovative practices
1300 and facilitate the mission of the lab schools, in addition to
1301 the exceptions to law specified in s. 1001.23(2), the following
1302 exceptions shall be permitted for lab schools:

1303 (a) The methods and requirements of the following statutes
1304 shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;
1305 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;
1306 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;
1307 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46;
1308 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
1309 1001.49; 1001.50; 1001.51; 1006.12(2) ~~1006.12(1)~~; 1006.21(3),
1310 (4); 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43;
1311 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50;
1312 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3),
1313 (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71;
1314 1011.72; 1011.73; and 1011.74.

1315 Section 21. Subsection (1) of section 1006.04, Florida
1316 Statutes, is amended to read:

1317 1006.04 Educational multiagency services for students with
1318 severe emotional disturbance.—

1319 (1) (a) The multiagency network for students with emotional
1320 and behavioral disabilities works with education, mental health,
1321 child welfare, and juvenile justice professionals, along with
1322 other agencies and families, to provide children with mental
1323 illness or emotional and behavioral problems and their families
1324 with access to the services and supports they need to succeed ~~An~~
1325 ~~intensive, integrated educational program; a continuum of mental~~
1326 ~~health treatment services; and, when needed, residential~~
1327 ~~services are necessary to enable students with severe emotional~~



130062

1328 ~~disturbance to develop appropriate behaviors and demonstrate~~
1329 ~~academic and career education skills. The small incidence of~~
1330 ~~severe emotional disturbance in the total school population~~
1331 ~~requires multiagency programs to provide access to appropriate~~
1332 ~~services for all students with severe emotional disturbance.~~
1333 District school boards should provide educational programs, and
1334 state departments and agencies administering children's mental
1335 health funds should provide mental health treatment and
1336 residential services when needed, as part of the forming a
1337 ~~multiagency network to provide support for students with severe~~
1338 ~~emotional disturbance.~~

1339 (b) The purpose of the multiagency network is to: ~~The~~
1340 ~~program goals for each component of the multiagency network are~~
1341 ~~to~~

1342 1. Enable students with severe emotional disturbance to
1343 learn appropriate behaviors, reduce dependency, and fully
1344 participate in all aspects of school and community living. ~~;~~ ~~to~~

1345 2. Develop individual programs for students with severe
1346 emotional disturbance, including necessary educational,
1347 residential, and mental health treatment services. ~~;~~ ~~to~~

1348 3. Provide programs and services as close as possible to
1349 the student's home in the least restrictive manner consistent
1350 with the student's needs. ~~;~~ ~~and to~~

1351 4. Integrate a wide range of services necessary to support
1352 students with severe emotional disturbance and their families.

1353 (c) The multiagency network shall:

1354 1. Support and represent the needs of students in each
1355 school district in joint planning with fiscal agents of
1356 children's mental health funds, including the expansion of



130062

1357 school-based mental health services, transition services, and
1358 integrated education and treatment programs.

1359 2. Improve coordination of services for children with or at
1360 risk of emotional or behavioral disabilities and their families
1361 by assisting multi-agency collaborative initiatives to identify
1362 critical issues and barriers of mutual concern and develop local
1363 response systems that increase home and school connections and
1364 family engagement.

1365 3. Increase parent and youth involvement and development
1366 with local systems of care.

1367 4. Facilitate student and family access to effective
1368 services and programs for students with and at risk of emotional
1369 or behavioral disabilities that include necessary educational,
1370 residential, and mental health treatment services, enabling
1371 these students to learn appropriate behaviors, reduce
1372 dependency, and fully participate in all aspects of school and
1373 community living.

1374 Section 22. Paragraph (b) of subsection (1), paragraphs (k)
1375 through (m) of subsection (2), and subsections (3), (4), and (6)
1376 of section 1006.07, Florida Statutes, are amended, and
1377 subsections (7) and (8) are added to that section to read:

1378 1006.07 District school board duties relating to student
1379 discipline and school safety.—The district school board shall
1380 provide for the proper accounting for all students, for the
1381 attendance and control of students at school, and for proper
1382 attention to health, safety, and other matters relating to the
1383 welfare of students, including:

1384 (1) CONTROL OF STUDENTS.—

1385 (b) Require each student at the time of initial



130062

1386 registration for school in the school district to note previous
1387 school expulsions, arrests resulting in a charge, ~~and~~ juvenile
1388 justice actions, and referrals to mental health services the
1389 student has had, and have the authority as the district school
1390 board of a receiving school district to honor the final order of
1391 expulsion or dismissal of a student by any in-state or out-of-
1392 state public district school board or private school, or lab
1393 school, for an act which would have been grounds for expulsion
1394 according to the receiving district school board's code of
1395 student conduct, in accordance with the following procedures:

1396 1. A final order of expulsion shall be recorded in the
1397 records of the receiving school district.

1398 2. The expelled student applying for admission to the
1399 receiving school district shall be advised of the final order of
1400 expulsion.

1401 3. The district school superintendent of the receiving
1402 school district may recommend to the district school board that
1403 the final order of expulsion be waived and the student be
1404 admitted to the school district, or that the final order of
1405 expulsion be honored and the student not be admitted to the
1406 school district. If the student is admitted by the district
1407 school board, with or without the recommendation of the district
1408 school superintendent, the student may be placed in an
1409 appropriate educational program and referred to mental health
1410 services identified by the school district pursuant to s.
1411 1012.584(4), when appropriate, at the direction of the district
1412 school board.

1413 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
1414 conduct for elementary schools and a code of student conduct for



130062

1415 middle and high schools and distribute the appropriate code to
1416 all teachers, school personnel, students, and parents, at the
1417 beginning of every school year. Each code shall be organized and
1418 written in language that is understandable to students and
1419 parents and shall be discussed at the beginning of every school
1420 year in student classes, school advisory council meetings, and
1421 parent and teacher association or organization meetings. Each
1422 code shall be based on the rules governing student conduct and
1423 discipline adopted by the district school board and shall be
1424 made available in the student handbook or similar publication.
1425 Each code shall include, but is not limited to:

1426 (k) Policies to be followed for the assignment of violent
1427 or disruptive students to an alternative educational program or
1428 referral of such students to mental health services identified
1429 by the school district pursuant to s. 1012.584(4).

