

By the Committee on Rules

595-03745-18

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1 A bill to be entitled
2 An act relating to public safety; providing a short
3 title; amending s. 20.15, F.S.; establishing the
4 Office of Safe Schools within the Department of
5 Education; amending s. 394.463, F.S.; authorizing a
6 law enforcement officer to seize and hold firearms and
7 ammunition if taking custody of a person who poses a
8 potential danger to himself or herself or others and
9 who has made a credible threat against another person;
10 requiring the law enforcement officer's agency to hold
11 seized firearms and ammunition under certain
12 circumstances; requiring law enforcement agencies to
13 develop certain policies and procedures; authorizing a
14 law enforcement officer to petition a court for a risk
15 protection order under certain circumstances; creating
16 s. 790.064, F.S.; prohibiting a person who has been
17 adjudicated mentally defective or been committed to a
18 mental institution from owning or possessing a firearm
19 until certain relief is obtained; specifying that the
20 firearm possession and ownership disability runs
21 concurrently with the firearm purchase disability
22 under certain provisions; authorizing a person to
23 petition for relief from the firearm possession and
24 ownership disability; requiring that petitions for
25 relief follow certain procedures; authorizing such
26 person to petition for simultaneous relief; amending
27 s. 790.065, F.S.; prohibiting a person younger than a
28 certain age from purchasing a firearm; prohibiting the
29 sale or transfer, or facilitation of a sale or

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30 transfer, of a firearm to a person younger than a
31 certain age by a licensed importer, licensed
32 manufacturer, or licensed dealer; providing criminal
33 penalties; providing exceptions; amending s. 790.0655,
34 F.S.; revising the mandatory waiting period to the
35 later of either 3 days, excluding weekends and legal
36 holidays, or upon the completion of certain records
37 checks; revising and redefining terms; requiring that
38 records of firearm sales be available for inspection
39 by any law enforcement agency during normal business
40 hours; revising applicability of the waiting period;
41 conforming provisions to changes made by the act;
42 creating s. 790.34, F.S.; defining the term "bump-fire
43 stock"; prohibiting the importation, transfer,
44 distribution, transport, sale, or giving of a bump-
45 fire stock in this state; providing criminal
46 penalties; providing legislative intent; providing a
47 short title; creating s. 790.401, F.S.; defining
48 terms; creating an action known as a petition for a
49 risk protection order to prevent persons who are at
50 high risk of harming themselves or others from
51 accessing firearms or ammunition; providing
52 requirements for petitions for such orders; providing
53 duties for courts and clerks of court; prohibiting
54 fees for the filing of or service of process of such
55 petitions; providing for jurisdiction for such
56 petitions; requiring hearings on petitions within a
57 specified period; providing service requirements;
58 providing grounds that may be considered in

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59 determining whether to grant such a petition;
60 providing requirements for proceedings; providing
61 requirements for risk protection orders; requiring the
62 court to inform a respondent of his or her right to
63 request a certain hearing; authorizing temporary ex
64 parte orders under certain circumstances; providing
65 requirements for petitions for such ex parte orders;
66 providing for service of orders; providing for the
67 termination or extension of an order; providing for
68 the surrender and storage of firearms and ammunition
69 after issuance of a risk protection order; requiring
70 law enforcement agencies to develop certain policies
71 and procedures by a certain date; providing for return
72 of firearms and ammunition upon the vacating or end
73 without the extension of an order under certain
74 circumstances; authorizing a respondent to elect to
75 transfer all firearms and ammunition surrendered or
76 seized by a law enforcement agency to another person
77 under certain circumstances; requiring an issuing
78 court to forward specified information concerning a
79 respondent to the Department of Agriculture and
80 Consumer Services; requiring the department to suspend
81 a license to carry a concealed weapon or firearm which
82 is held by a person subject to such an order;
83 prohibiting a person from knowingly filing a petition
84 for such an order which contains materially false or
85 misleading information; providing criminal penalties;
86 prohibiting violations of such an order; providing
87 criminal penalties; providing construction; providing

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88 that the risk protection order provisions do not
89 create liability for certain acts or omissions;
90 requiring the Office of the State Courts Administrator
91 to develop and distribute certain instructional and
92 informational material; creating s. 943.082, F.S.;
93 requiring the Department of Law Enforcement to
94 competitively procure a mobile suspicious activity
95 reporting tool; requiring the system to notify certain
96 parties of specified information; requiring
97 information received by the system to be reported to
98 the appropriate agencies and school officials;
99 requiring certain entities to be made aware of the
100 system; requiring certain materials be provided to
101 participating schools and school districts; creating
102 s. 943.687, F.S.; creating the Marjory Stoneman
103 Douglas High School Public Safety Commission within
104 the Florida Department of Law Enforcement; requiring
105 the commission to convene by a certain date;
106 specifying the composition of the commission;
107 specifying meeting requirements; requiring Florida
108 Department of Law Enforcement staff to assist the
109 commission; authorizing reimbursement for per diem and
110 travel expenses; providing the duties and authority of
111 the commission; requiring the commission to submit an
112 initial report to the Governor and the Legislature
113 within a specified time; providing for the expiration
114 of the commission; creating s. 1000.051, F.S.;
115 providing legislative intent regarding school safety
116 and security; creating s. 1001.217, F.S.; creating the

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117 Office of Safe Schools; providing the purpose and
118 duties of the office; amending ss. 1002.221 and
119 1002.225, F.S.; providing for construction regarding
120 the applicability of public records exemptions for
121 security system plans and security systems; amending
122 s. 1006.04, F.S.; establishing the Multiagency Service
123 Network for Students with Severe Emotional
124 Disturbance; specifying the goals and duties of the
125 program; authorizing the Legislature to provide
126 funding to the department to award grants; creating s.
127 1006.05, F.S.; providing a purpose of the mental
128 health assistance allocation; requiring that school
129 districts and charter schools annually develop and
130 submit certain detailed plans; requiring that approved
131 charter school plans be provided to the district for
132 submission to the Commissioner of Education; providing
133 that required plans must include certain elements;
134 requiring school districts to annually submit approved
135 plans to the commissioner by a specified date;
136 requiring that entities receiving such allocations
137 annually submit a final report on program outcomes and
138 specific expenditures to the commissioner by a
139 specified date; amending s. 1006.07, F.S.; requiring
140 district school boards to formulate and prescribe
141 policies and procedures for active shooter situations;
142 requiring that active shooter situation training for
143 each school be conducted by the law enforcement agency
144 or agencies that are designated as first responders to
145 the school's campus; requiring each school district to

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146 designate a threat assessment team; requiring each
147 school district to conduct certain assessments in a
148 specified format; requiring a district school
149 superintendent to provide specified entities with
150 certain findings and certain strategy and activity
151 recommendations to improve school safety and security;
152 requiring that district school boards allow campus
153 tours by such law enforcement agency or agencies at
154 specified times and for specified purposes; requiring
155 that certain recommendations be documented by such
156 board or principal; requiring each district school
157 board to designate or appoint a district school safety
158 specialist; providing duties of the school safety
159 specialist; amending s. 1006.12, F.S.; requiring
160 district school boards to establish or assign safe-
161 school officers at each district school facility
162 within the district; requiring school resource
163 officers and school safety officers to undergo
164 specified evaluations; specifying that participation
165 in the Florida Sheriff's Marshal Program meets the
166 requirement; creating s. 1006.149, F.S.; establishing
167 the Public School Emergency Response Learning System
168 Program within the department; establishing the
169 program as a partnership between local law enforcement
170 agencies and public education entities; specifying
171 activities, training, notification systems, and
172 resources provided through the program; specifying the
173 creation of a preemptive plan of action; authorizing
174 funding provided by the Legislature to implement the

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175 program; creating s. 1006.1491, F.S.; creating the
176 Florida Sheriff's Marshal Program within the
177 department; specifying a purpose; defining terms;
178 establishing program eligibility requirements;
179 authorizing special deputy sheriffs to perform certain
180 duties, under specified circumstances; specifying
181 training and instructional requirements; specifying
182 grounds for termination and denial of participants;
183 specifying implementation requirements; authorizing
184 funding as provided by the Legislature; creating s.
185 1006.1493, F.S.; requiring the department to contract
186 with a security consulting firm to develop, update,
187 and implement a risk assessment tool; providing
188 requirements for the Florida Safe Schools Assessment
189 Tool; requiring reports, training, and advice in the
190 security consulting firm contract; requiring a
191 specified annual report to the Governor and
192 Legislature by a specified date; providing for
193 construction regarding the applicability of public
194 records exemptions for certain security data and
195 information; amending s. 1011.62, F.S.; expanding the
196 safe schools allocation to provide funding for
197 specified school safety provisions; creating the
198 mental health assistance allocation; providing the
199 purpose of the allocation; requiring that funds be
200 allocated annually in the General Appropriations Act;
201 providing for the annual allocation of such funds on a
202 specified basis; providing that eligible charter
203 schools are entitled to a proportionate share;

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204 prohibiting the use of allocated funds to supplant
205 funds provided from other operating funds, to increase
206 salaries, or to provide bonuses, except in certain
207 circumstances; requiring that school districts and
208 schools maximize certain third-party funding;
209 reenacting ss. 397.6760(2) and 790.335(3)(e), F.S.,
210 relating to the confidentiality of court records and
211 exceptions to the prohibition of registration of
212 firearms, respectively, to incorporate the amendment
213 made to s. 790.065, F.S., in references thereto;
214 creating s. 16.63, F.S.; establishing the Medical
215 Reimbursement Program for Victims of Mass Shootings in
216 the Department of Legal Affairs; defining the term
217 "mass shooting"; requiring the department to reimburse
218 verified or designated trauma centers for certain
219 costs associated with treating victims for injuries
220 associated with a mass shooting; requiring a verified
221 or designated trauma center that requests a
222 reimbursement to accept it as payment in full;
223 providing an appropriation; requiring the Department
224 of Agriculture and Consumer Services to transfer,
225 annually and by a specified date, a percentage of the
226 fees collected for new and renewal concealed weapon or
227 firearm licenses from the Division of Licensing Trust
228 Fund to the Department of Legal Affairs to reimburse
229 the trauma centers; providing an effective date.

230

231 Be It Enacted by the Legislature of the State of Florida:

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233 Section 1. This act may be cited as the "Marjory Stoneman
234 Douglas High School Public Safety Act."

235 Section 2. The Legislature finds there is a need to
236 comprehensively address the crisis of gun violence, including
237 but not limited to, gun violence on school campuses. The
238 Legislature intends to address this crisis by providing law
239 enforcement and the courts with the tools to enhance public
240 safety by temporarily restricting firearm possession by a person
241 who is undergoing a mental health crisis and when there is
242 evidence of a threat of violence, and by promoting school safety
243 and enhanced coordination between education and law enforcement
244 entities at the state and local level.

