

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Eskamani offered the following:

2
3 **Substitute Amendment for Amendment (515867) (with title**
4 **amendment)**

5 Remove lines 64-652 and insert:

6 Section 1. Section 1001.212, Florida Statutes, is amended
7 to read:

8 1001.212 Office of Safe Schools.—There is created in the
9 Department of Education the Office of Safe Schools. The office
10 is fully accountable to the Commissioner of Education. The
11 office shall serve as a central repository for best practices,
12 training standards, and compliance oversight in all matters
13 regarding school safety and security, including prevention

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14 efforts, intervention efforts, and emergency preparedness
15 planning. The office shall:

16 (1) Administer the Florida Safe Schools Assessment Tool
17 (FSSAT) required by s. 1006.1493 ~~Establish and update as~~
18 ~~necessary a school security risk assessment tool for use by~~
19 ~~school districts pursuant to s. 1006.07(6). The office shall~~
20 ~~make the security risk assessment tool available for use by~~
21 ~~charter schools.~~

22 (2) Provide ongoing professional development opportunities
23 to school district personnel.

24 (3) Provide a coordinated and interdisciplinary approach
25 to providing technical assistance and guidance to school
26 districts on their implementation of the strategies and
27 activities necessary ~~safety and security and recommendations~~ to
28 address the findings identified as a result of the FSSAT
29 conducted pursuant to s. 1006.07(6). The office may contract
30 with security personnel, consulting engineers, architects, or
31 other safety and security experts that the office deems
32 necessary to provide such assistance and guidance.

33 (4) Develop and implement a School Safety Specialist
34 Training Program for school safety specialists appointed
35 pursuant to s. 1006.07(6). The office shall develop the training
36 program which shall be based on national and state best
37 practices on school safety and security and must include active
38 shooter training. The office shall develop training modules in

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39 traditional or online formats. A school safety specialist
40 certificate of completion shall be awarded to a school safety
41 specialist who satisfactorily completes the training required by
42 rules of the office.

43 ~~(5) Review and provide recommendations on the security~~
44 ~~risk assessments. The department may contract with security~~
45 ~~personnel, consulting engineers, architects, or other safety and~~
46 ~~security experts the department deems necessary for safety and~~
47 ~~security consultant services.~~

48 (5)~~(6)~~ Coordinate with the Department of Law Enforcement
49 to provide a centralized integrated data repository and data
50 analytics resources to improve access to timely, complete, and
51 accurate information integrating data from, at a minimum, but
52 not limited to, the following data sources by August 1, 2019
53 ~~December 1, 2018~~:

54 (a) Social media monitoring tool;

55 (b) Department of Children and Families;

56 (c) Department of Law Enforcement;

57 (d) Department of Juvenile Justice;

58 (e) Mobile suspicious activity reporting tool known as
59 FortifyFL;

60 (f) School environment safety incident reports collected
61 under subsection (9); and

62 (g)~~(e)~~ Local law enforcement.
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64 Data that is exempt or confidential and exempt from public
65 records requirements retains its exempt or confidential and
66 exempt status when incorporated into the centralized integrated
67 data repository. To maintain the confidentiality requirements
68 attached to the information provided to the centralized
69 integrated data repository by the various state and local
70 agencies, data governance and security shall ensure compliance
71 with all applicable state and federal data privacy requirements
72 through the use of user authorization and role-based security,
73 data anonymization and aggregation and auditing capabilities. To
74 maintain the confidentiality requirements attached to the
75 information provided to the centralized integrated data
76 repository by the various state and local agencies, each source
77 agency providing data to the repository shall be the sole
78 custodian of the data for the purpose of any request for
79 inspection or copies thereof under chapter 119. The department
80 shall only allow access to data from the source agencies in
81 accordance with rules adopted by the respective source agencies.

82 (6) Provide data to support the evaluation of mental
83 health services pursuant to s. 1004.44.

