Bill No. HB 7093 (2019)

Amendment No.

	CHAMBER ACTION
	Senate House
	•
1	Representative Jenne offered the following:
1 2	Representative benne briefed the forfowing.
3	Substitute Amendment for Amendment (440307)
4	Remove lines 104-623 and insert:
5	3. Pass an initial a psychological evaluation, and
6	subsequent yearly psychological evaluations before each school
7	year, administered by a psychologist licensed under chapter 490
8	and designated by the Department of Law Enforcement and submit
9	the results of such evaluations the evaluation to the sheriff's
10	office. The Department of Law Enforcement is authorized to
11	provide the sheriff's office with mental health and substance
12	abuse data for compliance with this subparagraph paragraph.
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13 Submit to and pass an initial drug test and subsequent 4. random drug tests in accordance with the requirements of s. 14 15 112.0455 and the sheriff's office. 16 5. Successfully complete ongoing training, weapon 17 inspection, and firearm qualification on at least an annual 18 basis. 19 6. Successfully complete at least 12 hours of a certified 20 nationally recognized diversity training program. 21 The sheriff shall issue a school guardian certificate to 22 23 individuals who meet the requirements of this paragraph 24 subparagraph 2. The sheriff shall maintain documentation of all 25 weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each 26 27 school guardian certified appointed by the sheriff. Section 2. Subsection (3) of section 493.6305, Florida 28 29 Statutes, is amended to read: 493.6305 Uniforms, required wear; exceptions.-30 31 (3) Class "D" licensees who are also Class "G" licensees 32 and who are performing limited, special assignment duties may carry their authorized firearm concealed in the conduct of such 33 duties. Special assignment duties shall include appointment as a 34 school guardian under s. 1006.12(2). 35 36 Section 3. Section 943.1712, Florida Statutes, is created 37 to read: 584233 Approved For Filing: 4/1/2019 6:08:06 PM

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38	943.1712 Skills training for school guardians
39	(1) The commission shall establish training standards for
40	the Coach Aaron Feis Guardian Program to aid in the prevention
41	or abatement of active assailant incidents on school premises.
42	The program shall consist of 144 total hours to include:
43	(a) Eighty hours of commission-certified firearms
44	instruction. Program participants must achieve an 85 percent
45	pass rate on the firearms training.
46	(b) Sixteen hours of instruction in precision pistol.
47	(c) Eight hours of discretionary shooting instruction
48	using state-of-the-art simulator exercises.
49	(d) Eight hours of instruction in active shooter or
50	assailant scenarios.
51	(e) Eight hours of instruction in defensive tactics.
52	(f) Twelve hours of instruction in legal issues.
53	(g) Twelve hours of a certified nationally recognized
54	diversity training program.
55	(2) Skills training may be offered by criminal justice
56	training schools, sheriffs pursuant to s. 30.15, and school
57	districts that are the employing agency for school resource
58	officers pursuant to s. 1006.12.
59	Section 4. Section 1001.212, Florida Statutes, is amended
60	to read:
61	1001.212 Office of Safe SchoolsThere is created in the
62	Department of Education the Office of Safe Schools. The office
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63 is fully accountable to the Commissioner of Education. The 64 office shall serve as a central repository for best practices, 65 training standards, and compliance oversight in all matters 66 regarding school safety and security, including prevention 67 efforts, intervention efforts, and emergency preparedness 68 planning. The office shall:

69 (1) <u>Administer the Florida Safe Schools Assessment Tool</u> 70 <u>(FSSAT) required by s. 1006.1493</u> Establish and update as 71 necessary a school security risk assessment tool for use by 72 school districts pursuant to s. 1006.07(6). The office shall 73 make the security risk assessment tool available for use by 74 charter schools.

75 (2) Provide ongoing professional development opportunities76 to school district personnel.