245 Section 3. Section 16.63, Florida Statutes, is created to
246 read:

247 16.63 Medical Reimbursement Program for Victims of Mass
248 Shootings.—The Medical Reimbursement Program for Victims of Mass
249 Shootings is established in the Department of Legal Affairs to
250 reimburse trauma centers verified or designated pursuant to s.
251 395.4025 for the medical costs of treating victims for injuries
252 associated with a mass shooting. As used in this section, the
253 term "mass shooting" means an incident in which four or more
254 people are killed or injured by firearms in one or more
255 locations in close proximity. The Department of Legal Affairs
256 must reimburse such trauma centers based on a department-
257 approved fee schedule for the documented medical costs of
258 treating victims for injuries associated with a mass shooting. A
259 trauma center that requests a reimbursement through the program
260 must accept the reimbursement as payment in full and may not
261 bill the victim of a mass shooting or his or her family.

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262 Section 4. Paragraph (j) is added to subsection (3) of
263 section 20.15, Florida Statutes, to read:

264 20.15 Department of Education.—There is created a
265 Department of Education.

266 (3) DIVISIONS.—The following divisions of the Department of
267 Education are established:

268 (j) The Office of Safe Schools.

269 Section 5. Paragraphs (c) and (d) of subsection (2) of
270 section 394.463, Florida Statutes, are amended to read:

271 394.463 Involuntary examination.—

272 (2) INVOLUNTARY EXAMINATION.—

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

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

277 2. Use such reasonable physical force as is necessary to
278 gain entry to the premises, and any dwellings, buildings, or
279 other structures located on the premises, and take custody of
280 the person who is the subject of the ex parte order.

281 (d) A law enforcement officer taking custody of a person
282 under this subsection may seize and hold a firearm or any
283 ammunition the person possesses at the time of taking him or her
284 into custody if the person poses a potential danger to himself
285 or herself or others and has made a credible threat of violence
286 against another person.

287 1. If a law enforcement officer seizes a firearm or any
288 ammunition, the law enforcement officer's agency must hold the
289 seized firearm or ammunition for at least a 72-hour period or
290 until the person goes to the law enforcement agency to retrieve

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291 the seized firearm or ammunition. Law enforcement agencies must
 292 develop policies and procedures relating to the seizure,
 293 storage, and return of such seized firearms or ammunition.

294 2. If the person has a firearm or any ammunition that was
 295 not seized when he or she was taken into custody, a law
 296 enforcement officer may petition the appropriate court for a
 297 risk protection order against the person pursuant to s. 790.401.
 298 ~~A law enforcement officer acting in accordance with an ex parte~~
 299 ~~order issued pursuant to this subsection may use such reasonable~~
 300 ~~physical force as is necessary to gain entry to the premises,~~
 301 ~~and any dwellings, buildings, or other structures located on the~~
 302 ~~premises, and to take custody of the person who is the subject~~
 303 ~~of the ex parte order.~~

304 Section 6. Section 790.064, Florida Statutes, is created to
 305 read:

306 790.064 Firearm possession and firearm ownership
 307 disability.-

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

313 (2) The firearm possession and firearm ownership disability
 314 runs concurrently with the firearm purchase disability provided
 315 in s. 790.065(2).

316 (3) A person may petition the court that made the
 317 adjudication or commitment, or that ordered that the record be
 318 submitted to the Department of Law Enforcement pursuant to s.
 319 790.065(2), for relief from the firearm possession and firearm

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320 ownership disability.

321 (4) The person seeking relief must follow the procedures
322 set forth in s. 790.065(2) for obtaining relief from the firearm
323 purchase disability in seeking relief from the firearm
324 possession and firearm ownership disability.

325 (5) The person may seek relief from the firearm possession
326 and firearm ownership disability simultaneously with the relief
327 being sought from the firearm purchase disability, if such
328 relief is sought, pursuant to the procedure set forth in s.
329 790.065(2).

330 Section 7. Present subsection (13) of section 790.065,
331 Florida Statutes, is redesignated as subsection (14), and a new
332 subsection (13) is added to that section, to read:

333 790.065 Sale and delivery of firearms.-

334 (13) A person younger than 21 years of age may not purchase
335 a firearm. The sale or transfer of a firearm to a person younger
336 than 21 years of age may not be made or facilitated by a
337 licensed importer, licensed manufacturer, or licensed dealer. A
338 person who violates this subsection commits a felony of the
339 third degree, punishable as provided in s. 775.082, s. 775.083,
340 or s. 775.084. The prohibitions of this subsection do not apply
341 to the purchase of a rifle or shotgun by a law enforcement
342 officer or a correctional officer, as those terms are defined in
343 s. 943.10, or to a person on active duty in the Armed Forces of
344 the United States or full-time duty in the National Guard.

345 Section 8. Section 790.0655, Florida Statutes, is amended
346 to read:

347 790.0655 Purchase and delivery of firearms ~~handguns~~;
348 mandatory waiting period; exceptions; penalties.-

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349 (1) (a) ~~There shall be~~ A mandatory ~~3-day~~ waiting period is
350 imposed between the purchase and delivery of a firearm. The
351 mandatory waiting period is, ~~which shall be~~ 3 days, excluding
352 weekends and legal holidays, or expires upon the completion of
353 the records checks required under s. 790.065, whichever occurs
354 later between the purchase and the delivery at retail of any
355 ~~handgun~~. "Purchase" means the transfer of money or other
356 valuable consideration to the retailer. "~~Handgun~~" ~~means a~~
357 ~~firearm capable of being carried and used by one hand, such as a~~
358 ~~pistol or revolver~~. "Retailer" means and includes a licensed
359 importer, licensed manufacturer, or licensed dealer ~~every person~~
360 engaged in the business of making firearm sales at retail or for
361 distribution, or use, or consumption, or storage to be used or
362 consumed in this state, as defined in s. 212.02(13).

363 (b) Records of firearm handgun sales must be available for
364 inspection by any law enforcement agency, as defined in s.
365 934.02, during normal business hours.

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

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

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

371 (c) To a person who completes a minimum of a 16-hour hunter
372 education or hunter safety course approved by the Fish and
373 Wildlife Conservation Commission or similar agency of another
374 state, unless that person is purchasing a handgun.

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

377 (a) For any retailer, or any employee or agent of a

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378 retailer, to deliver a firearm ~~handgun~~ before the expiration of
379 the ~~3-day~~ waiting period, subject to the exceptions provided in
380 subsection (2).

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

383 Section 9. Section 790.34, Florida Statutes, is created to
384 read:

385 790.34 Prohibited device for firearm.-

386 (1) DEFINITION.—As used in this section, the term "bump-
387 fire stock" means a gun conversion kit, a tool, an accessory, or
388 a device used to alter the rate of fire of a firearm to mimic
389 automatic weapon fire or which is used to increase the rate of
390 fire of a semiautomatic firearm to a faster rate than is
391 possible for a person to fire such semiautomatic firearm
392 unassisted by a kit, a tool, an accessory, or a device.

393 (2) SALE OR TRANSFER.—A person may not import into this
394 state or, within this state, transfer, distribute, transport,
395 sell, keep for sale, offer or expose for sale, or give a bump-
396 fire stock to another person. A person who violates this
397 subsection commits a felony of the third degree, punishable as
398 provided in s. 775.082, s. 775.083, or s. 775.084.

399 Section 10. (1) Section 790.401, Florida Statutes, is
400 intended to temporarily prevent individuals who are at high risk
401 of harming themselves or others from accessing firearms or
402 ammunition by allowing law enforcement officers to obtain a
403 court order when there is demonstrated evidence that a person
404 poses a significant danger to himself or herself or others,
405 including significant danger as a result of a mental health
406 crisis or violent behavior.

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407 (2) The purpose and intent of s. 790.401, Florida Statutes,
408 is to reduce deaths and injuries as a result of certain
409 individuals' use of firearms while respecting constitutional
410 rights by providing a judicial procedure for law enforcement
411 officers to obtain a court order temporarily restricting a
412 person's access to firearms and ammunition. The process
413 established by s. 790.401, Florida Statutes, is intended to
414 apply only to situations in which the person poses a significant
415 danger of harming himself or herself or others by possessing a
416 firearm or ammunition and to include standards and safeguards to
417 protect the rights of respondents and due process of law.

418 Section 11. Section 790.401, Florida Statutes, may be cited
419 as "The Risk Protection Order Act."

420 Section 12. Section 790.401, Florida Statutes, is created
421 to read:

422 790.401 Risk protection orders.-

423 (1) DEFINITIONS.-As used in this section, the term:

424 (a) "Petitioner" means a law enforcement officer or a law
425 enforcement agency that petitions a court for a risk protection
426 order under this section.

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

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

431 (2) PETITION FOR A RISK PROTECTION ORDER.-There is created
432 an action known as a petition for a risk protection order.

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

435 (b) An action under this section must be filed in the

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436 county where the petitioner's law enforcement office is located
437 or the county where the respondent resides.

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

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

442 (e) A petition must:

443 1. Allege that the respondent poses a significant danger of
444 causing personal injury to himself or herself or others by
445 having a firearm or any ammunition in his or her custody or
446 control or by purchasing, possessing, or receiving a firearm or
447 any ammunition, and must be accompanied by an affidavit made
448 under oath stating the specific statements, actions, or facts
449 that give rise to a reasonable fear of significant dangerous
450 acts by the respondent;

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

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

458 (f) The petitioner must make a good faith effort to provide
459 notice to a family or household member of the respondent and to
460 any known third party who may be at risk of violence. The notice
461 must state that the petitioner intends to petition the court for
462 a risk protection order or has already done so and must include
463 referrals to appropriate resources, including mental health,
464 domestic violence, and counseling resources. The petitioner must

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465 attest in the petition to having provided such notice or must
466 attest to the steps that will be taken to provide such notice.

467 (g) The petitioner must list the address of record on the
468 petition as being where the appropriate law enforcement agency
469 is located.

470 (h) A court or a public agency may not charge fees for
471 filing or for service of process to a petitioner seeking relief
472 under this section and must provide the necessary number of
473 certified copies, forms, and instructional brochures free of
474 charge.

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

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

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

480 (a) Upon receipt of a petition, the court must order a
481 hearing to be held no later than 14 days after the date of the
482 order and must issue a notice of hearing to the respondent for
483 the same.

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

488 2. The court may, as provided in subsection (4), issue a
489 temporary ex parte risk protection order pending the hearing
490 ordered under this subsection. Such temporary ex parte order
491 must be served concurrently with the notice of hearing and
492 petition as provided in subsection (5).