84 ~~(7) Data that is exempt or confidential and exempt from~~
85 ~~public records requirements retains its exempt or confidential~~
86 ~~and exempt status when incorporated into the centralized~~
87 ~~integrated data repository.~~

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88 ~~(8) To maintain the confidentiality requirements attached~~
89 ~~to the information provided to the centralized integrated data~~
90 ~~repository by the various state and local agencies, data~~
91 ~~governance and security shall ensure compliance with all~~
92 ~~applicable state and federal data privacy requirements through~~
93 ~~the use of user authorization and role-based security, data~~
94 ~~anonymization and aggregation and auditing capabilities.~~

95 ~~(9) To maintain the confidentiality requirements attached~~
96 ~~to the information provided to the centralized integrated data~~
97 ~~repository by the various state and local agencies, each source~~
98 ~~agency providing data for the repository shall be the sole~~
99 ~~custodian of the data for the purpose of any request for~~
100 ~~inspection or copies thereof under chapter 119. The department~~
101 ~~shall only allow access to data from the source agencies in~~
102 ~~accordance with rules adopted by the respective source agencies.~~

103 ~~(7) (10) Award grants to schools to improve the safety and~~
104 ~~security of school buildings based upon recommendations of the~~
105 ~~Florida Safe Schools Assessment Tool security risk assessment~~
106 ~~developed pursuant to subsection (1).~~

107 ~~(8) (11) Disseminate, in consultation with the Department~~
108 ~~of Law Enforcement, to participating schools awareness and~~
109 ~~education materials on the School Safety Awareness Program~~
110 ~~developed pursuant to s. 943.082.~~

111 ~~(9) Collect data through school environment safety~~
112 ~~incident reports on incidents that occur on school premises, on~~

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113 school transportation, and at off-campus, school-sponsored
114 events, committed by students, nonstudents, or unknown
115 offenders.

116 (10) Define the types of public schools and campuses that
117 are subject to the requirements of ss. 1006.07 and 1006.12.

118 (11) Verify the accuracy of school safety and discipline
119 data reported by school districts and report any violation of
120 the reporting requirements to the Commissioner of Education for
121 review pursuant to s. 1012.796.

122 Section 2. Paragraphs (b) and (c) of subsection (16) of
123 section 1002.33, Florida Statutes, are amended to read:

124 1002.33 Charter schools.—

125 (16) EXEMPTION FROM STATUTES.—

126 (b) Additionally, a charter school shall be in compliance
127 with the following statutes:

128 1. Section 286.011, relating to public meetings and
129 records, public inspection, and criminal and civil penalties.

130 2. Chapter 119, relating to public records.

131 3. Section 1003.03, relating to the maximum class size,
132 except that the calculation for compliance pursuant to s.
133 1003.03 shall be the average at the school level.

134 4. Section 1006.07(4) and (6)-(9), relating to school
135 safety.

136 5.4. Section 1012.22(1)(c), relating to compensation and
137 salary schedules.

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138 ~~6.5.~~ Section 1012.33(5), relating to workforce reductions.

139 ~~7.6.~~ Section 1012.335, relating to contracts with
140 instructional personnel hired on or after July 1, 2011.

141 ~~8.7.~~ Section 1012.34, relating to the substantive
142 requirements for performance evaluations for instructional
143 personnel and school administrators.

144 (c) For purposes of subparagraphs (b)4.-8. ~~(b)4.-7.~~:

145 1. The duties assigned to a district school superintendent
146 apply to charter school administrative personnel, as defined in
147 s. 1012.01(3)(a) and (b), and the charter school governing board
148 shall designate at least one administrative person to be
149 responsible for such duties.

150 2. The duties assigned to a district school board apply to
151 a charter school governing board.

152 3. A charter school may hire instructional personnel and
153 other employees on an at-will basis.

154 4. Notwithstanding any provision to the contrary,
155 instructional personnel and other employees on contract may be
156 suspended or dismissed any time during the term of the contract
157 without cause.