77 (3) Provide a coordinated and interdisciplinary approach 78 to providing technical assistance and guidance to school 79 districts on their implementation of the strategies and activities necessary safety and security and recommendations to 80 81 address the findings identified as a result of the FSSAT 82 conducted pursuant to s. 1006.07(6). The office may contract with security personnel, consulting engineers, architects, or 83 84 other safety and security experts that the office deems necessary to provide such assistance and guidance. 85

86 (4) Develop and implement a School Safety Specialist 87 Training Program for school safety specialists appointed 584233

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88 pursuant to s. 1006.07(6). The office shall develop the training 89 program which shall be based on national and state best 90 practices on school safety and security and must include active 91 shooter training. The office shall develop training modules in 92 traditional or online formats. A school safety specialist 93 certificate of completion shall be awarded to a school safety specialist who satisfactorily completes the training required by 94 rules of the office. 95

96 (5) Review and provide recommendations on the security 97 risk assessments. The department may contract with security 98 personnel, consulting engineers, architects, or other safety and 99 security experts the department deems necessary for safety and 100 security consultant services.

101 <u>(5)(6)</u> Coordinate with the Department of Law Enforcement 102 to provide a centralized integrated data repository and data 103 analytics resources to improve access to timely, complete, and 104 accurate information integrating data from, at a minimum, but 105 not limited to, the following data sources by <u>August 1, 2019</u> 106 <u>December 1, 2018</u>:

107		(a)	Social media <u>monitoring tool</u> ;
108		(b)	Department of Children and Families;
109		(C)	Department of Law Enforcement;
110		(d)	Department of Juvenile Justice;
111		(e)	Mobile suspicious activity reporting tool known as
112	Forti	lfyFL	<u>;</u>
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113	(f) School environment safety incident reports collected
114	under subsection (9); and
115	<u>(g)(e)</u> Local law enforcement.
116	
117	Data that is exempt or confidential and exempt from public
118	records requirements retains its exempt or confidential and
119	exempt status when incorporated into the centralized integrated
120	data repository. To maintain the confidentiality requirements
121	attached to the information provided to the centralized
122	integrated data repository by the various state and local
123	agencies, data governance and security shall ensure compliance
124	with all applicable state and federal data privacy requirements
125	through the use of user authorization and role-based security,
126	data anonymization and aggregation and auditing capabilities. To
127	maintain the confidentiality requirements attached to the
128	information provided to the centralized integrated data
129	repository by the various state and local agencies, each source
130	agency providing data to the repository shall be the sole
131	custodian of the data for the purpose of any request for
132	inspection or copies thereof under chapter 119. The department
133	shall only allow access to data from the source agencies in
134	accordance with rules adopted by the respective source agencies.
135	(6) Provide data to support the evaluation of mental
136	health services pursuant to s. 1004.44.

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137 (7) Data that is exempt or confidential and exempt from
 138 public records requirements retains its exempt or confidential
 139 and exempt status when incorporated into the centralized
 140 integrated data repository.

141 (8) To maintain the confidentiality requirements attached 142 to the information provided to the centralized integrated data 143 repository by the various state and local agencies, data 144 governance and security shall ensure compliance with all 145 applicable state and federal data privacy requirements through 146 the use of user authorization and role-based security, data 147 anonymization and aggregation and auditing capabilities.

148 (9) To maintain the confidentiality requirements attached 149 to the information provided to the centralized integrated data 150 repository by the various state and local agencies, each source agency providing data for the repository shall be the sole 151 152 custodian of the data for the purpose of any request for 153 inspection or copies thereof under chapter 119. The department 154 shall only allow access to data from the source agencies in 155 accordance with rules adopted by the respective source agencies.

156 <u>(7)(10)</u> Award grants to schools to improve the safety and 157 security of school buildings based upon recommendations of the 158 <u>Florida Safe Schools Assessment Tool</u> security risk assessment 159 developed pursuant to subsection (1).