493 3. The court may conduct a hearing by telephone pursuant to

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494 a local court rule to reasonably accommodate a disability or
495 exceptional circumstances. The court must receive assurances of
496 the petitioner's identity before conducting a telephonic
497 hearing.

498 (b) Upon notice and a hearing on the matter, if the court
499 finds by clear and convincing evidence that the respondent poses
500 a significant danger of causing personal injury to himself or
501 herself or others by having in his or her custody or control, or
502 by purchasing, possessing, or receiving, a firearm or any
503 ammunition, the court must issue a risk protection order for a
504 period that it deems appropriate, up to and including but not
505 exceeding 12 months.

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

509 1. A recent act or threat of violence by the respondent
510 against himself or herself or others, whether or not such
511 violence or threat of violence involves a firearm.

512 2. An act or threat of violence by the respondent within
513 the past 12 months, including, but not limited to, acts or
514 threats of violence by the respondent against himself or herself
515 or others.

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

518 4. A violation by the respondent of a risk protection order
519 or a no contact order issued under s. 741.30, s. 784.046, or s.
520 784.0485.

521 5. A previous or existing risk protection order issued
522 against the respondent.

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

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

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

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

533 10. The recurring use of, or threat to use, physical force
534 by the respondent against another person or the respondent
535 stalking another person.

536 11. Whether the respondent, in this state or any other
537 state, has been arrested for, convicted of, had adjudication
538 withheld on, or pled nolo contendere to a crime involving
539 violence or a threat of violence.

540 12. Corroborated evidence of the abuse of controlled
541 substances or alcohol by the respondent.

542 13. Evidence of recent acquisition of firearms or
543 ammunition by the respondent.

544 14. Any relevant information from family and household
545 members concerning the respondent.

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

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

555 (f) During the hearing, the court must consider whether a
556 mental health evaluation or chemical dependency evaluation is
557 appropriate and, if such determination is made, may order such
558 evaluations, if appropriate.

559 (g) A risk protection order must include all of the
560 following:

561 1. A statement of the grounds supporting the issuance of
562 the order;

563 2. The date the order was issued;

564 3. The date the order ends;

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

567 5. The address of the court in which any responsive
568 pleading should be filed;

569 6. A description of the requirements for the surrender of
570 firearms and ammunition under subsection (7); and

571 7. The following statement:

572
573 "To the subject of this protection order: This order will last
574 until the date noted above. If you have not done so already, you
575 must surrender immediately to the (insert name of local law
576 enforcement agency) all firearms and ammunition in your custody,
577 control, or possession and any license to carry a concealed
578 weapon or firearm issued to you under s. 790.06, Florida
579 Statutes. You may not have in your custody or control, or
580 purchase, possess, receive, or attempt to purchase or receive, a

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581 firearm or ammunition while this order is in effect. You have
582 the right to request one hearing to vacate this order, starting
583 after the date of the issuance of this order, and to request
584 another hearing after every extension of the order, if any. You
585 may seek the advice of an attorney as to any matter connected
586 with this order."

587
588 (h) If the court issues a risk protection order, the court
589 must inform the respondent that he or she is entitled to request
590 a hearing to vacate the order in the manner provided by
591 subsection (6). The court shall provide the respondent with a
592 form to request a hearing to vacate.

593 (i) If the court denies the petitioner's request for a risk
594 protection order, the court must state the particular reasons
595 for the denial.

596 (4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.-

597 (a) A petitioner may request that a temporary ex parte risk
598 protection order be issued before a hearing for a risk
599 protection order, without notice to the respondent, by including
600 in the petition detailed allegations based on personal knowledge
601 that the respondent poses a significant danger of causing
602 personal injury to himself or herself or others in the near
603 future by having in his or her custody or control, or by
604 purchasing, possessing, or receiving, a firearm or ammunition.

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

609 (c) If a court finds there is reasonable cause to believe

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610 that the respondent poses a significant danger of causing
611 personal injury to himself or herself or others in the near
612 future by having in his or her custody or control, or by
613 purchasing, possessing, or receiving, a firearm or ammunition,
614 the court must issue a temporary ex parte risk protection order.

615 (d) The court must hold a temporary ex parte risk
616 protection order hearing in person or by telephone on the day
617 the petition is filed or on the business day immediately
618 following the day the petition is filed.

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

621 1. A statement of the grounds asserted for the order;

622 2. The date the order was issued;

623 3. The address of the court in which any responsive
624 pleading may be filed;

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

626 5. A description of the requirements for surrender of
627 firearms and ammunition under subsection (7); and

628 6. The following statement:

629
630 "To the subject of this protection order: This order is valid
631 until the date noted above. You are required to surrender all
632 firearms and ammunition in your custody, control, or possession.

633 You may not have in your custody or control, or purchase,
634 possess, receive, or attempt to purchase or receive, a firearm
635 or ammunition while this order is in effect. You must surrender
636 immediately to the (insert name of local law enforcement agency)

637 all firearms and ammunition in your custody, control, or
638 possession and any license to carry a concealed weapon or

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639 firearm issued to you under s. 790.06, Florida Statutes. A
640 hearing will be held on the date and at the time noted above to
641 determine if a risk protection order should be issued. Failure
642 to appear at that hearing may result in a court issuing an order
643 against you which is valid for 1 year. You may seek the advice
644 of an attorney as to any matter connected with this order."

645

646 (f) A temporary ex parte risk protection order ends upon
647 the hearing on the risk protection order.

648 (g) A temporary ex parte risk protection order must be
649 served by a law enforcement officer in the same manner as
650 provided for in subsection (5) for service of the notice of
651 hearing and petition and must be served concurrently with the
652 notice of hearing and petition.

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

656 (5) SERVICE.—

657 (a) The clerk of the court shall furnish a copy of the
658 notice of hearing, petition, and temporary ex parte risk
659 protection order or risk protection order, as applicable, to the
660 sheriff of the county where the respondent resides or can be
661 found, who shall serve it upon the respondent as soon thereafter
662 as possible on any day of the week and at any time of the day or
663 night. When requested by the sheriff, the clerk of the court may
664 transmit a facsimile copy of a temporary ex parte risk
665 protection order or a risk protection order that has been
666 certified by the clerk of the court, and this facsimile copy may
667 be served in the same manner as a certified copy. Upon receiving

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668 a facsimile copy, the sheriff must verify receipt with the
669 sender before attempting to serve it upon the respondent. The
670 clerk of the court shall be responsible for furnishing to the
671 sheriff information on the respondent's physical description and
672 location. Notwithstanding any other provision of law to the
673 contrary, the chief judge of each circuit, in consultation with
674 the appropriate sheriff, may authorize a law enforcement agency
675 within the jurisdiction to effect service. A law enforcement
676 agency effecting service pursuant to this section shall use
677 service and verification procedures consistent with those of the
678 sheriff. Service under this section takes precedence over the
679 service of other documents, unless the other documents are of a
680 similar emergency nature.

681 (b) All orders issued, changed, continued, extended, or
682 vacated after the original service of documents specified in
683 paragraph (a) must be certified by the clerk of the court and
684 delivered to the parties at the time of the entry of the order.
685 The parties may acknowledge receipt of such order in writing on
686 the face of the original order. If a party fails or refuses to
687 acknowledge the receipt of a certified copy of an order, the
688 clerk shall note on the original order that service was
689 effected. If delivery at the hearing is not possible, the clerk
690 shall mail certified copies of the order to the parties at the
691 last known address of each party. Service by mail is complete
692 upon mailing. When an order is served pursuant to this
693 subsection, the clerk shall prepare a written certification to
694 be placed in the court file specifying the time, date, and
695 method of service and shall notify the sheriff.

696 (6) TERMINATION AND EXTENSION OF ORDERS.—

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697 (a) The respondent may submit one written request for a
698 hearing to vacate a risk protection order issued under this
699 section, starting after the date of the issuance of the order,
700 and may request another hearing after every extension of the
701 order, if any.

702 1. Upon receipt of the request for a hearing to vacate a
703 risk protection order, the court shall set a date for a hearing.
704 Notice of the request must be served on the petitioner in
705 accordance with subsection (5). The hearing must occur no sooner
706 than 14 days and no later than 30 days after the date of service
707 of the request upon the petitioner.

708 2. The respondent shall have the burden of proving by clear
709 and convincing evidence that the respondent does not pose a
710 significant danger of causing personal injury to himself or
711 herself or others by having in his or her custody or control,
712 purchasing, possessing, or receiving a firearm or ammunition.
713 The court may consider any relevant evidence, including evidence
714 of the considerations listed in paragraph (3) (c).

715 3. If the court finds after the hearing that the respondent
716 has met his or her burden of proof, the court must vacate the
717 order.

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

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

725 (c) The petitioner may, by motion, request an extension of

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726 a risk protection order at any time within 30 days before the
727 end of the order.

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

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

733 b. The respondent must be personally served in the same
734 manner provided by subsection (5).

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

739 3. If the court finds by clear and convincing evidence that
740 the requirements for issuance of a risk protection order as
741 provided in subsection (3) continue to be met, the court must
742 extend the order. However, if, after notice, the motion for
743 extension is uncontested and no modification of the order is
744 sought, the order may be extended on the basis of a motion or
745 affidavit stating that there has been no material change in
746 relevant circumstances since entry of the order and stating the
747 reason for the requested extension.

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

752 (7) SURRENDER OF FIREARMS AND AMMUNITION.—

753 (a) Upon issuance of a risk protection order under this
754 section, including a temporary ex parte risk protection order,

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755 the court shall order the respondent to surrender to the local
756 law enforcement agency all firearms and ammunition in the
757 respondent's custody, control, or possession except as provided
758 in subsection (9), and any license to carry a concealed weapon
759 or firearm issued under s. 790.06.

760 (b) The law enforcement officer serving a risk protection
761 order under this section, including a temporary ex parte risk
762 protection order, shall request that the respondent immediately
763 surrender all firearms and ammunition in his or her custody,
764 control, or possession and any license to carry a concealed
765 weapon or firearm issued under s. 790.06, and shall conduct a
766 search authorized by law for such firearms and ammunition. The
767 law enforcement officer shall take possession of all firearms
768 and ammunition belonging to the respondent which are
769 surrendered, in plain sight, or discovered pursuant to a lawful
770 search. Alternatively, if personal service by a law enforcement
771 officer is not possible or is not required because the
772 respondent was present at the risk protection order hearing, the
773 respondent shall surrender the firearms and ammunition in a safe
774 manner to the control of the local law enforcement agency
775 immediately after being served with the order by service or
776 immediately after the hearing at which the respondent was
777 present.