158 Section 3. Subsection (2) of section 1003.25, Florida
159 Statutes, is amended to read:

160 1003.25 Procedures for maintenance and transfer of student
161 records.-

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162 (2) The procedure for transferring and maintaining records
163 of students who transfer from school to school shall be
164 prescribed by rules of the State Board of Education. The
165 intradistrict transfer of records shall occur within 1 school
166 day and the interdistrict transfer of records shall occur within
167 2 school days. The records shall include:

168 (a) Verified reports of serious or recurrent behavior
169 patterns, including threat assessment evaluations and
170 intervention services.

171 (b) Psychological evaluations, including therapeutic
172 treatment plans and therapy or progress notes created or
173 maintained by school district staff.

174 Section 4. Paragraph (b) of subsection (1), paragraph (a)
175 of subsection (4), paragraph (a) of subsection (6), and
176 subsection (7) of section 1006.07, Florida Statutes, are
177 amended, and subsection (9) is added to that section, to read:

178 1006.07 District school board duties relating to student
179 discipline and school safety.—The district school board shall
180 provide for the proper accounting for all students, for the
181 attendance and control of students at school, and for proper
182 attention to health, safety, and other matters relating to the
183 welfare of students, including:

184 (1) CONTROL OF STUDENTS.—

185 (b) Require each student at the time of initial
186 registration for school in the school district to note previous

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187 school expulsions, arrests resulting in a charge, juvenile
188 justice actions, and any corresponding referral ~~referrals~~ to
189 mental health services by the school district ~~the student has~~
190 ~~had~~, and have the authority as the district school board of a
191 receiving school district to honor the final order of expulsion
192 or dismissal of a student by any in-state or out-of-state public
193 district school board or private school, or lab school, for an
194 act which would have been grounds for expulsion according to the
195 receiving district school board's code of student conduct, in
196 accordance with the following procedures:

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

199 2. The expelled student applying for admission to the
200 receiving school district shall be advised of the final order of
201 expulsion.

202 3. The district school superintendent of the receiving
203 school district may recommend to the district school board that
204 the final order of expulsion be waived and the student be
205 admitted to the school district, or that the final order of
206 expulsion be honored and the student not be admitted to the
207 school district. If the student is admitted by the district
208 school board, with or without the recommendation of the district
209 school superintendent, the student may be placed in an
210 appropriate educational program and referred to mental health
211 services identified by the school district pursuant to s.

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212 1012.584(4), when appropriate, at the direction of the district
213 school board.

214 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

215 (a) Formulate and prescribe policies and procedures, in
216 consultation with the appropriate public safety agencies, for
217 emergency drills and for actual emergencies, including, but not
218 limited to, fires, natural disasters, active shooter and hostage
219 situations, and bomb threats, for all students and faculty at
220 all public schools of the district comprised of grades K-12.
221 Drills for active shooter and hostage situations shall be
222 conducted in accordance with requirements of the Office of Safe
223 Schools ~~at least as often as other emergency drills~~. District
224 school board policies shall include commonly used alarm system
225 responses for specific types of emergencies and verification by
226 each school that drills have been provided as required by law
227 and fire protection codes. The emergency response policy shall
228 identify the individuals responsible for contacting the primary
229 emergency response agency and the emergency response agency that
230 is responsible for notifying the school district for each type
231 of emergency.

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

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237 (a) Each district school superintendent shall designate a
238 ~~school administrator as a~~ school safety specialist for the
239 district. The school safety specialist must earn a certificate
240 of completion of the school safety specialist training provided
241 by the Office of Safe Schools within 1 year after appointment
242 and is responsible for the supervision and oversight for all
243 school safety and security personnel, policies, and procedures
244 in the school district. The school safety specialist shall:

245 1. Review school district policies and procedures for
246 compliance with state law and rules, including the district's
247 timely and accurate submission of incidents to the department.

248 2. Provide the necessary training and resources to
249 students and school district staff in matters relating to youth
250 mental health awareness and assistance; emergency procedures,
251 including active shooter training; and school safety and
252 security.