1430 (l) Notice that any student who is determined to have
1431 brought a firearm or weapon, as defined in chapter 790, to
1432 school, to any school function, or onto any school-sponsored
1433 transportation, or to have possessed a firearm at school, will
1434 be expelled, with or without continuing educational services,
1435 from the student's regular school for a period of not less than
1436 1 full year and referred to mental health services identified by
1437 the school district pursuant to s. 1012.584(4) and the criminal
1438 justice or juvenile justice system. District school boards may
1439 assign the student to a disciplinary program or second chance
1440 school for the purpose of continuing educational services during
1441 the period of expulsion. District school superintendents may
1442 consider the 1-year expulsion requirement on a case-by-case
1443 basis and request the district school board to modify the



130062

1444 requirement by assigning the student to a disciplinary program
1445 or second chance school if the request for modification is in
1446 writing and it is determined to be in the best interest of the
1447 student and the school system.

1448 (m) Notice that any student who is determined to have made
1449 a threat or false report, as defined by ss. 790.162 and 790.163,
1450 respectively, involving school or school personnel's property,
1451 school transportation, or a school-sponsored activity will be
1452 expelled, with or without continuing educational services, from
1453 the student's regular school for a period of not less than 1
1454 full year and referred for criminal prosecution and mental
1455 health services identified by the school district pursuant to s.
1456 1012.584(4) for evaluation or treatment, when appropriate.

1457 District school boards may assign the student to a disciplinary
1458 program or second chance school for the purpose of continuing
1459 educational services during the period of expulsion. District
1460 school superintendents may consider the 1-year expulsion
1461 requirement on a case-by-case basis and request the district
1462 school board to modify the requirement by assigning the student
1463 to a disciplinary program or second chance school if it is
1464 determined to be in the best interest of the student and the
1465 school system.

1466 (3) STUDENT CRIME WATCH PROGRAM.—By resolution of the
1467 district school board, implement a student crime watch program
1468 to promote responsibility among students and improve school
1469 safety. The student crime watch program shall allow students and
1470 the community to anonymously relay information concerning unsafe
1471 and potentially harmful, dangerous, violent, or criminal
1472 activities, or the threat of these activities, to appropriate



130062

1473 public safety agencies and school officials ~~to assist in the~~
1474 ~~control of criminal behavior within the schools.~~

1475 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

1476 (a) Formulate and prescribe policies and procedures, in
1477 consultation with the appropriate public safety agencies, for
1478 emergency drills and for actual emergencies, including, but not
1479 limited to, fires, natural disasters, active shooter and hostage
1480 situations, and bomb threats, for all students and faculty at
1481 all the public schools of the district comprised of which
1482 ~~comprise~~ grades K-12. Drills for active shooter and hostage
1483 situations shall be conducted at least as often as other
1484 emergency drills. District school board policies shall include
1485 commonly used alarm system responses for specific types of
1486 emergencies and verification by each school that drills have
1487 been provided as required by law and fire protection codes. The
1488 emergency response policy shall identify the individuals
1489 responsible for contacting the primary emergency response agency
1490 and the emergency response agency that is responsible for
1491 notifying the school district for each type of emergency ~~must be~~
1492 ~~listed in the district's emergency response policy.~~

1493 (b) Establish model emergency management and emergency
1494 preparedness procedures, including emergency notification
1495 procedures pursuant to paragraph (a), for the following life-
1496 threatening emergencies:

1497 1. Weapon-use, and hostage, and active shooter situations.
1498 The active shooter situation training for each school must
1499 engage the participation of the district school safety
1500 specialist, threat assessment team members, faculty, staff, and
1501 students and must be conducted by the law enforcement agency or



130062

1502 agencies that are designated as first responders to the school's
1503 campus.

1504 2. Hazardous materials or toxic chemical spills.

1505 3. Weather emergencies, including hurricanes, tornadoes,
1506 and severe storms.

1507 4. Exposure as a result of a manmade emergency.

1508 (c) Establish a schedule to test the functionality and
1509 coverage capacity of all emergency communication systems and
1510 determine if adequate signal strength is available in all areas
1511 of the school's campus.

1512 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
1513 school superintendent shall establish policies and procedures
1514 for the prevention of violence on school grounds, including the
1515 assessment of and intervention with individuals whose behavior
1516 poses a threat to the safety of the school community.

1517 (a) Each district school superintendent shall designate a
1518 school administrator as a school safety specialist for the
1519 district. The school safety specialist must earn a certificate
1520 of completion of the school safety specialist training provided
1521 by the Office of Safe Schools within 1 year after appointment
1522 and is responsible for the supervision and oversight for all
1523 school safety and security personnel, policies, and procedures
1524 in the school district. The school safety specialist shall:

1525 1. Review policies and procedures for compliance with state
1526 law and rules.

1527 2. Provide the necessary training and resources to students
1528 and school district staff in matters relating to youth mental
1529 health awareness and assistance; emergency procedures, including
1530 active shooter training; and school safety and security.



130062

1531 3. Serve as the school district liaison with local public
1532 safety agencies and national, state, and community agencies and
1533 organizations in matters of school safety and security.

1534 4. Conduct a school security risk assessment in accordance
1535 with s. 1006.1493 at each public school using the school
1536 security risk assessment tool developed by the Office of Safe
1537 Schools Use the Safety and Security Best Practices developed by
1538 the Office of Program Policy Analysis and Government
1539 Accountability to conduct a self-assessment of the school
1540 districts' current safety and security practices. Based on the
1541 assessment these self-assessment findings, the district's school
1542 safety specialist district school superintendent shall provide
1543 recommendations to the district school board which identify
1544 strategies and activities that the district school board should
1545 implement in order to improve school safety and security.
1546 Annually, each district school board must receive such findings
1547 and the school safety specialist's recommendations the self-
1548 assessment results at a publicly noticed district school board
1549 meeting to provide the public an opportunity to hear the
1550 district school board members discuss and take action on the
1551 report findings and recommendations. Each school safety
1552 specialist district school superintendent shall report such
1553 findings the self-assessment results and school board action to
1554 the Office of Safe Schools commissioner within 30 days after the
1555 district school board meeting.

1556 (b) Each school safety specialist shall coordinate with the
1557 appropriate public safety agencies, as defined in s. 365.171,
1558 that are designated as first responders to a school's campus to
1559 conduct a tour of such campus once every 3 years and provide



130062

1560 recommendations related to school safety. The recommendations by
1561 the public safety agencies must be considered as part of the
1562 recommendations by the school safety specialist pursuant to
1563 paragraph (a).

1564 (7) THREAT ASSESSMENT TEAMS.—Each district school board
1565 shall adopt policies for the establishment of threat assessment
1566 teams at each school whose duties include the coordination of
1567 resources and assessment and intervention with individuals whose
1568 behavior may pose a threat to the safety of school staff or
1569 students consistent with the model policies developed by the
1570 Office of Safe Schools. Such policies shall include procedures
1571 for referrals to mental health services identified by the school
1572 district pursuant to s. 1012.584(4), when appropriate.