160 <u>(8) (11)</u> Disseminate, in consultation with the Department 161 of Law Enforcement, to participating schools awareness and 584233

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162	education materials on the School Safety Awareness Program
163	developed pursuant to s. 943.082.
164	(9) Collect data through school environment safety
165	incident reports on incidents that occur on school premises, on
166	school transportation, and at off-campus, school-sponsored
167	events, committed by students, nonstudents, or unknown
168	offenders.
169	(10) Define the types of public schools and campuses that
170	are subject to the requirements of ss. 1006.07 and 1006.12.
171	(11) Verify the accuracy of school safety and discipline
172	data reported by school districts and report any violation of
173	the reporting requirements to the Commissioner of Education for
174	review pursuant to s. 1012.796.
175	Section 5. Paragraphs (b) and (c) of subsection (16) of
176	section 1002.33, Florida Statutes, are amended to read:
177	1002.33 Charter schools
178	(16) EXEMPTION FROM STATUTES.—
179	(b) Additionally, a charter school shall be in compliance
180	with the following statutes:
181	1. Section 286.011, relating to public meetings and
182	records, public inspection, and criminal and civil penalties.
183	2. Chapter 119, relating to public records.
184	3. Section 1003.03, relating to the maximum class size,
185	except that the calculation for compliance pursuant to s.
186	1003.03 shall be the average at the school level.
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187	4. Section 1006.07(4) and (6)-(9), relating to school
188	safety.
189	5.4. Section 1012.22(1)(c), relating to compensation and
190	salary schedules.
191	6.5. Section 1012.33(5), relating to workforce reductions.
192	7.6. Section 1012.335, relating to contracts with
193	instructional personnel hired on or after July 1, 2011.
194	8.7. Section 1012.34, relating to the substantive
195	requirements for performance evaluations for instructional
196	personnel and school administrators.
197	(c) For purposes of subparagraphs (b)48. (b)47.:
198	1. The duties assigned to a district school superintendent
199	apply to charter school administrative personnel, as defined in
200	s. 1012.01(3)(a) and (b), and the charter school governing board
201	shall designate at least one administrative person to be
202	responsible for such duties.
203	2. The duties assigned to a district school board apply to
204	a charter school governing board.
205	3. A charter school may hire instructional personnel and
206	other employees on an at-will basis.
207	4. Notwithstanding any provision to the contrary,
208	instructional personnel and other employees on contract may be
209	suspended or dismissed any time during the term of the contract
210	without cause.
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Section 6. Subsection (18) is added to section 1002.42,
Florida Statutes, to read:
1002.42 Private schools
(18) SCHOOL GUARDIANS A private school may employ or
contract for the employment of school guardians in accordance
with s. 1006.12. Individuals who serve as school guardians are
in support of school-sanctioned activities for purposes of s.
790.115.
Section 7. Subsection (2) of section 1003.25, Florida
Statutes, is amended to read:
1003.25 Procedures for maintenance and transfer of student
records
(2) The procedure for transferring and maintaining records
of students who transfer from school to school shall be
prescribed by rules of the State Board of Education. <u>The</u>
intradistrict transfer of records shall occur within 1 school
day and the interdistrict transfer of records shall occur within
2 school days. The records shall include:
(a) Verified reports of serious or recurrent behavior
patterns, including threat assessment evaluations and
intervention services.
(b) Psychological evaluations, including therapeutic
treatment plans and therapy or progress notes created or
maintained by school district staff.

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235 Section 8. Paragraph (b) of subsection (1), paragraph (a) of subsection (4), paragraph (a) of subsection (6), and 236 237 subsection (7) of section 1006.07, Florida Statutes, are 238 amended, and subsection (9) is added to that section, to read: 239 1006.07 District school board duties relating to student 240 discipline and school safety.-The district school board shall 241 provide for the proper accounting for all students, for the 242 attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the 243 244 welfare of students, including: 245 (1) CONTROL OF STUDENTS.-246 (b) Require each student at the time of initial registration for school in the school district to note previous 247 248 school expulsions, arrests resulting in a charge, juvenile 249 justice actions, and any corresponding referral referrals to 250 mental health services by the school district the student has 251 had, and have the authority as the district school board of a receiving school district to honor the final order of expulsion 252 253 or dismissal of a student by any in-state or out-of-state public 254 district school board or private school, or lab school, for an 255 act which would have been grounds for expulsion according to the 256 receiving district school board's code of student conduct, in accordance with the following procedures: 257

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

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260 2. The expelled student applying for admission to the 261 receiving school district shall be advised of the final order of 262 expulsion.