253 3. Serve as the school district liaison with local public
254 safety agencies and national, state, and community agencies and
255 organizations in matters of school safety and security.

256 4. In collaboration with the appropriate public safety
257 agencies, as defined in s. 365.171, annually conduct a school
258 security risk assessment ~~in accordance with s. 1006.1493~~ at each
259 public school using the Florida Safe Schools Assessment Tool
260 ~~school security risk assessment tool~~ developed by the Office of
261 Safe Schools pursuant to s. 1006.1493. Based on the assessment

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262 findings, the district's school safety specialist shall provide
263 recommendations to the district school superintendent and the
264 district school board which identify strategies and activities
265 that the district school board should implement in order to
266 address the findings and improve school safety and security.
267 ~~Annually,~~ Each district school board must receive such findings
268 and the school safety specialist's recommendations at a publicly
269 noticed district school board meeting to provide the public an
270 opportunity to hear the district school board members discuss
271 and take action on the findings and recommendations. Each school
272 safety specialist shall report such findings and school board
273 action to the Office of Safe Schools within 30 days after the
274 district school board meeting.

275 (7) THREAT ASSESSMENT TEAMS.—Each district school board
276 shall adopt policies for the establishment of threat assessment
277 teams at each school whose duties include the coordination of
278 resources and assessment and intervention with individuals whose
279 behavior may pose a threat to the safety of school staff or
280 students consistent with s. 1006.13 and the model policies
281 developed by the Office of Safe Schools. Such policies shall
282 include procedures for conducting threat assessments using the
283 instrument developed by the Office of Safe Schools, providing
284 authorized members of the threat assessment team with access to
285 school-level and district-level data and the data provided
286 pursuant to s. 1001.212(6), and making referrals to mental

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287 health services identified by the school district pursuant to s.
288 1012.584(4), when appropriate.

289 (a) A threat assessment team shall include persons with
290 expertise in counseling, instruction, school administration, and
291 law enforcement. The threat assessment teams shall identify
292 members of the school community to whom threatening behavior
293 should be reported and provide guidance to students, faculty,
294 and staff regarding recognition of threatening or aberrant
295 behavior that may represent a threat to the community, school,
296 or self.

297 (b) Upon a preliminary determination that a student poses
298 a threat of violence or physical harm to himself or herself or
299 others, a threat assessment team shall immediately report its
300 determination to the superintendent or his or her designee. The
301 superintendent or his or her designee shall immediately attempt
302 to notify the student's parent or legal guardian. Nothing in
303 this subsection shall preclude school district personnel from
304 acting immediately to address an imminent threat.

305 (c) Upon a preliminary determination by the threat
306 assessment team that a student poses a threat of violence to
307 himself or herself or others or exhibits significantly
308 disruptive behavior or need for assistance, authorized members
309 of the threat assessment team may obtain criminal history record
310 information pursuant to s. 985.04(1), ~~as provided in s. 985.047.~~
311 A member of a threat assessment team may not disclose any

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312 criminal history record information obtained pursuant to this
313 section or otherwise use any record of an individual beyond the
314 purpose for which such disclosure was made to the threat
315 assessment team.

316 (d) Notwithstanding any other provision of law, all state
317 and local agencies and programs that provide services to
318 students experiencing or at risk of an emotional disturbance or
319 a mental illness, including the school districts, school
320 personnel, state and local law enforcement agencies, the
321 Department of Juvenile Justice, the Department of Children and
322 Families, the Department of Health, the Agency for Health Care
323 Administration, the Agency for Persons with Disabilities, the
324 Department of Education, the Statewide Guardian Ad Litem Office,
325 and any service or support provider contracting with such
326 agencies, may share with each other records or information that
327 are confidential or exempt from disclosure under chapter 119 if
328 the records or information are reasonably necessary to ensure
329 access to appropriate services for the student or to ensure the
330 safety of the student or others. All such state and local
331 agencies and programs shall communicate, collaborate, and
332 coordinate efforts to serve such students.