1573 (a) A threat assessment team shall include persons with
1574 expertise in counseling, instruction, school administration, and
1575 law enforcement. The threat assessment teams shall identify
1576 members of the school community to whom threatening behavior
1577 should be reported and provide guidance to students, faculty,
1578 and staff regarding recognition of threatening or aberrant
1579 behavior that may represent a threat to the community, school,
1580 or self.

1581 (b) Upon a preliminary determination that a student poses a
1582 threat of violence or physical harm to himself or herself or
1583 others, a threat assessment team shall immediately report its
1584 determination to the superintendent or his or her designee. The
1585 superintendent or his or her designee shall immediately attempt
1586 to notify the student's parent or legal guardian. Nothing in
1587 this subsection shall preclude school district personnel from
1588 acting immediately to address an imminent threat.



130062

1589 (c) Upon a preliminary determination by the threat
1590 assessment team that a student poses a threat of violence to
1591 himself or herself or others or exhibits significantly
1592 disruptive behavior or need for assistance, the threat
1593 assessment team may obtain criminal history record information,
1594 as provided in s. 985.047. A member of a threat assessment team
1595 may not disclose any criminal history record information
1596 obtained pursuant to this section or otherwise use any record of
1597 an individual beyond the purpose for which such disclosure was
1598 made to the threat assessment team.

1599 (d) Notwithstanding any other provision of law, all state
1600 and local agencies and programs that provide services to
1601 students experiencing or at risk of an emotional disturbance or
1602 a mental illness, including the school districts, school
1603 personnel, state and local law enforcement agencies, the
1604 Department of Juvenile Justice, the Department of Children and
1605 Families, the Department of Health, the Agency for Health Care
1606 Administration, the Agency for Persons with Disabilities, the
1607 Department of Education, the Statewide Guardian Ad Litem Office,
1608 and any service or support provider contracting with such
1609 agencies, may share with each other records or information that
1610 are confidential or exempt from disclosure under chapter 119 if
1611 the records or information are reasonably necessary to ensure
1612 access to appropriate services for the student or to ensure the
1613 safety of the student or others. All such state and local
1614 agencies and programs shall communicate, collaborate, and
1615 coordinate efforts to serve such students.

1616 (e) If an immediate mental health or substance abuse crisis
1617 is suspected, school personnel shall follow policies established



130062

1618 by the threat assessment team to engage behavioral health crisis
1619 resources. Behavioral health crisis resources, including, but
1620 not limited to, mobile crisis teams and school resource officers
1621 trained in crisis intervention, shall provide emergency
1622 intervention and assessment, make recommendations, and refer the
1623 student for appropriate services. Onsite school personnel shall
1624 report all such situations and actions taken to the threat
1625 assessment team, which shall contact the other agencies involved
1626 with the student and any known service providers to share
1627 information and coordinate any necessary followup actions.

1628 (f) Each threat assessment team established pursuant to
1629 this subsection shall report quantitative data on its activities
1630 to the Office of Safe Schools in accordance with guidance from
1631 the office.

1632 (8) SAFETY IN CONSTRUCTION PLANNING.—A district school
1633 board must allow the law enforcement agency or agencies that are
1634 designated as first responders to the district's campus and
1635 school's campuses to tour such campuses once every 3 years. Any
1636 changes related to school safety and emergency issues
1637 recommended by a law enforcement agency based on a campus tour
1638 must be documented by the district school board.

1639 Section 23. Subsection (2) of section 1006.08, Florida
1640 Statutes, is amended to read:

1641 1006.08 District school superintendent duties relating to
1642 student discipline and school safety.—

1643 (2) Notwithstanding the provisions of s. 985.04(7) or any
1644 other provision of law to the contrary, the court shall, within
1645 48 hours of the finding, notify the appropriate district school
1646 superintendent of the name and address of any student found to



130062

1647 have committed a delinquent act, or who has had adjudication of
1648 a delinquent act withheld which, if committed by an adult, would
1649 be a felony, ~~or~~ the name and address of any student found guilty
1650 of a felony, or the name and address of any student the court
1651 refers to mental health services. Notification shall include the
1652 specific delinquent act found to have been committed or for
1653 which adjudication was withheld, or the specific felony for
1654 which the student was found guilty.

1655 Section 24. Section 1006.12, Florida Statutes, is amended
1656 to read:

1657 1006.12 Safe-school ~~school resource~~ officers at each public
1658 school and school safety officers. ~~For the protection and safety~~
1659 of school personnel, property, students, and visitors, each
1660 district school board and school district superintendent shall
1661 partner with law enforcement agencies to establish or assign one
1662 or more safe-school officers at each school facility within the
1663 district by implementing any combination of the following
1664 options which best meets the needs of the school district:

1665 (1) ~~District school boards may~~ Establish school resource
1666 officer programs, through a cooperative agreement with law
1667 enforcement agencies ~~or in accordance with subsection (2)~~.

1668 (a) School resource officers shall undergo criminal
1669 background checks, drug testing, and a psychological evaluation
1670 and be certified law enforcement officers, as defined in s.
1671 943.10(1), who are employed by a law enforcement agency as
1672 defined in s. 943.10(4). The powers and duties of a law
1673 enforcement officer shall continue throughout the employee's
1674 tenure as a school resource officer.

1675 (b) School resource officers shall abide by district school



130062

1676 board policies and shall consult with and coordinate activities
1677 through the school principal, but shall be responsible to the
1678 law enforcement agency in all matters relating to employment,
1679 subject to agreements between a district school board and a law
1680 enforcement agency. Activities conducted by the school resource
1681 officer which are part of the regular instructional program of
1682 the school shall be under the direction of the school principal.

1683 (c) Complete mental health crisis intervention training
1684 using a curriculum developed by a national organization with
1685 expertise in mental health crisis intervention. The training
1686 shall improve officers' knowledge and skills as first responders
1687 to incidents involving students with emotional disturbance or
1688 mental illness, including de-escalation skills to ensure student
1689 and officer safety.

1690 (2) Commission one or more school safety officers for the
1691 protection and safety of school personnel, property, and
1692 students within the school district. The district school
1693 superintendent may recommend, and the district school board may
1694 appoint, one or more school safety officers.

1695 ~~(2)~~(a) School safety officers shall undergo criminal
1696 background checks, drug testing, and a psychological evaluation
1697 and be law enforcement officers, as defined in s. 943.10(1),
1698 certified under the provisions of chapter 943 and employed by
1699 either a law enforcement agency or by the district school board.
1700 If the officer is employed by the district school board, the
1701 district school board is the employing agency for purposes of
1702 chapter 943, and must comply with the provisions of that
1703 chapter.