778 (c) At the time of surrender, a law enforcement officer
779 taking possession of a firearm, any ammunition, or a license to
780 carry a concealed weapon or firearm shall issue a receipt
781 identifying all firearms and the quantity and type of ammunition
782 that have been surrendered and shall provide a copy of the
783 receipt to the respondent. Within 72 hours after service of the

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784 order, the law enforcement officer serving the order shall file
785 the original receipt with the court and shall ensure that his or
786 her law enforcement agency retains a copy of the receipt.

787 (d) Notwithstanding ss. 933.02 and 933.18, upon the sworn
788 statement or testimony of any person alleging that the
789 respondent has failed to comply with the surrender of firearms
790 or ammunition as required by an order issued under this section,
791 the court shall determine whether probable cause exists to
792 believe that the respondent has failed to surrender all firearms
793 or ammunition in his or her custody, control, or possession. If
794 the court finds that probable cause exists, the court must issue
795 a warrant describing the firearms or ammunition and authorizing
796 a search of the locations where the firearms or ammunition are
797 reasonably believed to be found and the seizure of any firearms
798 or ammunition discovered pursuant to such search.

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

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

807 2. The firearm or ammunition is not otherwise unlawfully
808 possessed by the owner.

809 (f) Upon the issuance of a risk protection order, the court
810 shall order a new hearing date and require the respondent to
811 appear no later than 3 business days after the issuance of the
812 order. The court shall require proof that the respondent has

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813 surrendered any firearms or ammunition in his or her custody,
814 control, or possession. The court may cancel the hearing upon a
815 satisfactory showing that the respondent is in compliance with
816 the order.

817 (g) All law enforcement agencies must develop policies and
818 procedures by January 1, 2019, regarding the acceptance,
819 storage, and return of firearms, ammunition, or licenses
820 required to be surrendered under this section.

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

822 (a) If a risk protection order is vacated or ends without
823 extension, a law enforcement agency holding a firearm or any
824 ammunition that has been surrendered or seized pursuant to this
825 section must return such surrendered firearm or ammunition
826 requested by a respondent only after confirming through a
827 background check that the respondent is currently eligible to
828 own or possess firearms and ammunition under federal and state
829 law and after confirming with the court that the risk protection
830 order has been vacated or has ended without extension.

831 (b) If a risk protection order is vacated or ends without
832 extension, the Department of Agriculture and Consumer Services,
833 if it has suspended a license to carry a concealed weapon or
834 firearm pursuant to this section, must reinstate such license
835 only after confirming that the respondent is currently eligible
836 to have a license to carry a concealed weapon or firearm
837 pursuant to s. 790.06.

838 (c) A law enforcement agency must provide notice to any
839 family or household members of the respondent before the return
840 of any surrendered firearm and ammunition.

841 (d) Any firearm and ammunition surrendered by a respondent

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842 pursuant to subsection (7) which remains unclaimed by the lawful
843 owner after an order to vacate the risk protection order shall
844 be disposed of in accordance with the law enforcement agency's
845 policies and procedures for the disposal of firearms in police
846 custody.

847 (9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may
848 elect to transfer all firearms and ammunition that have been
849 surrendered to or seized by a local law enforcement agency
850 pursuant to subsection (7) to another person who is willing to
851 receive the respondent's firearms and ammunition. The law
852 enforcement agency may allow such a transfer only if it is
853 determined that the chosen recipient:

854 (a) Currently is eligible to own or possess a firearm and
855 ammunition under federal and state law after confirmation
856 through a background check;

857 (b) Attests to storing the firearms and ammunition in a
858 manner such that the respondent does not have access to or
859 control of the firearms and ammunition until the risk protection
860 order against the respondent is vacated or ends without
861 extension; and

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

865 (10) REPORTING OF ORDERS.—

866 (a) Within 24 hours after issuance, the clerk of the court
867 shall enter any risk protection order or temporary ex parte risk
868 protection order issued under this section into the uniform case
869 reporting system.

870 (b) Within 24 hours after issuance, the clerk of the court

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871 shall forward a copy of an order issued under this section to
872 the appropriate law enforcement agency specified in the order.
873 Upon receipt of the copy of the order, the law enforcement
874 agency shall enter the order into the National Instant Criminal
875 Background Check System, any other federal or state computer-
876 based systems used by law enforcement agencies or others to
877 identify prohibited purchasers of firearms or ammunition, and
878 into any computer-based criminal intelligence information system
879 available in this state used by law enforcement agencies to list
880 outstanding warrants. The order must remain in each system for
881 the period stated in the order, and the law enforcement agency
882 shall only remove orders from the systems that have ended or
883 been vacated. Entry into the Florida Crime Information Center
884 and National Crime Information Center constitutes notice to all
885 law enforcement agencies of the existence of the order. The
886 order is fully enforceable in any county in this state.

887 (c) The issuing court shall, within 3 business days after
888 issuance of a risk protection order or temporary ex parte risk
889 protection order, forward all available identifying information
890 concerning the respondent, along with the date of order
891 issuance, to the Department of Agriculture and Consumer
892 Services. Upon receipt of the information, the department shall
893 determine if the respondent has a license to carry a concealed
894 weapon or firearm. If the respondent does have a license to
895 carry a concealed weapon or firearm, the department must
896 immediately suspend the license.

897 (d) If a risk protection order is vacated before its end
898 date, the clerk of the court shall, on the day of the order to
899 vacate, forward a copy of the order to the Department of

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900 Agriculture and Consumer Services and the appropriate law
901 enforcement agency specified in the order to vacate. Upon
902 receipt of the order, the law enforcement agency shall promptly
903 remove the order from any computer-based system in which it was
904 entered pursuant to paragraph (b).

905 (11) PENALTIES.—

906 (a) A person who files a petition under this section
907 knowing the information in such petition is materially false, or
908 files with the intent to harass the respondent, commits a
909 misdemeanor of the first degree, punishable as provided in s.
910 775.082 or s. 775.083.

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

917 (12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section
918 does not affect the ability of a law enforcement officer to
919 remove a firearm or ammunition or license to carry a concealed
920 weapon or concealed firearm from any person or to conduct any
921 search and seizure for firearms or ammunition pursuant to other
922 lawful authority.

923 (13) LIABILITY.—Except as provided in subsection (10) or
924 subsection (11), this section does not impose criminal or civil
925 liability on any person or entity for acts or omissions related
926 to obtaining a risk protection order or temporary ex parte risk
927 protection order, including, but not limited to, providing
928 notice to the petitioner, a family or household member of the

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929 respondent, and any known third party who may be at risk of
930 violence or failure to provide such notice, or reporting,
931 declining to report, investigating, declining to investigate,
932 filing, or declining to file, a petition under this section.

933 (14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.-

934 (a) The Office of the State Courts Administrator shall
935 develop and prepare instructions and informational brochures,
936 standard petitions and risk protection order forms, and a court
937 staff handbook on the risk protection order process. The
938 standard petition and order forms must be used after January 1,
939 2019, for all petitions filed and orders issued pursuant to this
940 section. The office shall determine the significant non-English-
941 speaking or limited English-speaking populations in the state
942 and prepare the instructions and informational brochures and
943 standard petitions and risk protection order forms in such
944 languages. The instructions, brochures, forms, and handbook must
945 be prepared in consultation with interested persons, including
946 representatives of gun violence prevention groups, judges, and
947 law enforcement personnel. Materials must be based on best
948 practices and must be available online to the public.

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

952 2. The instructions and standard petition must include a
953 means for the petitioner to identify, with only layman's
954 knowledge, the firearms or ammunition the respondent may own,
955 possess, receive, or have in his or her custody or control. The
956 instructions must provide pictures of types of firearms and
957 ammunition that the petitioner may choose from to identify the

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958 relevant firearms or ammunition, or must provide an equivalent
959 means to allow petitioners to identify firearms or ammunition
960 without requiring specific or technical knowledge regarding the
961 firearms or ammunition.

962 3. The informational brochure must describe the use of and
963 the process for obtaining, extending, and vacating a risk
964 protection order under this section and must provide relevant
965 forms.

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

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

974 (b) Any clerk of court may create a community resource list
975 of crisis intervention, mental health, substance abuse,
976 interpreter, counseling, and other relevant resources serving
977 the county in which the court is located. The court may make the
978 community resource list available as part of or in addition to
979 the informational brochures described in paragraph (a).

980 (c) The Office of the State Courts Administrator shall
981 distribute a master copy of the petition and order forms,
982 instructions, and informational brochures to the clerks of
983 court. Distribution of all documents shall, at a minimum, be in
984 an electronic format or formats accessible to all courts and
985 clerks of court in the state.

986 (d) Within 90 days after receipt of the master copy from

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987 the Office of the State Courts Administrator, the clerk of the
988 court shall make available the standardized forms, instructions,
989 and informational brochures required by this subsection.

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

994 Section 13. Section 943.082, Florida Statutes, is created
995 to read:

996 943.082 School Safety Awareness Program.—

997 (1) The department shall competitively procure a mobile
998 suspicious activity reporting tool that allows students and the
999 community to relay information anonymously concerning unsafe,
1000 potentially harmful, dangerous, violent, or criminal activities
1001 or the threat of such activities to appropriate public safety
1002 agencies and school officials. At a minimum, the department must
1003 receive reports electronically through a mobile suspicious
1004 activity reporting tool that is available on widely used mobile
1005 operating systems.

1006 (2) The tool shall notify the reporting party of the
1007 following information:

1008 (a) That the reporting party may provide his or her report
1009 anonymously.

1010 (b) That if the reporting party chooses to disclose his or
1011 her identity, such information shall be shared with the
1012 appropriate law enforcement agency and school officials;
1013 however, the law enforcement agency and school officials shall
1014 be required to maintain such information as confidential.

1015 (3) Information received by the tool must be promptly

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1016 forwarded to the appropriate law enforcement agency or school
1017 official.

1018 (4) Law enforcement dispatch centers, school districts,
1019 schools, and other entities identified by the department shall
1020 be made aware of the mobile suspicious activity reporting tool.

1021 (5) The department, in collaboration with the Office of
1022 Safe Schools within the Department of Education, shall develop
1023 and provide a comprehensive training and awareness program on
1024 the use of the mobile suspicious activity reporting tool.

1025 Section 14. Section 943.687, Florida Statutes, is created
1026 to read:

1027 943.687 Marjory Stoneman Douglas High School Public Safety
1028 Commission.—

1029 (1) There is created within the Florida Department of Law
1030 Enforcement the Marjory Stoneman Douglas High School Public
1031 Safety Commission, a commission as defined in s. 20.03.