333 (e) If an immediate mental health or substance abuse
334 crisis is suspected, school personnel shall follow policies
335 established by the threat assessment team to engage behavioral
336 health crisis resources. Behavioral health crisis resources,

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337 including, but not limited to, mobile crisis teams and school
338 resource officers trained in crisis intervention, shall provide
339 emergency intervention and assessment, make recommendations, and
340 refer the student for appropriate services. Onsite school
341 personnel shall report all such situations and actions taken to
342 the threat assessment team, which shall contact the other
343 agencies involved with the student and any known service
344 providers to share information and coordinate any necessary
345 followup actions. Upon the student's transfer to a different
346 school, the threat assessment team shall verify that any
347 intervention services provided to the student remain in place
348 until the threat assessment team of the receiving school
349 independently determines the need for intervention services.

350 (f) Each threat assessment team established pursuant to
351 this subsection shall report quantitative data on its activities
352 to the Office of Safe Schools in a format prescribed by
353 ~~accordance with guidance from~~ the office.

354 (9) MENTAL HEALTH ASSISTANCE.—Provide mental health
355 assistance to students in accordance with the plan submitted
356 pursuant to s. 1011.62(16). Students referred for mental health
357 assistance must be screened or assessed within 45 days after
358 such referral. School-based interventions must begin within 30
359 days after the screening or assessment and continue until the
360 student receives community-based care, when determined to be in
361 the best interests of the student.

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362 Section 5. Subsection (10) is added to section 1006.09,
363 Florida Statutes, to read:

364 1006.09 Duties of school principal relating to student
365 discipline and school safety.—

366 (10) Each school principal shall designate school
367 personnel who may declare an emergency in response to an
368 incident that threatens school safety and the school personnel
369 who must contact the primary emergency response agency in
370 accordance with the emergency response policy of the school
371 district.

372 Section 6. Subsections (3) and (4) of section 1006.12,
373 Florida Statutes, are renumbered as subsections (2) and (3),
374 respectively, and subsection (1) and present subsection (2) of
375 that section are amended, to read:

376 1006.12 Safe-school officers at each public school.—For the
377 protection and safety of school personnel, property, students,
378 and visitors, each district school board and school district
379 superintendent shall partner with law enforcement agencies to
380 establish or assign one or more safe-school officers at each
381 school facility within the district by implementing any
382 combination of the following options which best meets the needs
383 of the school district:

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

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386 (a) School resource officers shall undergo criminal
387 background checks, drug testing, and a psychological evaluation
388 and be certified law enforcement officers, as defined in s.
389 943.10(1), who are employed by a law enforcement agency as
390 defined in s. 943.10(4) or by a district school board.

391 1. If the officer is employed by the district school
392 board, the district school board is the employing agency for
393 purposes of chapter 943 and must comply with the provisions of
394 that chapter. The officer has and shall exercise the power to
395 make arrests for violations of law on district school board
396 property and to arrest persons, whether on or off such property,
397 who violate any law on such property under the same conditions
398 that deputy sheriffs are authorized to make arrests ~~The powers~~
399 ~~and duties of a law enforcement officer shall continue~~
400 ~~throughout the employee's tenure as a school resource officer.~~

401 2. (b) School resource officers employed by a law
402 enforcement agency shall abide by district school board policies
403 and shall consult with and coordinate activities through the
404 school principal, but shall be responsible to the law
405 enforcement agency in all matters relating to employment,
406 subject to agreements between a district school board and a law
407 enforcement agency. Activities conducted by the school resource
408 officer which are part of the regular instructional program of
409 the school shall be under the direction of the school principal.
410 The powers and duties of a law enforcement officer shall

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411 continue throughout the employee's tenure as a school resource
412 officer.

413 3.(e) School resource officers shall complete mental
414 health crisis intervention training using a curriculum developed
415 by a national organization with expertise in mental health
416 crisis intervention. The training shall improve officers'
417 knowledge and skills as first responders to incidents involving
418 students with emotional disturbance or mental illness, including
419 de-escalation skills to ensure student and officer safety.