1704 ~~(b) A district school board may commission one or more~~



130062

1705 ~~school safety officers for the protection and safety of school~~
1706 ~~personnel, property, and students within the school district.~~
1707 ~~The district school superintendent may recommend and the~~
1708 ~~district school board may appoint one or more school safety~~
1709 ~~officers.~~

1710 (b) ~~(e)~~ A school safety officer has and shall exercise the
1711 power to make arrests for violations of law on district school
1712 board property and to arrest persons, whether on or off such
1713 property, who violate any law on such property under the same
1714 conditions that deputy sheriffs are authorized to make arrests.
1715 A school safety officer has the authority to carry weapons when
1716 performing his or her official duties.

1717 (c) ~~(d)~~ A district school board may enter into mutual aid
1718 agreements with one or more law enforcement agencies as provided
1719 in chapter 23. A school safety officer's salary may be paid
1720 jointly by the district school board and the law enforcement
1721 agency, as mutually agreed to.

1722 Section 25. Subsection (1), paragraph (c) of subsection
1723 (4), and subsection (8) of section 1006.13, Florida Statutes,
1724 are amended, and paragraph (f) is added to subsection (2) of
1725 that section, to read:

1726 1006.13 Policy of zero tolerance for crime and
1727 victimization.—

1728 (1) District school boards shall ~~It is the intent of the~~
1729 ~~Legislature to~~ promote a safe and supportive learning
1730 environment in schools by protecting, ~~to protect~~ students and
1731 staff from conduct that poses a serious threat to school safety.
1732 A threat assessment team may, ~~and to encourage schools to use~~
1733 alternatives to expulsion or referral to law enforcement



130062

1734 agencies to address ~~by addressing~~ disruptive behavior through
1735 restitution, civil citation, teen court, neighborhood
1736 restorative justice, or similar programs. Zero-tolerance ~~The~~
1737 ~~Legislature finds that zero-tolerance~~ policies may are not
1738 ~~intended to~~ be rigorously applied to petty acts of misconduct
1739 and misdemeanors, including, but not limited to, minor fights or
1740 disturbances. Zero-tolerance policies ~~The Legislature finds that~~
1741 ~~zero-tolerance policies~~ must apply equally to all students
1742 regardless of their economic status, race, or disability.

1743 (2) Each district school board shall adopt a policy of zero
1744 tolerance that:

1745 (f) Requires the threat assessment team to consult with law
1746 enforcement when a student exhibits a pattern of behavior, based
1747 upon previous acts or the severity of an act, that would pose a
1748 threat to school safety.

1749 (4)

1750 (c) Zero-tolerance policies do not require the reporting of
1751 petty acts of misconduct and misdemeanors to a law enforcement
1752 agency, including, but not limited to, disorderly conduct,
1753 ~~disrupting a school function,~~ simple assault or battery, affray,
1754 theft of less than \$300, trespassing, and vandalism of less than
1755 \$1,000. However, if a student commits more than one misdemeanor,
1756 the threat assessment team must consult with law enforcement to
1757 determine if the act should be reported to law enforcement.

1758 (8) A threat assessment team may ~~School districts are~~
1759 ~~encouraged to~~ use alternatives to expulsion or referral to law
1760 enforcement agencies unless the use of such alternatives will
1761 pose a threat to school safety.

1762 Section 26. Section 1006.1493, Florida Statutes, is created



130062

1763 to read:

1764 1006.1493 Florida Safe Schools Assessment Tool.-

1765 (1) The department through the Office of Safe Schools
1766 pursuant s. 1001.212 shall contract with a security consulting
1767 firm that specializes in the development of risk assessment
1768 software solutions and has experience in conducting security
1769 assessments of public facilities to develop, update, and
1770 implement a risk assessment tool, which shall be known as the
1771 Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be
1772 used by school officials at each school district and public
1773 school site in the state in conducting security assessments for
1774 use by school officials at each school district and public
1775 school site in the state.

1776 (2) The FSSAT must help school officials identify threats,
1777 vulnerabilities, and appropriate safety controls for the schools
1778 that they supervise, pursuant to the security risk assessment
1779 requirements of s. 1006.07(6).

1780 (a) At a minimum, the FSSAT must address all of the
1781 following components:

1782 1. School emergency and crisis preparedness planning;

1783 2. Security, crime, and violence prevention policies and
1784 procedures;

1785 3. Physical security measures;

1786 4. Professional development training needs;

1787 5. An examination of support service roles in school
1788 safety, security, and emergency planning;

1789 6. School security and school police staffing, operational
1790 practices, and related services;

1791 7. School and community collaboration on school safety; and



130062

1792 8. A return on investment analysis of the recommended
1793 physical security controls.

1794 (b) The department shall require by contract that the
1795 security consulting firm:

1796 1. Generate written automated reports on assessment
1797 findings for review by the department and school and district
1798 officials;

1799 2. Provide training to the department and school officials
1800 in the use of the FSSAT and other areas of importance identified
1801 by the department; and

1802 3. Advise in the development and implementation of
1803 templates, formats, guidance, and other resources necessary to
1804 facilitate the implementation of this section at state,
1805 district, school, and local levels.

1806 (3) By December 1, 2018, and annually by that date
1807 thereafter, the department must report to the Governor, the
1808 President of the Senate, and the Speaker of the House of
1809 Representatives on the status of implementation across school
1810 districts and schools. The report must include a summary of the
1811 positive school safety measures in place at the time of the
1812 assessment and any recommendations for policy changes or funding
1813 needed to facilitate continued school safety planning,
1814 improvement, and response at the state, district, or school
1815 levels.

1816 (4) In accordance with ss. 119.071(3)(a) and 281.301, data
1817 and information related to security risk assessments
1818 administered pursuant to this section and s. 1006.07(6) and the
1819 security information contained in the annual report required
1820 pursuant to subsection (3) are confidential and exempt from



130062

1821 public records requirements.

