



453174

LEGISLATIVE ACTION

Senate

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House

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Floor: NC/2R

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03/10/2020 05:34 PM

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Senator Lee moved the following:

**Senate Amendment (with title amendment)**

Delete lines 135 - 618

and insert:

district school board or charter school has failed to comply  
with the requirements relating to school safety and security,  
the commissioner shall issue a notice of noncompliance to the  
applicable school which identifies each violation, and require  
the school to comply with law within 30 calendar days. If the  
school does not become compliant within 30 days after the  
mailing of the notice, the commissioner shall recommend to the



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12 state board for approval the withholding of specified funds for  
13 the applicable school until the school becomes compliant. A  
14 district school board may not be held responsible for the  
15 failure of a charter school's compliance with school safety  
16 requirements specified in law. The commissioner must facilitate  
17 compliance to the maximum extent provided under law, identify  
18 incidents of noncompliance, and impose or recommend to the State  
19 Board of Education, the Governor, or the Legislature enforcement  
20 and sanctioning actions pursuant to s. 1008.32 and other  
21 authority granted under law.

22 Section 5. Paragraph (e) of subsection (4) of section  
23 1001.20, Florida Statutes, is amended to read:

24 1001.20 Department under direction of state board.—

25 (4) The Department of Education shall establish the  
26 following offices within the Office of the Commissioner of  
27 Education which shall coordinate their activities with all other  
28 divisions and offices:

29 (e) *Office of Inspector General.*—Organized using existing  
30 resources and funds and responsible for promoting  
31 accountability, efficiency, and effectiveness and detecting  
32 fraud and abuse within school districts, the Florida School for  
33 the Deaf and the Blind, and Florida College System institutions  
34 in Florida. If the Commissioner of Education determines that a  
35 district school board, the Board of Trustees for the Florida  
36 School for the Deaf and the Blind, or a Florida College System  
37 institution board of trustees is unwilling or unable to address  
38 substantiated allegations made by any person relating to waste,  
39 fraud, or financial mismanagement within the school district,  
40 the Florida School for the Deaf and the Blind, or the Florida



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41 College System institution, the office shall conduct,  
42 coordinate, or request investigations into such substantiated  
43 allegations. If the Commissioner of Education determines that a  
44 district school board or charter school principal is unwilling  
45 or unable to address substantiated allegations made by any  
46 person relating to compliance with the requirements relating to  
47 school safety and security, the office shall conduct,  
48 coordinate, or request investigations into such substantiated  
49 allegations. The office shall investigate allegations or reports  
50 of possible fraud or abuse against a district school board made  
51 by any member of the Cabinet; the presiding officer of either  
52 house of the Legislature; a chair of a substantive or  
53 appropriations committee with jurisdiction; or a member of the  
54 board for which an investigation is sought. The office shall  
55 have access to all information and personnel necessary to  
56 perform its duties and shall have all of its current powers,  
57 duties, and responsibilities authorized in s. 20.055. The office  
58 may issue and serve subpoenas and subpoenas duces tecum to  
59 compel the attendance of witnesses and the production of  
60 documents, reports, answers, records, accounts, and other data  
61 in any medium. In the event of noncompliance with a subpoena or  
62 a subpoena duces tecum issued under this paragraph, the  
63 inspector general may petition the circuit court of the county  
64 in which the subpoenaed person resides or has his or her  
65 principal place of business for an order requiring the  
66 subpoenaed person to appear and testify and to produce  
67 documents, reports, answers, records, accounts, or other data as  
68 specified in the subpoena or subpoena duces tecum.

69 Section 6. Subsections (14) and (15) of section 1001.212,



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70 Florida Statutes, are renumbered as subsections (15) and (16),  
71 respectively, subsections (2), (6), and (8) are amended, and a  
72 new subsection (14) is added to that section, to read:

73 1001.212 Office of Safe Schools.—There is created in the  
74 Department of Education the Office of Safe Schools. The office  
75 is fully accountable to the Commissioner of Education. The  
76 office shall serve as a central repository for best practices,  
77 training standards, and compliance oversight in all matters  
78 regarding school safety and security, including prevention  
79 efforts, intervention efforts, and emergency preparedness  
80 planning. The office shall:

81 (2) Provide ongoing professional development opportunities  
82 to school district and charter school personnel.

83 (6) Coordinate with the Department of Law Enforcement to  
84 provide a unified search tool, known as the Florida School  
85 Safety Portal, ~~centralized integrated data repository and data~~  
86 ~~analytics resources~~ to improve access to timely, complete, and  
87 accurate information ~~integrating data~~ from, at a minimum, ~~but~~  
88 ~~not limited to~~, the following data sources ~~by August 1, 2019~~:

- 89 (a) Social media Internet posts;  
90 (b) Department of Children and Families;  
91 (c) Department of Law Enforcement;  
92 (d) Department of Juvenile Justice;  
93 (e) Mobile suspicious activity reporting tool known as  
94 FortifyFL;

95 (f) School environmental safety incident reports collected  
96 under subsection (8); and