1032 (2) (a) The commission shall convene no later than June 1,
1033 2018, and shall be composed of 15 members. Five members shall be
1034 appointed by the President of the Senate, five members shall be
1035 appointed by the Speaker of the House of Representatives, and
1036 five members shall be appointed by the Governor. Appointments
1037 must be made by April 30, 2018. The Secretary of Children and
1038 Families, the Secretary of Juvenile Justice, the Secretary of
1039 Health Care Administration, the Commissioner of Education, and
1040 the executive director shall serve as ex officio, nonvoting
1041 members of the commission. Members shall serve at the pleasure
1042 of the officer who appointed the member. A vacancy on the task
1043 force shall be filled in the same manner as the original
1044 appointment.

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1045 (b) The Commissioner of the Florida Department of Law
1046 Enforcement shall chair the commission.

1047 (c) The General Counsel of the Florida Department of Law
1048 Enforcement shall serve as the general counsel for the
1049 commission.

1050 (d) The Florida Department of Law Enforcement staff, as
1051 assigned by the chair, shall assist the commission in performing
1052 its duties.

1053 (e) The commission shall meet as necessary to conduct its
1054 work at the call of the chair and at the time designated by him
1055 or her at locations throughout the state. The commission may
1056 conduct its meetings through teleconferences or other similar
1057 means.

1058 (f) Members of the task force are entitled to receive
1059 reimbursement for per diem and travel expenses pursuant to s.
1060 112.061.

1061 (3) The commission shall investigate system failures in the
1062 Marjory Stoneman Douglas High School shooting and prior mass
1063 violence incidents in this state and develop recommendations for
1064 system improvements. At a minimum, the commission shall analyze
1065 information and evidence from the Marjory Stoneman Douglas High
1066 School shooting and other mass violence incidents in this state.
1067 At a minimum the commission shall:

1068 (a) Develop a timeline of the incident, incident response,
1069 and all relevant events preceding the incident, with particular
1070 attention to all perpetrator contacts with local, state and
1071 national government agencies and entities and any contract
1072 providers of such agencies and entities.

1073 (b) Investigate any failures in incident responses by local

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1074 law enforcement agencies and school resource officers.

1075 1. Identify existing policies and procedures for active
1076 assailant incidents on school premises and evaluate the
1077 compliance with such policies and procedures in the execution of
1078 incident responses.

1079 2. Evaluate existing policies and procedures for active
1080 assailant incidents on school premises in comparison with
1081 national best practices.

1082 3. Evaluate the extent to which any failures in policy,
1083 procedure, or execution contributed to an inability to prevent
1084 deaths and injuries.

1085 4. Make specific recommendations for improving law
1086 enforcement and school resource officer incident response in the
1087 future.

1088 (c) Investigate any failures in interactions with
1089 perpetrators preceding mass violence incidents.

1090 1. Identify the history of interactions between
1091 perpetrators and government entities such as schools, law
1092 enforcement agencies, courts and social service agencies, and
1093 identify any failures to adequately communicate or coordinate
1094 regarding indicators of risk or possible threats.

1095 2. Evaluate the extent to which any such failures
1096 contributed to an inability to prevent deaths and injuries.

1097 3. Make specific recommendations for improving
1098 communication and coordination among entities with knowledge of
1099 indicators of risk or possible threats of mass violence in the
1100 future.

1101 4. Identify available state and local tools and resources
1102 for enhancing communication and coordination regarding

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1103 indicators of risk or possible threats, including but not
1104 limited to, the Department of Law Enforcement Fusion Center or
1105 Judicial Inquiry System, and make specific recommendations for
1106 using such tools and resources more effectively in the future.

1107 (4) The commission has the power to investigate. The
1108 commission may delegate to its investigators the authority to
1109 administer oaths and affirmations.

1110 (5) The commission has standing to petition the court for a
1111 subpoena to compel the attendance of witnesses to testify before
1112 the commission. The commission has standing to petition the
1113 court to compel the production of any books, papers, records,
1114 documentary evidence, and other items, including confidential
1115 information, relevant to the performance of the duties of the
1116 commission or to the exercise of its powers. The commission must
1117 specify in the petition to the court for a subpoena the
1118 relevancy of such information to the performance of the
1119 commission duties or to the exercise of its powers. The chair or
1120 any other member of the commission may administer all oaths and
1121 affirmations in the manner prescribed by law to witnesses who
1122 appear before the commission for the purpose of testifying in
1123 any matter that concerning which the commission desires
1124 evidence. In the case of a refusal to obey a subpoena issued by
1125 the court to any person, the commission may make application to
1126 any circuit court of this state which shall have jurisdiction to
1127 order the witness to appear before the commission and to produce
1128 evidence, if so ordered, or to give testimony touching on the
1129 matter in question. Failure to obey the order may be punished by
1130 the court as contempt.

1131 (6) The commission may call upon appropriate agencies of

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1132 state government for such professional assistance as may be
1133 needed in the discharge of its duties, and such agencies shall
1134 provide such assistance in a timely manner.

1135 (7) Notwithstanding any other law, the commission may
1136 request and shall be provided with access to any information or
1137 records, including confidential or exempt information or
1138 records, that pertain to the Marjory Stoneman Douglas High
1139 School shooting and prior mass violence incidents in Florida
1140 being reviewed by the commission and that are necessary for the
1141 commission to carry out its duties. Information or records
1142 obtained by the commission that are otherwise confidential or
1143 exempt shall retain such confidential or exempt status and the
1144 commission may not disclose any such information or records.

1145 (8) The commission shall submit an initial report on its
1146 findings and recommendations to the Governor, President of the
1147 Senate, and Speaker of the House of Representatives by January
1148 1, 2019, and may issue reports annually thereafter. The
1149 commission shall sunset July 1, 2023, and this section is
1150 repealed on that date.

1151 Section 15. Section 1000.051, Florida Statutes, is created
1152 to read:

1153 1000.051 School safety and security.-

1154 (1) Pursuant to the authority granted under s. 1000.01, the
1155 Legislature intends that the provisions of the Florida K-20
1156 Education Code be liberally construed by the State Board of
1157 Education, the Commissioner of Education, district school
1158 boards, district superintendents, and law enforcement agencies
1159 to the end that student discipline and school safety policy
1160 objectives may be effective.

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1161 (2) It is the intent of the Legislature, notwithstanding
1162 any other provision of the Florida K-20 Education Code and rules
1163 adopted pursuant thereto, with the exception of applicable
1164 public records exemption provisions authorized by law pertaining
1165 to exempt, or confidential and exempt, information, that school
1166 district and law enforcement personnel be authorized to take
1167 necessary actions to ensure the fundamental protection and
1168 safety of public school students, personnel, and visitors.

1169 Section 16. Section 1001.217, Florida Statutes, is created
1170 to read:

1171 1001.217 Office of Safe Schools.—There is created within
1172 the Department of Education the Office of Safe Schools, as
1173 required under s. 20.15, which shall be administered by an
1174 executive director.

1175 (1) The office shall be fully accountable to the
1176 Commissioner of Education, but must cooperate and coordinate
1177 with the Board of Governors of the State University System,
1178 public and nonpublic postsecondary institutions, school
1179 districts, public and nonpublic schools, state and local
1180 agencies, community organizations, and other organizations and
1181 persons, as directed by the commissioner.

1182 (2) The purpose of the office is to serve as the state
1183 education agency's primary coordinating division assigned to
1184 promote and support safe learning environments by addressing
1185 issues of student safety and academic success at the state,
1186 district, and school levels. In performing these functions, the
1187 office shall, at a minimum:

1188 (a) Function as the state's primary contact for the
1189 coordination of activities, information, and reporting related

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1190 to the implementation of the student discipline and school
1191 safety requirements of subpart I.C. of chapter 1006 pertaining
1192 to public K-12 education support for learning and student
1193 services, as well as other requirements of law pertaining to
1194 school safety partnerships and responsibilities, as assigned by
1195 the commissioner.

1196 (b) Function as the state contact and state education
1197 agency coordination office for school district safety
1198 specialists, as assigned pursuant to s. 1006.12, and primary
1199 emergency operations contact staff assigned by Florida College
1200 System institutions, state universities, and other entities
1201 identified by the commissioner.

1202 (c) Coordinate with state and local agencies, school
1203 district personnel, and safety and security experts to establish
1204 safe school and security standards, review school safety and
1205 security plans, establish guidelines regarding school district
1206 appointments to and functions of public school threat assessment
1207 teams and district school safety specialists, and update risk
1208 assessment procedures, as appropriate.

1209 (d) Develop and implement a training program for district
1210 school safety specialists designated or appointed by a district
1211 school board pursuant to s. 1006.07(8). Training program
1212 elements must include, but need not be limited to, school safety
1213 specialist participation in active shooter situation training
1214 conducted pursuant to s. 1006.07(4)(b), campus tours performed
1215 pursuant to s. 1006.07(7), program activities of the Public
1216 School Emergency Response Learning System Program established
1217 pursuant to s. 1006.149, and training associated with the
1218 Florida Safe Schools Assessment Tool provided pursuant to s.

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1219 1006.1493.

1220 Section 17. Subsection (3) is added to section 1002.221,
1221 Florida Statutes, to read:

1222 1002.221 K-12 education records; public records exemption.-

1223 (3) This section does not limit the application of
1224 exemptions from public records requirements for security system
1225 plans and public security systems, including security footage,
1226 or other information that would relate to or reveal the location
1227 or capabilities of such systems, provided under ss.
1228 119.071(3) (a) and 281.301.

1229 Section 18. Subsection (4) is added to section 1002.225,
1230 Florida Statutes, to read:

1231 1002.225 Education records of students in public
1232 postsecondary educational institutions; penalty.-

1233 (4) This section does not limit the application of
1234 exemptions from public records requirements for security system
1235 plans and public security systems, including security footage,
1236 or other information that would relate to or reveal the location
1237 or capabilities of such systems, provided under ss.
1238 119.071(3) (a) and 281.301.

1239 Section 19. Section 1006.04, Florida Statutes, is amended
1240 to read:

1241 1006.04 Educational multiagency services for students with
1242 severe emotional disturbance.-

1243 (1) (a) The Legislature recognizes that an intensive,
1244 integrated educational program, ~~and~~ a continuum of mental health
1245 treatment services, ~~and~~ and, when needed, residential services are
1246 necessary to enable students with severe emotional disturbance
1247 to develop appropriate behaviors and demonstrate academic and

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1248 career education skills. The small incidence of severe emotional
1249 disturbance in the total school population requires multiagency
1250 programs to provide access to appropriate services for all
1251 students with severe emotional disturbance. District school
1252 boards should provide educational programs, and state
1253 departments and agencies administering children's mental health
1254 funds should provide mental health treatment and residential
1255 services when needed, forming a multiagency network to provide
1256 support for students with severe emotional disturbance. To
1257 facilitate solutions to these issues, the Multiagency Service
1258 Network for Students with Severe Emotional Disturbance (SEDNET)
1259 is established as a function of the department in partnership
1260 with other state, regional, and local partners as a statewide
1261 network of regional projects comprised of major child-serving
1262 agencies, community-based service providers, and students and
1263 their families.