1822 Section 27. Subsection (16) and (17) of section 1011.62,
1823 Florida Statutes, are redesignated as subsections (17) and (18),
1824 respectively, paragraph (a) of subsection (4), paragraph (b) of
1825 subsection (6), subsection (14), and subsection (15) of that
1826 section are amended, and a new subsection (16) is added to that
1827 section, to read:

1828 1011.62 Funds for operation of schools.—If the annual
1829 allocation from the Florida Education Finance Program to each
1830 district for operation of schools is not determined in the
1831 annual appropriations act or the substantive bill implementing
1832 the annual appropriations act, it shall be determined as
1833 follows:

1834 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
1835 Legislature shall prescribe the aggregate required local effort
1836 for all school districts collectively as an item in the General
1837 Appropriations Act for each fiscal year. The amount that each
1838 district shall provide annually toward the cost of the Florida
1839 Education Finance Program for kindergarten through grade 12
1840 programs shall be calculated as follows:

1841 (a) *Estimated taxable value calculations.*—

1842 1.a. Not later than 2 working days before July 19, the
1843 Department of Revenue shall certify to the Commissioner of
1844 Education its most recent estimate of the taxable value for
1845 school purposes in each school district and the total for all
1846 school districts in the state for the current calendar year
1847 based on the latest available data obtained from the local
1848 property appraisers. The value certified shall be the taxable
1849 value for school purposes for that year, and no further



130062

1850 adjustments shall be made, except those made pursuant to
1851 paragraphs (c) and (d), or an assessment roll change required by
1852 final judicial decisions as specified in paragraph (17) (b)
1853 ~~(16) (b)~~. Not later than July 19, the Commissioner of Education
1854 shall compute a millage rate, rounded to the next highest one
1855 one-thousandth of a mill, which, when applied to 96 percent of
1856 the estimated state total taxable value for school purposes,
1857 would generate the prescribed aggregate required local effort
1858 for that year for all districts. The Commissioner of Education
1859 shall certify to each district school board the millage rate,
1860 computed as prescribed in this subparagraph, as the minimum
1861 millage rate necessary to provide the district required local
1862 effort for that year.

1863 b. The General Appropriations Act shall direct the
1864 computation of the statewide adjusted aggregate amount for
1865 required local effort for all school districts collectively from
1866 ad valorem taxes to ensure that no school district's revenue
1867 from required local effort millage will produce more than 90
1868 percent of the district's total Florida Education Finance
1869 Program calculation as calculated and adopted by the
1870 Legislature, and the adjustment of the required local effort
1871 millage rate of each district that produces more than 90 percent
1872 of its total Florida Education Finance Program entitlement to a
1873 level that will produce only 90 percent of its total Florida
1874 Education Finance Program entitlement in the July calculation.

1875 2. On the same date as the certification in sub-
1876 subparagraph 1.a., the Department of Revenue shall certify to
1877 the Commissioner of Education for each district:

1878 a. Each year for which the property appraiser has certified



130062

1879 the taxable value pursuant to s. 193.122(2) or (3), if
1880 applicable, since the prior certification under sub-subparagraph
1881 1.a.

1882 b. For each year identified in sub-subparagraph a., the
1883 taxable value certified by the appraiser pursuant to s.
1884 193.122(2) or (3), if applicable, since the prior certification
1885 under sub-subparagraph 1.a. This is the certification that
1886 reflects all final administrative actions of the value
1887 adjustment board.

1888 (6) CATEGORICAL FUNDS.—

1889 (b) If a district school board finds and declares in a
1890 resolution adopted at a regular meeting of the school board that
1891 the funds received for any of the following categorical
1892 appropriations are urgently needed to maintain school board
1893 specified academic classroom instruction or improve school
1894 safety, the school board may consider and approve an amendment
1895 to the school district operating budget transferring the
1896 identified amount of the categorical funds to the appropriate
1897 account for expenditure:

1898 1. Funds for student transportation.

1899 ~~2. Funds for safe schools.~~

1900 ~~2.3.~~ Funds for supplemental academic instruction if the
1901 required additional hour of instruction beyond the normal school
1902 day for each day of the entire school year has been provided for
1903 the students in each low-performing elementary school in the
1904 district pursuant to paragraph (1)(f).

1905 ~~3.4.~~ Funds for research-based reading instruction if the
1906 required additional hour of instruction beyond the normal school
1907 day for each day of the entire school year has been provided for



130062

1908 the students in each low-performing elementary school in the
1909 district pursuant to paragraph (9) (a).

1910 ~~4.5.~~ Funds for instructional materials if all instructional
1911 material purchases necessary to provide updated materials that
1912 are aligned with applicable state standards and course
1913 descriptions and that meet statutory requirements of content and
1914 learning have been completed for that fiscal year, but no sooner
1915 than March 1. Funds available after March 1 may be used to
1916 purchase hardware for student instruction.

1917 (14) QUALITY ASSURANCE GUARANTEE.—The Legislature may
1918 annually in the General Appropriations Act determine a
1919 percentage increase in funds per K-12 unweighted FTE as a
1920 minimum guarantee to each school district. The guarantee shall
1921 be calculated from prior year base funding per unweighted FTE
1922 student which shall include the adjusted FTE dollars as provided
1923 in subsection (17) ~~(16)~~, quality guarantee funds, and actual
1924 nonvoted discretionary local effort from taxes. From the base
1925 funding per unweighted FTE, the increase shall be calculated for
1926 the current year. The current year funds from which the
1927 guarantee shall be determined shall include the adjusted FTE
1928 dollars as provided in subsection (17) ~~(16)~~ and potential
1929 nonvoted discretionary local effort from taxes. A comparison of
1930 current year funds per unweighted FTE to prior year funds per
1931 unweighted FTE shall be computed. For those school districts
1932 which have less than the legislatively assigned percentage
1933 increase, funds shall be provided to guarantee the assigned
1934 percentage increase in funds per unweighted FTE student. Should
1935 appropriated funds be less than the sum of this calculated
1936 amount for all districts, the commissioner shall prorate each



130062

1937 district's allocation. This provision shall be implemented to
1938 the extent specifically funded.

1939 (15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is
1940 created to provide funding to assist school districts in their
1941 compliance with s. 1006.07 ~~ss. 1006.07-1006.148~~, with priority
1942 given to implementing the district's establishing a school
1943 resource officer program pursuant to s. 1006.12. Each school
1944 district shall receive a minimum safe schools allocation in an
1945 amount provided in the General Appropriations Act. Of the
1946 remaining balance of the safe schools allocation, two-thirds
1947 shall be allocated to school districts based on the most recent
1948 official Florida Crime Index provided by the Department of Law
1949 Enforcement and one-third shall be allocated based on each
1950 school district's proportionate share of the state's total
1951 unweighted full-time equivalent student enrollment. Any
1952 additional funds appropriated to this allocation in the 2018-
1953 2019 fiscal year to the school resource officer program
1954 established pursuant to s. 1006.12 shall be used exclusively for
1955 employing or contracting for school resource officers, which
1956 shall be in addition to the number of officers employed or
1957 contracted for in the 2017-2018 fiscal year.