2.6.3 3. The district school superintendent of the receiving 264 school district may recommend to the district school board that 265 the final order of expulsion be waived and the student be admitted to the school district, or that the final order of 266 267 expulsion be honored and the student not be admitted to the school district. If the student is admitted by the district 268 269 school board, with or without the recommendation of the district 270 school superintendent, the student may be placed in an 271 appropriate educational program and referred to mental health 272 services identified by the school district pursuant to s. 273 1012.584(4), when appropriate, at the direction of the district 274 school board.

275

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.-

276 (a) Formulate and prescribe policies and procedures, in 277 consultation with the appropriate public safety agencies, for 278 emergency drills and for actual emergencies, including, but not 279 limited to, fires, natural disasters, active shooter and hostage 280 situations, and bomb threats, for all students and faculty at 281 all public schools of the district comprised of grades K-12. Drills for active shooter and hostage situations shall be 282 conducted in accordance with requirements of the Office of Safe 283 Schools at least as often as other emergency drills. District 284 584233

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285 school board policies shall include commonly used alarm system 286 responses for specific types of emergencies and verification by 287 each school that drills have been provided as required by law 288 and fire protection codes. The emergency response policy shall 289 identify the individuals responsible for contacting the primary 290 emergency response agency and the emergency response agency that 291 is responsible for notifying the school district for each type 292 of emergency.

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

Each district school superintendent shall designate a 298 (a) 299 school administrator as a school safety specialist for the 300 district. The school safety specialist must earn a certificate 301 of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment 302 303 and is responsible for the supervision and oversight for all 304 school safety and security personnel, policies, and procedures 305 in the school district. The school safety specialist shall:

Review <u>school district</u> policies and procedures for
 compliance with state law and rules, <u>including the district's</u>
 timely and accurate submission of incidents to the department.

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309 2. Provide the necessary training and resources to 310 students and school district staff in matters relating to youth 311 mental health awareness and assistance; emergency procedures, 312 including active shooter training; and school safety and 313 security.

314 3. Serve as the school district liaison with local public 315 safety agencies and national, state, and community agencies and 316 organizations in matters of school safety and security.

317 4. In collaboration with the appropriate public safety agencies, as defined in s. 365.171, annually conduct a school 318 security risk assessment in accordance with s. 1006.1493 at each 319 320 public school using the Florida Safe Schools Assessment Tool 321 school security risk assessment tool developed by the Office of Safe Schools pursuant to s. 1006.1493. Based on the assessment 322 323 findings, the district's school safety specialist shall provide 324 recommendations to the district school superintendent and the 325 district school board which identify strategies and activities that the district school board should implement in order to 326 327 address the findings and improve school safety and security. 328 Annually, Each district school board must receive such findings 329 and the school safety specialist's recommendations at a publicly 330 noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss 331 and take action on the findings and recommendations. Each school 332 safety specialist shall report such findings and school board 333 584233

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334 action to the Office of Safe Schools within 30 days after the 335 district school board meeting.

336 (7)THREAT ASSESSMENT TEAMS.-Each district school board 337 shall adopt policies for the establishment of threat assessment 338 teams at each school whose duties include the coordination of 339 resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or 340 students consistent with s. 1006.13 and the model policies 341 developed by the Office of Safe Schools. Such policies shall 342 343 include procedures for conducting threat assessments using the 344 instrument developed by the Office of Safe Schools, providing 345 authorized members of the threat assessment team with access to 346 school-level and district-level data and the data provided 347 pursuant to s. 1001.212(6), and making referrals to mental 348 health services identified by the school district pursuant to s. 349 1012.584(4), when appropriate.

350 A threat assessment team shall include persons with (a) 351 expertise in counseling, instruction, school administration, and 352 law enforcement. The threat assessment teams shall identify 353 members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, 354 355 and staff regarding recognition of threatening or aberrant 356 behavior that may represent a threat to the community, school, 357 or self.