1264 (2) Under the leadership and guidance of the department,
1265 the fundamental goal of SEDNET and its partners shall be to
1266 facilitate the process of cross system collaboration and
1267 inclusion of families as full partners. At a minimum, SEDNET
1268 shall:

1269 (a) Focus on developing interagency collaboration and
1270 sustaining partnerships among professionals and families in the
1271 education, mental health, substance abuse, child welfare, and
1272 juvenile justice systems serving children and youth with, and at
1273 risk of, emotional and behavioral disabilities.

1274 (b) Provide technical assistance and support in building
1275 service capacity within regional areas and collaborate in
1276 related state level activities impacting system of care.

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1277 (c) Serve as a collaborative resource for school districts,
 1278 agencies, and families working to promote positive educational
 1279 and community-based outcomes for children.

1280 (3)~~(b)~~ The program goals for each component of SEDNET ~~the~~
 1281 ~~multiagency network~~ are to enable students with severe emotional
 1282 disturbance to learn appropriate behaviors, reduce dependency,
 1283 and fully participate in all aspects of school and community
 1284 living; to develop individual programs for students with severe
 1285 emotional disturbance, including necessary educational,
 1286 residential, and mental health treatment services; to provide
 1287 programs and services as close as possible to the student's home
 1288 in the least restrictive manner consistent with the student's
 1289 needs; and to integrate a wide range of services necessary to
 1290 support students with severe emotional disturbance and their
 1291 families.

1292 (4)~~(2)~~ The Legislature may provide funding for the
 1293 department to ~~may~~ award grants to district school boards for
 1294 statewide planning and development of SEDNET ~~the multiagency~~
 1295 ~~network~~ for students with severe emotional disturbance. The
 1296 educational services shall be provided in a manner consistent
 1297 with the requirements of ss. 402.22 and 1003.57.

1298 (5)~~(3)~~ State departments and agencies may use appropriate
 1299 funds for SEDNET ~~the multiagency network~~ for students with
 1300 severe emotional disturbance.

1301 Section 20. Section 1006.05, Florida Statutes, is created
 1302 to read:

1303 1006.05 Mental health assistance allocation
 1304 specifications.—Pursuant to s. 1011.62(17), the mental health
 1305 assistance allocation is created to provide supplemental funding

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1306 to assist school districts and charter schools in establishing
1307 or expanding comprehensive mental health programs that increase
1308 awareness of mental health issues among children and school-age
1309 youth; to train educators and other school staff in detecting
1310 and responding to mental health issues; and to connect children,
1311 youth, and families who may experience behavioral or mental
1312 health issues with appropriate services.

1313 (1) Funding provided pursuant to s. 1011.62(16) shall be
1314 allocated in accordance with the following:

1315 (a) Before the distribution of the allocation:

1316 1. The district must annually develop and submit a detailed
1317 plan outlining the local program and planned expenditures to the
1318 district school board for approval.

1319 2. A charter school must annually develop and submit a
1320 detailed plan outlining the local program and planned
1321 expenditures of the funds in the plan to its governing body for
1322 approval. After the plan is approved by the governing body, it
1323 must be provided to its school district for submission to the
1324 commissioner.

1325 (b) The plans required under paragraph (a) must include, at
1326 a minimum, the elements in subparagraphs 1., 2., and 3., and the
1327 districts and charter schools are strongly encouraged to include
1328 in their respective plans the elements specified in
1329 subparagraphs 4., 5., and 6., as follows:

1330 1. A contract or a memorandum of understanding with at
1331 least one local nationally accredited community behavioral
1332 health provider or a provider of Community Action Team services
1333 to provide a behavioral health staff presence and services at
1334 district schools. Services may include, but are not limited to,

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1335 mental health screenings and assessments, individual counseling,
1336 family counseling, group counseling, psychiatric or
1337 psychological services, trauma-informed care, mobile crisis
1338 services, and behavior modification. These behavioral health
1339 services may be provided on or off the school campus and may be
1340 supplemented by telehealth;

1341 2. Training opportunities in Mental Health First Aid or
1342 other similar nationally recognized evidence-based training
1343 programs for all school personnel who have contact with
1344 students. The training must cover risk factors and warning signs
1345 for mental health and addiction concerns, strategies for
1346 providing assistance to individuals in both crisis and non-
1347 crisis situations, and the use of referral mechanisms that
1348 effectively link individuals to appropriate treatment and
1349 intervention services in the school and in the community. Topics
1350 covered should include depression and mood disorders, anxiety
1351 disorders, trauma, psychosis, substance use disorders, and
1352 suicide prevention;

1353 3. A mental health crisis intervention strategy that
1354 provides for prompt resolution of identified, immediate threats
1355 within district schools, including Baker Act referrals and
1356 notification of law enforcement personnel, as appropriate;

1357 4. Programs to assist students in dealing with anxiety,
1358 depression, bullying, trauma, and violence;

1359 5. Strategies or programs to reduce the likelihood of at-
1360 risk students developing social, emotional, or behavioral health
1361 problems; suicidal tendencies; or substance use disorders; and

1362 6. Strategies to improve the early identification of
1363 social, emotional, or behavioral problems or substance use

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1364 disorders and to improve the provision of early intervention
1365 services.

1366 (c) The districts shall submit approved plans to the
1367 commissioner by August 1 of each year.

1368 (2) Beginning September 30, 2019, and by each September 30
1369 thereafter, each entity that receives an allocation under this
1370 section and s. 1011.62(16) shall submit to the commissioner, in
1371 a format prescribed by the department, a final report on its
1372 program outcomes and its expenditures for each element of the
1373 program. At a minimum, the report must include the number of
1374 each of the following:

1375 (a) Students who receive screenings or assessments.

1376 (b) Students who are referred for services or assistance.

1377 (c) Students who receive services or assistance.

1378 (d) Parents or guardians notified.

1379 (e) School personnel who are trained to engage in the
1380 services, techniques, strategies, or programs identified in the
1381 plan required under this section.

1382 Section 21. Subsections (4) and (6) of section 1006.07,
1383 Florida Statutes, are amended, and subsections (7) and (8) are
1384 added to that section, to read:

1385 1006.07 District school board duties relating to student
1386 discipline and school safety.—The district school board shall
1387 provide for the proper accounting for all students, for the
1388 attendance and control of students at school, and for proper
1389 attention to health, safety, and other matters relating to the
1390 welfare of students, including:

1391 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

1392 (a) Formulate and prescribe policies and procedures for

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1393 emergency drills and for actual emergencies, including, but not
1394 limited to, fires, natural disasters, hostage and active shooter
1395 situations, and bomb threats, for all the public schools of the
1396 district which comprise grades K-12. District school board
1397 policies shall include commonly used alarm system responses for
1398 specific types of emergencies and verification by each school
1399 that drills have been provided as required by law and fire
1400 protection codes. The emergency response agency that is
1401 responsible for notifying the school district for each type of
1402 emergency must be listed in the district's emergency response
1403 policy.

1404 (b) Establish model emergency management and emergency
1405 preparedness procedures, including emergency notification
1406 procedures pursuant to paragraph (a), for the following life-
1407 threatening emergencies:

1408 1. Weapon-use, ~~and~~ hostage, and active shooter situations.
1409 The active shooter situation training for each school must
1410 engage the participation of the district school safety
1411 specialist, threat assessment team members, faculty, staff, and
1412 students and must be conducted by the law enforcement agency or
1413 agencies that are designated as first responders to the school's
1414 campus.

1415 2. Hazardous materials or toxic chemical spills.

1416 3. Weather emergencies, including hurricanes, tornadoes,
1417 and severe storms.

1418 4. Exposure as a result of a manmade emergency.

1419 (6) SAFETY AND SECURITY BEST PRACTICES.—Each school
1420 district shall: Use the Safety and Security Best Practices
1421 developed by the Office of Program Policy Analysis and

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1422 ~~Government Accountability to~~

1423 (a) Designate a threat assessment team, in accordance with
1424 guidelines established by the Office of Safe Schools, at each
1425 school in the district. The threat assessment team shall operate
1426 under the direction of the district school safety specialist.

1427 (b) Conduct security risk assessments in accordance with s.
1428 1006.1493 at each public school and conduct a self-assessment of
1429 the school district's ~~districts'~~ current safety and security
1430 practices using a format prescribed by the department. Based on
1431 these ~~self-assessment~~ findings, the district school
1432 superintendent shall provide recommendations to the district
1433 school board which identify strategies and activities that the
1434 district school board should implement in order to improve
1435 school safety and security. Annually each district school board
1436 must receive such findings and the superintendent's
1437 recommendations ~~the self-assessment results~~ at a publicly
1438 noticed district school board meeting to provide the public an
1439 opportunity to hear the district school board members discuss
1440 and take action on the ~~report~~ findings and recommendations. Each
1441 district school superintendent shall report such findings ~~the~~
1442 ~~self-assessment results~~ and school board action to the
1443 commissioner within 30 days after the district school board
1444 meeting.

1445 (c) Develop a plan, in a format prescribed by the
1446 department, which includes a secure, single point of entry onto
1447 school grounds.

1448 (7) SAFETY IN CONSTRUCTION PLANNING.—A district school
1449 board must allow the law enforcement agency or agencies that are
1450 designated as first responders to the district's campus and

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1451 school's campuses to tour such campuses once every 3 years. Any
1452 changes related to school safety and emergency issues
1453 recommended by a law enforcement agency based on a campus tour
1454 must be documented by the district school board.

1455 (8) DISTRICT SCHOOL SAFETY SPECIALIST.—A district school
1456 board shall designate or appoint a district school safety
1457 specialist to serve at the direction of the superintendent as
1458 the district's primary point of public contact regarding the
1459 district's coordination, communication, and implementation of
1460 policies, procedures, responsibilities, and reporting related to
1461 district and public school safety functions. The school safety
1462 specialist shall do all of the following:

1463 (a) Coordinate with the Office of Safe Schools created
1464 pursuant to s. 1001.217.

1465 (b) Facilitate the collection and dissemination of
1466 information among and between the school district, school
1467 personnel, students and their families, state and local law
1468 enforcement agencies, community health entities, and other state
1469 and community partners.