1958 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
1959 assistance allocation is created to provide funding to assist
1960 school districts in establishing or expanding school-based
1961 mental health care. These funds shall be allocated annually in
1962 the General Appropriations Act or other law to each eligible
1963 school district. Each school district shall receive a minimum of
1964 \$100,000 with the remaining balance allocated based on each
1965 school district's proportionate share of the state's total



130062

1966 unweighted full-time equivalent student enrollment. Eligible
1967 charter schools are entitled to a proportionate share of
1968 district funding. At least 90 percent of a district's allocation
1969 must be expended on the elements specified in subparagraphs
1970 (b)1. and 2. The allocated funds may not supplant funds that are
1971 provided for this purpose from other operating funds and may not
1972 be used to increase salaries or provide bonuses. School
1973 districts are encouraged to maximize third party health
1974 insurance benefits and Medicaid claiming for services, where
1975 appropriate.

1976 (a) Before the distribution of the allocation:

1977 1. The school district must develop and submit a detailed
1978 plan outlining the local program and planned expenditures to the
1979 district school board for approval.

1980 2. A charter school must develop and submit a detailed plan
1981 outlining the local program and planned expenditures to its
1982 governing body for approval. After the plan is approved by the
1983 governing body, it must be provided to the charter school's
1984 sponsor.

1985 (b) The plans required under paragraph (a) must be focused
1986 on delivering evidence-based mental health care treatment to
1987 children and include the following elements:

1988 1. Provision of mental health assessment, diagnosis,
1989 intervention, treatment, and recovery services to students with
1990 one or more mental health or co-occurring substance abuse
1991 diagnoses and students at high risk of such diagnoses.

1992 2. Coordination of such services with a student's primary
1993 care provider and with other mental health providers involved in
1994 the student's care.



130062

1995 3. Direct employment of such service providers, or a
1996 contract-based collaborative effort or partnership with one or
1997 more local community mental health programs, agencies, or
1998 providers.

1999 (c) School districts shall submit approved plans, including
2000 approved plans of each charter school in the district, to the
2001 commissioner by August 1 of each fiscal year.

2002 (d) Beginning September 30, 2019, and annually by September
2003 30 thereafter, each school district shall submit to the
2004 Department of Education a report on its program outcomes and
2005 expenditures for the previous fiscal year that, at a minimum,
2006 must include the number of each of the following:

- 2007 1. Students who receive screenings or assessments.
2008 2. Students who are referred for services or assistance.
2009 3. Students who receive services or assistance.
2010 4. Direct employment service providers employed by each
2011 school district.

2012 5. Contract-based collaborative efforts or partnerships
2013 with community mental health programs, agencies, or providers.

2014 Section 28. Section 1012.584, Florida Statutes, is created
2015 to read:

2016 1012.584 Continuing education and inservice training for
2017 youth mental health awareness and assistance.—

2018 (1) Beginning with the 2018-2019 school year, the
2019 Department of Education shall establish an evidence-based youth
2020 mental health awareness and assistance training program to help
2021 school personnel identify and understand the signs of emotional
2022 disturbance, mental illness, and substance use disorders and
2023 provide such personnel with the skills to help a person who is



130062

2024 developing or experiencing an emotional disturbance, mental
2025 health, or substance use problem.

2026 (2) The Department of Education shall select a national
2027 authority on youth mental health awareness and assistance to
2028 facilitate providing youth mental health awareness and
2029 assistance training, using a trainer certification model, to all
2030 school personnel in elementary, middle, and high schools. Each
2031 school safety specialist shall earn, or designate one or more
2032 individuals to earn, certification as a youth mental health
2033 awareness and assistance trainer. The school safety specialist
2034 shall ensure that all school personnel within his or her school
2035 district receive youth mental health awareness and assistance
2036 training.

2037 (3) The training program shall include, but is not limited
2038 to:

2039 (a) An overview of mental illnesses and substance use
2040 disorders and the need to reduce the stigma of mental illness.

2041 (b) Information on the potential risk factors and warning
2042 signs of emotional disturbance, mental illness, or substance use
2043 disorders, including, but not limited to, depression, anxiety,
2044 psychosis, eating disorders, and self-injury, as well as common
2045 treatments for those conditions and how to assess those risks.

2046 (c) Information on how to engage at-risk students with the
2047 skills, resources, and knowledge required to assess the
2048 situation, and how to identify and encourage the student to use
2049 appropriate professional help and other support strategies,
2050 including, but not limited to, peer, social, or self-help care.

2051 (4) Each school district shall notify all school personnel
2052 who have received training pursuant to this section of mental



130062

2053 health services that are available in the school district, and
2054 the individual to contact if a student needs services. The term
2055 "mental health services" includes, but is not limited to,
2056 community mental health services, health care providers, and
2057 services provided under ss. 1006.04 and 1011.62(17).

2058 Section 29. For the purpose of incorporating the amendment
2059 made by this act to section 790.065, Florida Statutes, in a
2060 reference thereto, subsection (2) of section 397.6760, Florida
2061 Statutes, is reenacted to read:

2062 397.6760 Court records; confidentiality.—

2063 (2) This section does not preclude the clerk of the court
2064 from submitting the information required by s. 790.065 to the
2065 Department of Law Enforcement.

2066 Section 30. For the purpose of incorporating the amendment
2067 made by this act to section 790.065, Florida Statutes, in a
2068 reference thereto, paragraph (e) of subsection (3) of section
2069 790.335, Florida Statutes, is reenacted to read:

2070 790.335 Prohibition of registration of firearms; electronic
2071 records.—

2072 (3) EXCEPTIONS.—The provisions of this section shall not
2073 apply to:

2074 (e)1. Records kept pursuant to the recordkeeping provisions
2075 of s. 790.065; however, nothing in this section shall be
2076 construed to authorize the public release or inspection of
2077 records that are made confidential and exempt from the
2078 provisions of s. 119.07(1) by s. 790.065(4) (a).

2079 2. Nothing in this paragraph shall be construed to allow
2080 the maintaining of records containing the names of purchasers or
2081 transferees who receive unique approval numbers or the



130062

2082 maintaining of records of firearm transactions.

2083 Section 31. For the purpose of incorporating the amendment
2084 made by this act to section 836.10, Florida Statutes, in a
2085 reference thereto, subsection (1) of section 794.056, Florida
2086 Statutes, is reenacted to read:

2087 794.056 Rape Crisis Program Trust Fund.—

2088 (1) The Rape Crisis Program Trust Fund is created within
2089 the Department of Health for the purpose of providing funds for
2090 rape crisis centers in this state. Trust fund moneys shall be
2091 used exclusively for the purpose of providing services for
2092 victims of sexual assault. Funds credited to the trust fund
2093 consist of those funds collected as an additional court
2094 assessment in each case in which a defendant pleads guilty or
2095 nolo contendere to, or is found guilty of, regardless of
2096 adjudication, an offense provided in s. 775.21(6) and (10)(a),
2097 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
2098 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
2099 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
2100 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
2101 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
2102 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
2103 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
2104 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
2105 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
2106 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
2107 fund also shall include revenues provided by law, moneys
2108 appropriated by the Legislature, and grants from public or
2109 private entities.