420 ~~(2) Commission one or more school safety officers for the~~
421 ~~protection and safety of school personnel, property, and~~
422 ~~students within the school district. The district school~~
423 ~~superintendent may recommend, and the district school board may~~
424 ~~appoint, one or more school safety officers.~~

425 ~~(a) School safety officers shall undergo criminal~~
426 ~~background checks, drug testing, and a psychological evaluation~~
427 ~~and be law enforcement officers, as defined in s. 943.10(1),~~
428 ~~certified under the provisions of chapter 943 and employed by~~
429 ~~either a law enforcement agency or by the district school board.~~
430 ~~If the officer is employed by the district school board, the~~
431 ~~district school board is the employing agency for purposes of~~
432 ~~chapter 943, and must comply with the provisions of that~~
433 ~~chapter.~~

434 ~~(b) A school safety officer has and shall exercise the~~
435 ~~power to make arrests for violations of law on district school~~

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436 ~~board property and to arrest persons, whether on or off such~~
437 ~~property, who violate any law on such property under the same~~
438 ~~conditions that deputy sheriffs are authorized to make arrests.~~
439 ~~A school safety officer has the authority to carry weapons when~~
440 ~~performing his or her official duties.~~

441 (b) (e) A district school board or governing board of a
442 charter school may enter into mutual aid agreements with one or
443 more law enforcement agencies as provided in chapter 23. A
444 school resource ~~safety~~ officer's salary may be paid jointly by
445 the district school board or governing board of the charter
446 school and the law enforcement agency, as mutually agreed to.

447 Section 7. Section 1006.122, Florida Statutes, is created
448 to read:

449 1006.122 School guardian moratorium; impact study.-

450 (1) Before July 1, 2024, a district school board may not
451 employ individuals who exclusively perform classroom duties as
452 classroom teachers as defined in s. 1012.01(2)(a) to serve as
453 school guardians under the Coach Aaron Feis Guardian Program.

454 (2) In the interim, the Department of Education, or an
455 entity designated by the department, shall conduct an evidence
456 based study to examine and understand the impact of the Coach
457 Aaron Feis Guardian Program on school safety and analyze the
458 perception of safety by students, teachers, and faculty.

459 (3) The department shall report the results of the study
460 to the Legislature by January 1, 2024. If, upon evaluating the

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461 results of the study, the Legislature does not enact a general
 462 law specifying a statewide policy regarding the Coach Aaron Feis
 463 Guardian Program, the moratorium prohibiting a district school
 464 board from employing classroom teachers to serve as school
 465 guardians under this section is lifted, effective July 1, 2024.

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

469 Remove lines 2-39 and insert:
 470 An act relating to school safety; amending s.
 471 1001.212, F.S.; revising the duties of the Office of
 472 Safe Schools; amending s. 1002.33, F.S.; requiring
 473 charter schools to be in compliance with certain
 474 provisions relating to school safety; conforming a
 475 cross-reference; amending s. 1003.25, F.S.; providing
 476 requirements for the transfer of certain student
 477 records; amending s. 1006.07, F.S.; revising school
 478 safety specialist duties; revising threat assessment
 479 team duties and procedures; requiring district school
 480 boards to provide certain mental health assistance to
 481 students; providing requirements for such assistance;
 482 amending s. 1006.09, F.S.; requiring school principals
 483 to designate school personnel for specified purposes
 484 relating to responses to emergencies; amending s.
 485 1006.12, F.S.; revising the requirements for school

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486 resource officers in public schools; deleting
487 provisions related to school safety officers; creating
488 s. 1006.122, F.S.; prohibiting school districts from
489 employing specified individuals as school guardians
490 before a specified date; requiring the Department of
491 Education, or an entity designated by the department,
492 to conduct a study examining the Coach Aaron Feis
493 Guardian Program; providing study and department
494 requirements; amending s.

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