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358 Upon a preliminary determination that a student poses (b) 359 a threat of violence or physical harm to himself or herself or 360 others, a threat assessment team shall immediately report its 361 determination to the superintendent or his or her designee. The 362 superintendent or his or her designee shall immediately attempt 363 to notify the student's parent or legal guardian. Nothing in 364 this subsection shall preclude school district personnel from 365 acting immediately to address an imminent threat.

Upon a preliminary determination by the threat 366 (C) 367 assessment team that a student poses a threat of violence to 368 himself or herself or others or exhibits significantly disruptive behavior or need for assistance, authorized members 369 370 of the threat assessment team may obtain criminal history record 371 information pursuant to s. 985.04(1), as provided in s. 985.047. 372 A member of a threat assessment team may not disclose any 373 criminal history record information obtained pursuant to this 374 section or otherwise use any record of an individual beyond the 375 purpose for which such disclosure was made to the threat 376 assessment team.

(d) Notwithstanding any other provision of law, all state and local agencies and programs that provide services to students experiencing or at risk of an emotional disturbance or a mental illness, including the school districts, school personnel, state and local law enforcement agencies, the Department of Juvenile Justice, the Department of Children and 584233

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383 Families, the Department of Health, the Agency for Health Care 384 Administration, the Agency for Persons with Disabilities, the 385 Department of Education, the Statewide Guardian Ad Litem Office, 386 and any service or support provider contracting with such 387 agencies, may share with each other records or information that 388 are confidential or exempt from disclosure under chapter 119 if 389 the records or information are reasonably necessary to ensure 390 access to appropriate services for the student or to ensure the safety of the student or others. All such state and local 391 392 agencies and programs shall communicate, collaborate, and 393 coordinate efforts to serve such students.

394 (e) If an immediate mental health or substance abuse 395 crisis is suspected, school personnel shall follow policies 396 established by the threat assessment team to engage behavioral 397 health crisis resources. Behavioral health crisis resources, 398 including, but not limited to, mobile crisis teams and school 399 resource officers trained in crisis intervention, shall provide 400 emergency intervention and assessment, make recommendations, and 401 refer the student for appropriate services. Onsite school 402 personnel shall report all such situations and actions taken to 403 the threat assessment team, which shall contact the other 404 agencies involved with the student and any known service providers to share information and coordinate any necessary 405 followup actions. Upon the student's transfer to a different 406 school, the threat assessment team shall verify that any 407

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408	intervention services provided to the student remain in place
409	until the threat assessment team of the receiving school
410	independently determines the need for intervention services.
411	(f) Each threat assessment team established pursuant to
412	this subsection shall report quantitative data on its activities
413	to the Office of Safe Schools in <u>a format prescribed by</u>
414	accordance with guidance from the office.
415	(9) MENTAL HEALTH ASSISTANCEProvide mental health
416	assistance to students in accordance with the plan submitted
417	pursuant to s. 1011.62(16). Students referred for mental health
418	assistance must be screened or assessed within 45 days after
419	such referral. School-based interventions must begin within 30
420	days after the screening or assessment and continue until the
421	student receives community-based care, when determined to be in
422	the best interests of the student.
423	Section 9. Subsection (10) is added to section 1006.09,
424	Florida Statutes, to read:
425	1006.09 Duties of school principal relating to student
426	discipline and school safety
427	(10) Each school principal shall designate school
428	personnel who may declare an emergency in response to an
429	incident that threatens school safety and the school personnel
430	who must contact the primary emergency response agency in
431	accordance with the emergency response policy of the school
432	district.
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433 Section 10. Section 1006.12, Florida Statutes, is amended 434 to read:

435 1006.12 Safe-school officers at each public school.-For the 436 protection and safety of school personnel, property, students, 437 and visitors, each district school board and school district superintendent shall partner with law enforcement agencies to 438 establish or assign one or more safe-school officers at each 439 public school facility within the district by utilizing 440 implementing any combination of the following options which best 441 442 meets the needs of the school district:

443 (1) Establish school resource officer programs, through a
 444 cooperative agreement with law enforcement agencies.