2110 Section 32. For the purpose of incorporating the amendment



130062

2111 made by this act to section 836.10, Florida Statutes, in a
2112 reference thereto, section 938.085, Florida Statutes, is
2113 reenacted to read:

2114 938.085 Additional cost to fund rape crisis centers.—In
2115 addition to any sanction imposed when a person pleads guilty or
2116 nolo contendere to, or is found guilty of, regardless of
2117 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
2118 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
2119 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
2120 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
2121 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
2122 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
2123 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
2124 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
2125 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
2126 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
2127 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
2128 \$151. Payment of the surcharge shall be a condition of
2129 probation, community control, or any other court-ordered
2130 supervision. The sum of \$150 of the surcharge shall be deposited
2131 into the Rape Crisis Program Trust Fund established within the
2132 Department of Health by chapter 2003-140, Laws of Florida. The
2133 clerk of the court shall retain \$1 of each surcharge that the
2134 clerk of the court collects as a service charge of the clerk's
2135 office.

2136 Section 33. For the 2018-2019 fiscal year, the sum of \$69,
2137 237,286 in recurring funds is appropriated from the General
2138 Revenue Fund to the Department of Education in the Aid to Local
2139 Governments Grants and Aids - Florida Education Finance Program



130062

2140 to fund the mental health assistance allocation created pursuant
2141 to s. 1011.62(16), Florida Statutes.

2142 Section 34. For the 2018-2019 fiscal year, the sums of
2143 \$500,000 in recurring funds and \$6,200,000 in nonrecurring funds
2144 are appropriated from the General Revenue Fund to the Department
2145 of Education to implement the youth mental health awareness and
2146 assistance training as directed pursuant to s. 1012.584, Florida
2147 Statutes.

2148 Section 35. For the 2018-2019 fiscal year, the sum of \$1
2149 million in nonrecurring funds is appropriated from the General
2150 Revenue Fund to the Department of Education for the design and
2151 construction of a memorial honoring those who lost their lives
2152 on February 14, 2018, at Marjory Stoneman Douglas High School in
2153 Broward County. The department shall collaborate with the
2154 students and faculty of Marjory Stoneman Douglas High School,
2155 the families of the victims, the Broward County School District,
2156 and other relevant entities of the Parkland community on the
2157 design and placement of the memorial.

2158 Section 36. For the 2018-2019 fiscal year, the sum of
2159 \$25,262,714 in nonrecurring funds is appropriated from the
2160 General Revenue Fund to the Department of Education combined
2161 with an equal amount of local matching funds for the purpose of
2162 replacing Building 12, as listed in the Florida Inventory of
2163 School Houses, at Marjory Stoneman Douglas High School in
2164 Broward County.

2166 ===== T I T L E A M E N D M E N T =====

2167 And the title is amended as follows:

2168 Delete lines 2379 - 2598



130062

2169 and insert:

2170 Department of Education; amending s. 121.091, F.S.;

2171 authorizing certain retired law enforcement officers

2172 to be reemployed as school resource officers after

2173 meeting specified termination requirements;

2174 authorizing such retired law enforcement officers to

2175 receive compensation and retirement benefits after a

2176 specified period; providing that such retired law

2177 enforcement officers may not renew membership in the

2178 Florida Retirement System, except as otherwise

2179 provided; amending s. 394.463, F.S.; requiring when

2180 practicable that a law enforcement officer with

2181 certain training be assigned to serve and execute

2182 certain ex parte orders; authorizing a law enforcement

2183 officer to seize and hold firearms and ammunition if

2184 taking custody of a person who poses a potential

2185 danger to himself or herself or others and who has

2186 made a credible threat against another person;

2187 authorizing a law enforcement officer to seek the

2188 voluntary surrender of firearms and ammunition kept in

2189 the residence if the law enforcement officer takes

2190 custody of the person at the person's residence and

2191 certain criteria are met; authorizing such law

2192 enforcement officer to petition an appropriate court

2193 for a risk protection order under certain

2194 circumstances; requiring that firearms and ammunition

2195 seized or voluntarily surrendered be returned within a

2196 certain timeframe under specified circumstances;

2197 providing exceptions; requiring law enforcement



130062

2198 agencies to develop policies and procedures relating
2199 to the seizure, storage, and return of firearms and
2200 ammunition; amending s. 394.495, F.S.; requiring the
2201 Department of Children and Families to contract for
2202 community action treatment teams throughout the state
2203 with the managing entities; specifying requirements
2204 for community action treatment teams; subject to
2205 legislative appropriation, requiring the department to
2206 contract for additional teams to ensure statewide
2207 availability of services; creating s. 790.064, F.S.;
2208 prohibiting a person who has been adjudicated mentally
2209 defective or been committed to a mental institution
2210 from owning or possessing a firearm until certain
2211 relief is obtained; specifying that the firearm
2212 possession and ownership disability runs concurrently
2213 with the firearm purchase disability under certain
2214 provisions; authorizing a person to petition for
2215 relief from the firearm possession and ownership
2216 disability; requiring that petitions for relief follow
2217 certain procedures; authorizing such person to
2218 petition for simultaneous relief; amending s. 790.065,
2219 F.S.; prohibiting a person younger than a certain age
2220 from purchasing a firearm; prohibiting the sale or
2221 transfer, or facilitation of a sale or transfer, of a
2222 firearm to a person younger than a certain age by a
2223 licensed importer, licensed manufacturer, or licensed
2224 dealer; providing criminal penalties; providing
2225 exceptions; amending s. 790.0655, F.S.; revising the
2226 mandatory waiting period to the later of either 3