1470 (c) Maintain records and reports and facilitate the
1471 implementation of policies regarding the respective duties and
1472 responsibilities of the school districts, superintendents, and
1473 principals and reporting regarding student discipline and school
1474 safety requirements.

1475 (d) Oversee and coordinate threat assessment teams and
1476 provide a coordinated approach to evaluating and responding to
1477 students who pose, or appear to pose, a credible potential
1478 threat of violence or harm to themselves or others.

1479 (e) Perform other responsibilities assigned by the

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1480 superintendent and requested by the Office of Safe Schools to
1481 facilitate and coordinate the effective implementation of
1482 student discipline and school safety requirements.

1483 Section 22. Section 1006.12, Florida Statutes, is amended
1484 to read:

1485 1006.12 Safe-school resource officers at each public school
1486 and school safety officers. ~~For the protection and safety of~~
1487 school personnel, property, students, and visitors, each
1488 district school board and school district superintendent shall
1489 cooperate with law enforcement agencies to establish or assign
1490 one or more safe-school officers at each school facility within
1491 the district, by implementing any combination of the following
1492 options:

1493 (1) ~~District school boards may~~ Establish school resource
1494 officer programs, through a cooperative agreement with law
1495 enforcement agencies ~~or in accordance with subsection (2).~~

1496 (a) School resource officers shall undergo criminal
1497 background checks, drug testing, and a psychological evaluation
1498 and be certified law enforcement officers, as defined in s.
1499 943.10(1), who are employed by a law enforcement agency as
1500 defined in s. 943.10(4). The powers and duties of a law
1501 enforcement officer shall continue throughout the employee's
1502 tenure as a school resource officer.

1503 (b) School resource officers shall abide by district school
1504 board policies and shall consult with and coordinate activities
1505 through the school principal, but shall be responsible to the
1506 law enforcement agency in all matters relating to employment,
1507 subject to agreements between a district school board and a law
1508 enforcement agency. Activities conducted by the school resource

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1509 officer which are part of the regular instructional program of
1510 the school shall be under the direction of the school principal.

1511 (2) Commission one or more school safety officers for the
1512 protection and safety of school personnel, property, and
1513 students within the school district. The district school
1514 superintendent may recommend, and the district school board may
1515 appoint, one or more school safety officers.

1516 ~~(2)~~(a) School safety officers shall undergo criminal
1517 background checks, drug testing, and a psychological evaluation
1518 and be law enforcement officers, as defined in s. 943.10(1),
1519 certified under the provisions of chapter 943 and employed by
1520 either a law enforcement agency or by the district school board.
1521 If the officer is employed by the district school board, the
1522 district school board is the employing agency for purposes of
1523 chapter 943, and must comply with the provisions of that
1524 chapter.

1525 ~~(b) A district school board may commission one or more~~
1526 ~~school safety officers for the protection and safety of school~~
1527 ~~personnel, property, and students within the school district.~~
1528 ~~The district school superintendent may recommend and the~~
1529 ~~district school board may appoint one or more school safety~~
1530 ~~officers.~~

1531 (b)(e) A school safety officer has and shall exercise the
1532 power to make arrests for violations of law on district school
1533 board property and to arrest persons, whether on or off such
1534 property, who violate any law on such property under the same
1535 conditions that deputy sheriffs are authorized to make arrests.
1536 A school safety officer has the authority to carry weapons when
1537 performing his or her official duties.

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1538 (c) ~~(d)~~ A district school board may enter into mutual aid
1539 agreements with one or more law enforcement agencies as provided
1540 in chapter 23. A school safety officer's salary may be paid
1541 jointly by the district school board and the law enforcement
1542 agency, as mutually agreed to.

1543 (3) Participate in the Florida Sheriff's Marshal Program,
1544 established pursuant to s. 1006.1491. Upon a participant's
1545 completion of the program, the district school board shall
1546 designate a special deputy sheriff, as appointed by the sheriff
1547 as a law enforcement officer certified under chapter 943,
1548 pursuant to s. 30.072(2).

1549 Section 23. Section 1006.149, Florida Statutes, is created
1550 to read:

1551 1006.149 Public School Emergency Response Learning System
1552 Program.—

1553 (1) The Public School Emergency Response Learning System
1554 Program is established to assist school personnel in preparing
1555 for and responding to active emergency situations and to
1556 implement local notification systems for all Florida public
1557 schools, with the ultimate goal of preventing tragedy and the
1558 loss of life through proactive strategies.

1559 (2) The program is created within the department and shall
1560 be administered by the Office of Safe Schools, created pursuant
1561 to s. 1001.217. Through the program, local law enforcement
1562 agencies shall partner with participating public preschools,
1563 public child care providers, or public school districts and
1564 schools. Training, notifications, and resources must be
1565 available for school personnel and students and their families
1566 through, at minimum, the following mechanisms:

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1567 (a) Activities and direct training to mitigate risk and
1568 save lives in emergency situations, such as lockdown, bomb
1569 threat, active shooter, and other emergency situations.

1570 (b) Vital local notification systems implemented to alert
1571 schools of imminent danger.

1572 (c) Other resources provided in conjunction with the
1573 training, including, but not limited to, an emergency plan flip
1574 chart, communication cards, instructional resources, activity
1575 books for children and teachers, and certificates of training
1576 and completion.

1577 (3) Each program participant must develop a preemptive plan
1578 of action that includes multiple options for addressing various
1579 situations based on the form of danger present and the unique
1580 needs and circumstances of each school and its faculty, staff,
1581 students, and visitors.

1582 (4) A school district must include in its emergency
1583 notification procedures established pursuant to s. 1006.07 any
1584 program participant who notifies the district of his or her
1585 desire to participate.

1586 (5) Funding for program activities may be provided by the
1587 Legislature to implement this section.

1588 Section 24. Section 1006.1491, Florida Statutes, is created
1589 to read:

1590 1006.1491 Florida Sheriff's Marshal Program.—The Florida
1591 Sheriff's Marshal Program is created within the department as a
1592 voluntary program to assist school districts and public schools
1593 in enhancing the safety and security of students, faculty,
1594 staff, and visitors to Florida's public schools and campuses.
1595 The program is administered by the Office of Safe Schools,

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1596 created pursuant to s. 1001.217.

1597 (1) PURPOSE.—The purpose of the program is to provide
1598 comprehensive firearm safety and proficiency training for
1599 selected faculty and staff strategically focused on providing
1600 security on campus during an active assailant incident. Public
1601 school faculty and staff who voluntarily participate in and
1602 complete the program, as recommended by the school district, are
1603 designated as special deputy sheriffs with all rights,
1604 responsibilities, and obligations in carrying concealed firearms
1605 on campus, as authorized pursuant to s. 30.09.

1606 (2) DEFINITIONS.—As used in this section, the term:

1607 (a) "Active assailant incident" means a situation in which
1608 an armed assailant is posing an immediate deadly threat to
1609 persons on the premises or campus of a public school.

1610 (b) "Campus" means a school, as defined in s. 1003.01(2),
1611 and facilities and school plants operated and controlled by a
1612 public school district in accordance with s. 1003.02.

1613 (c) "Partnership agreement" means a jointly approved
1614 contract between the sheriff operating the program and the
1615 superintendent of a participating school district sponsor.

1616 (d) "Program" means a Florida Sheriff's Marshal Program as
1617 established and administered by a sheriff in accordance with
1618 this section.

1619 (e) "Sheriff" means the county sheriff constitutional
1620 officer elected or appointed in accordance with chapter 30.

1621 (f) "Sheriff's marshal" means a faculty or staff member who
1622 is recommended and sponsored by a school district and has been
1623 successfully screened and approved by the sheriff to participate
1624 in a program.

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1625 (g) "Special deputy sheriff" means a program participant
1626 who has successfully completed the program and who is appointed
1627 as a law enforcement officer in the same manner as a deputy
1628 sheriff as provided in s. 30.072(2) and certified under chapter
1629 943.

1630 (3) PROGRAM ELIGIBILITY.—At a minimum, program eligibility
1631 and participation requirements must include:

1632 (a) A school district may sponsor and recommend to the
1633 sheriff public school faculty and staff members as candidates
1634 for voluntary participation in the program. The sheriff shall
1635 establish timelines and requirements for participation through a
1636 partnership agreement with the sponsoring school district
1637 superintendent. To be eligible for consideration and
1638 recommendation, a candidate must be licensed in accordance with
1639 s. 790.06.

1640 (b) After screening a candidate, including performing
1641 criminal background checks, drug testing, and a psychological
1642 evaluation, the sheriff may approve a candidate to participate
1643 in the program as a sheriff's marshal.

1644 (c) Upon successful completion of the program, a sheriff's
1645 marshal may be appointed by the sheriff as a special deputy
1646 sheriff for the limited purpose of responding to an active
1647 assailant incident on a campus of his or her school district
1648 during an active assailant incident.

1649 (4) SPECIAL DEPUTY SHERIFF.—

1650 (a) At a minimum, the partnership agreement must provide
1651 that a special deputy sheriff:

1652 1. Must participate in and complete the program's
1653 professional training requirements as a precondition to meeting

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1654 the legal requirements of chapter 30 to be eligible to carry a
1655 concealed firearm on a campus of his or her sponsoring school
1656 district.

1657 2. May not act in any law enforcement capacity outside of
1658 an active assailant incident on a school district campus and
1659 does not have any authority in a law enforcement capacity off
1660 campus in any way, except as otherwise expressly authorized by
1661 law.

1662 3. May carry concealed, approved firearms on campus. The
1663 firearms must be specifically purchased and issued for the sole
1664 purpose of the program. Only concealed carry safety holsters and
1665 firearms approved by the sheriff may be used under the program.

1666 4. Must successfully complete training with the sheriff's
1667 office before his or her appointment as a special deputy
1668 sheriff, including meeting the requirements of this section.

1669 (b) The appointment of a person as a special deputy sheriff
1670 does not entitle the person to the special risk category that
1671 applies to law enforcement officers pursuant to s. 121.0515.

1672 (5) TRAINING AND INSTRUCTION.—All training must be
1673 conducted by Criminal Justice Standards Training Commission
1674 (CJSTC)-certified instructors.