445

(1) (a) SCHOOL RESOURCE OFFICERS.-

446 (a) School resource officers shall undergo criminal
447 background checks, drug testing, and a psychological evaluation
448 and be certified law enforcement officers, as defined in s.
449 943.10(1), who are employed by a law enforcement agency as
450 defined in s. 943.10(4) or by a district school board.

1. If the officer is employed by the district school
 board, the district school board is the employing agency for
 purposes of chapter 943 and must comply with the provisions of
 that chapter. The officer has and shall exercise the power to
 make arrests for violations of law on district school board
 property and to arrest persons, whether on or off such property,
 who violate any law on such property under the same conditions

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458 that deputy sheriffs are authorized to make arrests The powers
459 and duties of a law enforcement officer shall continue
460 throughout the employee's tenure as a school resource officer.

461 2.(b) School resource officers employed by a law 462 enforcement agency shall abide by district school board policies and shall consult with and coordinate activities through the 463 464 school principal, but shall be responsible to the law 465 enforcement agency in all matters relating to employment, 466 subject to agreements between a district school board and a law 467 enforcement agency. Activities conducted by the school resource 468 officer which are part of the regular instructional program of 469 the school shall be under the direction of the school principal. 470 The powers and duties of a law enforcement officer shall 471 continue throughout the employee's tenure as a school resource 472 officer.

473 <u>3.(c)</u> <u>School resource officers shall</u> complete mental 474 health crisis intervention training using a curriculum developed 475 by a national organization with expertise in mental health 476 crisis intervention. The training shall improve officers' 477 knowledge and skills as first responders to incidents involving 478 students with emotional disturbance or mental illness, including 479 de-escalation skills to ensure student and officer safety.

480 (2) Commission one or more school safety officers for the
 481 protection and safety of school personnel, property, and
 482 students within the school district. The district school

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483 superintendent may recommend, and the district school board may 484 appoint, one or more school safety officers. 485 (a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation 486 and be law enforcement officers, as defined in s. 943.10(1), 487 488 certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. 489 If the officer is employed by the district school board, the 490 491 district school board is the employing agency for purposes of 492 chapter 943, and must comply with the provisions of that 493 chapter. 494

494 (b) A school safety officer has and shall exercise the
495 power to make arrests for violations of law on district school
496 board property and to arrest persons, whether on or off such
497 property, who violate any law on such property under the same
498 conditions that deputy sheriffs are authorized to make arrests.
499 A school safety officer has the authority to carry weapons when
500 performing his or her official duties.

501 (b)(c) A district school board <u>or governing board of a</u> 502 <u>charter school</u> may enter into mutual aid agreements with one or 503 more law enforcement agencies as provided in chapter 23. A 504 school <u>resource</u> safety officer's salary may be paid jointly by 505 the district school board <u>or governing board of the charter</u> 506 <u>school</u> and the law enforcement agency, as mutually agreed to.

507

(2) (3) SCHOOL GUARDIANS.-

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508	(a) A district school board or governing board of a
509	<u>charter school may establish a Coach Aaron Feis Guardian Program</u>
510	by employing or contracting for the employment of school
511	guardians to aid in the prevention or abatement of active
512	assailant incidents on school premises. A school guardian has no
513	authority to act in any law enforcement capacity except to the
514	extent necessary to prevent or abate an active assailant
515	incident on school premises. Individuals who serve as school
516	guardians are in support of school-sanctioned activities for
517	purposes of s. 790.115. School guardians shall:
518	1. Hold a valid license issued under s. 790.06 or a Class
519	"D" and "G" license pursuant to chapter 493;
520	2. Successfully complete the training for school guardians
521	required under s. 943.1712;
522	3. Pass an initial psychological evaluation, and
523	subsequent yearly psychological evaluations before each school
524	year, administered by a psychologist licensed under chapter 490
525	and designated by the Department of Law Enforcement and submit
526	the results of such evaluations to the sheriff's office. The
527	Department of Law
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