130062

2227 days, excluding weekends and legal holidays, or upon
2228 the completion of certain records checks; revising and
2229 redefining terms; requiring that records of firearm
2230 sales be available for inspection by any law
2231 enforcement agency during normal business hours;
2232 revising applicability of the waiting period;
2233 conforming provisions to changes made by the act;
2234 creating s. 790.222, F.S.; defining the term "bump-
2235 fire stock"; prohibiting specified acts relating to
2236 the sale and possession of bump-fire stocks; providing
2237 criminal penalties; providing legislative intent;
2238 providing a short title; creating s. 790.401, F.S.;
2239 defining terms; creating an action known as a petition
2240 for a risk protection order to prevent persons who are
2241 at high risk of harming themselves or others from
2242 accessing firearms or ammunition; providing
2243 requirements for petitions for such orders; providing
2244 duties for courts and clerks of court; prohibiting
2245 fees for the filing of or service of process of such
2246 petitions; providing for jurisdiction for such
2247 petitions; requiring hearings on petitions within a
2248 specified period; providing service requirements;
2249 providing grounds that may be considered in
2250 determining whether to grant such a petition;
2251 providing requirements for proceedings; providing
2252 requirements for risk protection orders; requiring the
2253 court to inform a respondent of his or her right to
2254 request a certain hearing; authorizing temporary ex
2255 parte orders under certain circumstances; providing



130062

2256 requirements for petitions for such ex parte orders;
2257 providing for service of orders; providing for the
2258 termination or extension of an order; providing for
2259 the surrender and storage of firearms, ammunition, and
2260 licenses to carry a concealed weapon or firearm after
2261 issuance of a risk protection order; requiring law
2262 enforcement agencies to develop certain policies and
2263 procedures; providing for return of firearms and
2264 ammunition upon the vacating or end without the
2265 extension of an order under certain circumstances;
2266 authorizing a respondent to elect to transfer all
2267 firearms and ammunition surrendered or seized by a law
2268 enforcement agency to another person under certain
2269 circumstances; requiring a clerk of the court to
2270 forward a copy of a risk protection order to the
2271 appropriate law enforcement agency within a specified
2272 timeframe; requiring the law enforcement agency to
2273 enter the order into the Florida Crime Information
2274 Center and the National Crime Information Center
2275 systems; requiring that the order be maintained in the
2276 systems for a specified period and prohibiting a law
2277 enforcement from removing an order from the systems
2278 which has not ended or been vacated; providing that
2279 entry of an order into the systems constitutes notice
2280 to law enforcement agencies; requiring an issuing
2281 court to forward specified information concerning a
2282 respondent to the Department of Agriculture and
2283 Consumer Services within a specified timeframe;
2284 requiring the department to suspend a license to carry



130062

2285 a concealed weapon or firearm which is held by a
2286 person subject to such an order; prohibiting a person
2287 from making a false statement under oath; providing
2288 criminal penalties; prohibiting violations of such an
2289 order; providing criminal penalties; providing
2290 construction; providing that the risk protection order
2291 provisions do not create liability for certain acts or
2292 omissions; requiring the Office of the State Courts
2293 Administrator to develop and distribute certain
2294 instructional and informational material; amending
2295 836.10, F.S.; prohibiting a person from making,
2296 posting, or transmitting a threat to conduct a mass
2297 shooting or an act of terrorism in a writing or other
2298 record in any manner that would allow another person
2299 to view the threat; providing criminal penalties;
2300 amending 921.0022, F.S.; conforming a provision to
2301 changes made by the act; creating s. 943.082, F.S.;
2302 requiring the Department of Law Enforcement, in
2303 collaboration with the Department of Legal Affairs, to
2304 competitively procure a mobile suspicious activity
2305 tool with certain features; requiring the department
2306 to receive certain electronic reports; requiring the
2307 reporting tool to notify the reporting party of
2308 certain information; requiring the forwarding of
2309 certain information to appropriate law enforcement
2310 agencies; requiring that certain entities be made
2311 aware of the reporting tool; requiring the department,
2312 in collaboration with certain entities, to develop and
2313 provide certain training and awareness relating to the



130062

2314 reporting tool; creating s. 943.687, F.S.; creating
2315 the Marjory Stoneman Douglas High School Public Safety
2316 Commission within the Department of Law Enforcement;
2317 requiring the commission to convene by a certain date;
2318 specifying the composition of the commission;
2319 requiring Department of Law Enforcement staff to
2320 assist the commission; specifying meeting
2321 requirements; authorizing reimbursement for per diem
2322 and travel expenses; providing the duties and
2323 authority of the commission; requiring the commission
2324 to submit an initial report to the Governor and the
2325 Legislature within a specified time; providing for the
2326 expiration of the commission; creating s. 1001.212,
2327 F.S.; creating the Office of Safe Schools within the
2328 Department of Education; providing duties of the
2329 office; amending s. 1002.32, F.S.; conforming a cross-
2330 reference; amending s. 1006.04, F.S.; revising the
2331 purpose and duties of the educational multiagency
2332 network for students with emotional and behavioral
2333 disabilities; amending s. 1006.07, F.S.; revising
2334 district school board duties relating to student
2335 discipline and school safety; requiring students to
2336 note referrals to mental health services upon initial
2337 registration for school within a school district;
2338 authorizing a district school board to refer a student
2339 to certain mental health services under certain
2340 circumstances; revising the code of student conduct
2341 relating to the referral of certain students to
2342 certain mental health services and law enforcement;



130062

2343 providing requirements for student crime watch
2344 programs; revising the policies and procedures for
2345 emergency drills to include drills for active shooter
2346 and hostage situations; providing requirements for
2347 such drills; revising requirements for the emergency
2348 response policy; requiring model emergency management
2349 and emergency preparedness procedures for active
2350 shooter situations; requiring school districts to
2351 establish a schedule to test emergency communication
2352 systems; requiring district school superintendents to
2353 establish certain policies and procedures relating to
2354 the prevention of violence on school grounds and
2355 designate a school safety specialist for the school
2356 district; providing requirements and duties for school
2357 safety specialists; providing school safety specialist
2358 requirements relating to the required school security
2359 risk assessments; requiring each district school board
2360 to establish a threat assessment team at each school
2361 within the district; providing requirements and duties
2362 for threat assessment teams; authorizing a threat
2363 assessment team to obtain certain criminal history
2364 record information under certain circumstances;
2365 prohibiting a member of a threat assessment team from
2366 disclosing or using such information except for a
2367 specified purpose; authorizing certain entities to
2368 share specified confidential information and records
2369 relating to students for specified purposes;
2370 authorizing school personnel to address an immediate
2371 mental health or substance abuse crisis; providing



130062

2372 requirements for addressing such situations; providing
2373 threat assessment team reporting requirements;
2374 amending s. 1006.08, F.S.; requiring a district school
2375 superintendent to be notified by the court of a
2376 student referred to mental health services; amending
2377 s. 1006.12, F.S.; requiring district school boards to
2378 establish or assign safe-school officers at each
2379 district school facility within the district;
2380 requiring school resource officers and school safety
2381 officers to undergo specified evaluations;