1675 (a) Required instruction must include 132 total hours of
1676 comprehensive firearm safety and proficiency training in the
1677 following topics:

1678 1. Firearms: 80-hour block of instruction. The firearms
1679 instruction must be based on the CJSTC Law Enforcement Academy
1680 training model and must be enhanced to include 10 percent to 20
1681 percent more rounds fired by each program participant beyond the
1682 minimum average of approximately 1,000 training rounds

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1683 associated with academy training. Program participants must
1684 achieve an 85 percent pass rate on the firearms training.
1685 2. Firearms precision pistol: 16-hour block of instruction.
1686 3. Firearms discretionary shooting: 4-hour block of
1687 instruction using state-of-the-art simulator exercises.
1688 4. Active shooter or assailant: 8-hour block of
1689 instruction.
1690 5. Defensive tactics: 4-hour block of instruction.
1691 6. Legal or high liability: 20-hour block of instruction.
1692 (b) Program participants may complete an optional, 16-hour
1693 precision pistol course as additional training.
1694 (c) Ongoing and annual proficiency retraining must be
1695 conducted by the sheriff, as specified in the agreement.
1696 (6) PARTICIPATION DENIAL OR TERMINATION.—The sheriff or the
1697 district superintendent may deny or terminate a sheriff's
1698 marshal or special deputy sheriff's participation in the program
1699 for any reason, including, but not limited to, any of the
1700 following circumstances:
1701 (a) An arrest or filing of criminal charges against a
1702 program participant by a law enforcement agency.
1703 (b) The service of process on the program participant as
1704 the respondent of an injunction for protection.
1705 (c) The involuntary placement of the program participant in
1706 a treatment facility for a mental health examination under The
1707 Baker Act.
1708 (d) A violation of sheriff office policies, orders, or
1709 requirements by the program participant.
1710 (e) A violation of the school district's code of conduct or
1711 employee handbook or policy by the program participant.

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1712 (7) IMPLEMENTATION.—

1713 (a) The sheriff shall maintain documentation of weapon and
1714 equipment inspections, as well as the training, certification,
1715 inspection, and qualification records of each program
1716 participant.

1717 (b) Each program participant must be distinctly and
1718 visually identifiable to responding law enforcement officers,
1719 faculty, staff, and students, in the case of any active
1720 assailant incident on a sponsoring school district's campus.

1721 (c) Each sheriff's marshal must execute a volunteer
1722 agreement with the sheriff's office outlining duties and
1723 responsibilities.

1724 (d) A sponsoring school district must conduct awareness
1725 training about the program for all school district faculty and
1726 staff members.

1727 (e) Specific implementation requirements, responsibilities,
1728 and other aspects of implementation must be specified in a
1729 partnership agreement.

1730 (8) FUNDING.—The costs of program participation must be
1731 established in the partnership agreement. Funding may be
1732 provided by the Legislature to support school district and
1733 sheriff office administration, sponsorship, participation, and
1734 implementation of this section.

1735 Section 25. Section 1006.1493, Florida Statutes, is created
1736 to read:

1737 1006.1493 Florida Safe Schools Assessment Tool.—

1738 (1) The department shall contract with a security
1739 consulting firm that specializes in the development of risk
1740 assessment software solutions and has experience in conducting

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1741 security assessments of public facilities to develop, update,
1742 and implement a risk assessment tool, which shall be known as
1743 the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must
1744 be used by school officials at each school district and public
1745 school site in the state in conducting security assessments for
1746 use by school officials at each school district and public
1747 school site in the state.

1748 (2) The FSSAT must help school officials identify threats,
1749 vulnerabilities, and appropriate safety controls for the schools
1750 that they supervise, pursuant to the security risk assessment
1751 requirements of s. 1006.07(6).

1752 (a) At a minimum, the FSSAT must address all of the
1753 following components:

1754 1. School emergency and crisis preparedness planning;

1755 2. Security, crime, and violence prevention policies and
1756 procedures;

1757 3. Physical security measures;

1758 4. Professional development training needs;

1759 5. An examination of support service roles in school
1760 safety, security, and emergency planning;

1761 6. School security and school police staffing, operational
1762 practices, and related services;

1763 7. School and community collaboration on school safety; and

1764 8. A return on investment analysis of the recommended
1765 physical security controls.

1766 (b) The department shall require by contract that the
1767 security consulting firm:

1768 1. Generate written automated reports on assessment

1769 findings for review by the department and school and district

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1770 officials;

1771 2. Provide training to the department and school officials
1772 in the use of the FSSAT and other areas of importance identified
1773 by the department; and

1774 3. Advise in the development and implementation of
1775 templates, formats, guidance, and other resources necessary to
1776 facilitate the implementation of this section at state,
1777 district, school, and local levels.

1778 (3) By December 1, 2018, and annually by that date
1779 thereafter, the department must report to the Governor, the
1780 President of the Senate, and the Speaker of the House of
1781 Representatives on the status of implementation across school
1782 districts and schools. The report must include a summary of the
1783 positive school safety measures in place at the time of the
1784 assessment and any recommendations for policy changes or funding
1785 needed to facilitate continued school safety planning,
1786 improvement, and response at the state, district, or school
1787 levels.

1788 (4) In accordance with ss. 119.071(3)(a) and 281.301, data
1789 and information related to security risk assessments
1790 administered pursuant to this section and s. 1006.07(6) and the
1791 security information contained in the annual report required
1792 pursuant to subsection (3) are confidential and exempt from
1793 public records requirements.

1794 Section 26. Present subsections (16) and (17) of section
1795 1011.62, Florida Statutes, are redesignated as subsections (17)
1796 and (18), respectively, subsections (14) and (15) of that
1797 section are amended, and a new subsection (16) is added to that
1798 section, to read:

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1799 1011.62 Funds for operation of schools.—If the annual
1800 allocation from the Florida Education Finance Program to each
1801 district for operation of schools is not determined in the
1802 annual appropriations act or the substantive bill implementing
1803 the annual appropriations act, it shall be determined as
1804 follows:

1805 (14) QUALITY ASSURANCE GUARANTEE.—The Legislature may
1806 annually in the General Appropriations Act determine a
1807 percentage increase in funds per K-12 unweighted FTE as a
1808 minimum guarantee to each school district. The guarantee shall
1809 be calculated from prior year base funding per unweighted FTE
1810 student which shall include the adjusted FTE dollars as provided
1811 in subsection (17) ~~(16)~~, quality guarantee funds, and actual
1812 nonvoted discretionary local effort from taxes. From the base
1813 funding per unweighted FTE, the increase shall be calculated for
1814 the current year. The current year funds from which the
1815 guarantee shall be determined shall include the adjusted FTE
1816 dollars as provided in subsection (17) ~~(16)~~ and potential
1817 nonvoted discretionary local effort from taxes. A comparison of
1818 current year funds per unweighted FTE to prior year funds per
1819 unweighted FTE shall be computed. For those school districts
1820 which have less than the legislatively assigned percentage
1821 increase, funds shall be provided to guarantee the assigned
1822 percentage increase in funds per unweighted FTE student. Should
1823 appropriated funds be less than the sum of this calculated
1824 amount for all districts, the commissioner shall prorate each
1825 district's allocation. This provision shall be implemented to
1826 the extent specifically funded.

1827 (15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is

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1828 created to provide funding to assist school districts in their
1829 compliance with subpart I.C. of chapter 1006 ~~ss. 1006.07-~~
1830 ~~1006.148~~, with priority given to satisfying the requirement of
1831 establishing or assigning at least one safe-school officer at
1832 each school facility within the district ~~a school resource~~
1833 ~~officer program~~ pursuant to s. 1006.12. Each school district
1834 shall receive a minimum safe schools allocation in an amount
1835 provided in the General Appropriations Act. Of the remaining
1836 balance of the safe schools allocation, two-thirds shall be
1837 allocated to school districts based on the most recent official
1838 Florida Crime Index provided by the Department of Law
1839 Enforcement and one-third shall be allocated based on each
1840 school district's proportionate share of the state's total
1841 unweighted full-time equivalent student enrollment.

1842 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.-The mental health
1843 assistance allocation is created to provide funding to assist
1844 school districts and charter schools in their compliance with
1845 the requirements and specifications established in s. 1006.05.
1846 These funds must be allocated annually in the General
1847 Appropriations Act to each eligible school district and
1848 developmental research school based on each entity's
1849 proportionate share of Florida Education Finance Program base
1850 funding, in accordance with s. 1006.05. The district funding
1851 allocation must include a minimum amount, as provided in the
1852 General Appropriations Act. Eligible charter schools are
1853 entitled to a proportionate share of district funding for the
1854 program. The allocated funds may not supplant funds that are
1855 provided for this purpose from other operating funds and may not
1856 be used to increase salaries or provide bonuses, except for

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1857 personnel hired to implement the plans required by s. 1006.05.
1858 School districts and schools must maximize third-party funding
1859 from Medicaid and private insurance when appropriate.

1860 Section 27. For the purpose of incorporating the amendment
1861 made by this act to section 790.065, Florida Statutes, in a
1862 reference thereto, subsection (2) of section 397.6760, Florida
1863 Statutes, is reenacted to read:

1864 397.6760 Court records; confidentiality.—

1865 (2) This section does not preclude the clerk of the court
1866 from submitting the information required by s. 790.065 to the
1867 Department of Law Enforcement.

1868 Section 28. For the purpose of incorporating the amendment
1869 made by this act to section 790.065, Florida Statutes, in a
1870 reference thereto, paragraph (e) of subsection (3) of section
1871 790.335, Florida Statutes, is reenacted to read:

1872 790.335 Prohibition of registration of firearms; electronic
1873 records.—

1874 (3) EXCEPTIONS.—The provisions of this section shall not
1875 apply to:

1876 (e)1. Records kept pursuant to the recordkeeping provisions
1877 of s. 790.065; however, nothing in this section shall be
1878 construed to authorize the public release or inspection of
1879 records that are made confidential and exempt from the
1880 provisions of s. 119.07(1) by s. 790.065(4) (a).

1881 2. Nothing in this paragraph shall be construed to allow
1882 the maintaining of records containing the names of purchasers or
1883 transferees who receive unique approval numbers or the
1884 maintaining of records of firearm transactions.

1885 Section 29. The sum of \$10 million in recurring funds from

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1886 the General Revenue Fund is appropriated to the Department of
1887 Legal Affairs to reimburse verified or designated trauma centers
1888 for documented medical costs of treating victims of mass
1889 shootings through its Medical Reimbursement Program for Victims
1890 of Mass Shootings.

1891 Section 30. Each January 1, the Department of Agriculture
1892 and Consumer Services shall transfer 10 percent of the fees
1893 collected for new and renewal concealed weapon or firearm
1894 licenses from the Division of Licensing Trust Fund to the
1895 Department of Legal Affairs to reimburse verified or designated
1896 trauma centers for documented medical costs of treating victims
1897 of mass shootings through its Medical Reimbursement Program for
1898 Victims of Mass Shootings.

1899 Section 31. This act shall take effect upon becoming a law.