97 (g) Local law enforcement.  
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99 Data that is exempt or confidential and exempt from public  
100 records requirements retains its exempt or confidential and  
101 exempt status when incorporated into the centralized integrated  
102 data repository. To maintain the confidentiality requirements  
103 attached to the information provided to the centralized  
104 integrated data repository by the various state and local  
105 agencies, data governance and security shall ensure compliance  
106 with all applicable state and federal data privacy requirements  
107 through the use of user authorization and role-based security,  
108 data anonymization and aggregation and auditing capabilities. To  
109 maintain the confidentiality requirements attached to the  
110 information provided to the centralized integrated data  
111 repository by the various state and local agencies, each source  
112 agency providing data to the repository shall be the sole  
113 custodian of the data for the purpose of any request for  
114 inspection or copies thereof under chapter 119. The department  
115 shall only allow access to data from the source agencies in  
116 accordance with rules adopted by the respective source agencies  
117 and the requirements of the Federal Bureau of Investigation  
118 Criminal Justice Information Services security policy, where  
119 applicable.

120 (8) Provide technical assistance to school districts and  
121 charter school governing boards for school environmental safety  
122 incident reporting as required under s. 1006.07(9). The office  
123 shall collect data through school environmental safety incident  
124 reports on incidents involving any person which occur on school  
125 premises, on school transportation, and at off-campus, school-  
126 sponsored events. The office shall review and evaluate school  
127 district reports to ensure compliance with reporting



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128 ~~requirements. Upon notification by the department that a~~  
129 ~~superintendent has failed to comply with the requirements of s.~~  
130 ~~1006.07(9), the district school board shall withhold further~~  
131 ~~payment of his or her salary as authorized under s.~~  
132 ~~1001.42(13)(b) and impose other appropriate sanctions that the~~  
133 ~~commissioner or state board by law may impose.~~

134 (14) Develop, in coordination with the Division of  
135 Emergency Management, other federal, state, and local law  
136 enforcement agencies, fire and rescue agencies, and first  
137 responder agencies, a model family reunification plan for use by  
138 child care facilities, public K-12 schools, and public  
139 postsecondary institutions that are closed or unexpectedly  
140 evacuated due to a natural or manmade disaster.

141 Section 7. Paragraph (c) of subsection (8) of section  
142 1002.33, Florida Statutes, is amended to read:

143 1002.33 Charter schools.—

144 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

145 (c) A charter may be terminated immediately if the sponsor  
146 sets forth in writing the particular facts and circumstances  
147 demonstrating indicating that an immediate and serious danger to  
148 the health, safety, or welfare of the charter school's students  
149 exists, that the immediate and serious danger is likely to  
150 continue, and that an immediate termination of the charter is  
151 necessary. The sponsor's determination is subject to the  
152 procedures set forth in paragraph (b), except that the hearing  
153 may take place after the charter has been terminated. The  
154 sponsor shall notify in writing the charter school's governing  
155 board, the charter school principal, and the department of the  
156 facts and circumstances supporting the emergency termination if



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157 ~~a charter is terminated immediately.~~ The sponsor shall clearly  
158 identify the specific issues that resulted in the immediate  
159 termination and provide evidence of prior notification of issues  
160 resulting in the immediate termination, if applicable ~~when~~  
161 ~~appropriate.~~ Upon receiving written notice from the sponsor, the  
162 charter school's governing board has 10 calendar days to request  
163 a hearing. A requested hearing must be expedited and the final  
164 order must be issued within 60 days after the date of request.  
165 The sponsor shall assume operation of the charter school  
166 throughout the pendency of the hearing under paragraph (b)  
167 unless the continued operation of the charter school would  
168 materially threaten the health, safety, or welfare of the  
169 students. Failure by the sponsor to assume and continue  
170 operation of the charter school shall result in the awarding of  
171 reasonable costs and attorney's fees to the charter school if  
172 the charter school prevails on appeal.

173 Section 8. Paragraph (a) of subsection (4) and paragraph  
174 (a) of subsection (7) of section 1006.07, Florida Statutes, are  
175 amended, and paragraphs (n) and (o) are added to subsection (2)  
176 and paragraph (d) is added to subsection (6) of that section, to  
177 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 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
185 conduct for elementary schools and a code of student conduct for



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186 middle and high schools and distribute the appropriate code to  
187 all teachers, school personnel, students, and parents, at the  
188 beginning of every school year. Each code shall be organized and  
189 written in language that is understandable to students and  
190 parents and shall be discussed at the beginning of every school  
191 year in student classes, school advisory council meetings, and  
192 parent and teacher association or organization meetings. Each  
193 code shall be based on the rules governing student conduct and  
194 discipline adopted by the district school board and shall be  
195 made available in the student handbook or similar publication.  
196 Each code shall include, but is not limited to:

197 (n) Criteria for recommending to law enforcement that a  
198 student who commits a criminal offense be allowed to participate  
199 in a civil citation or similar prearrest diversion program as an  
200 alternative to expulsion or arrest. All civil citation or  
201 similar prearrest diversion programs must comply with s. 985.12.

202 (o) Criteria for assigning a student who commits a petty  
203 act of misconduct, as defined by the district school board  
204 pursuant to s. 1006.13(2)(c), to a school-based intervention  
205 program. A student's participation in a school-based  
206 intervention program may not be entered into the Juvenile  
207 Justice Information System Prevention Web.

208 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

209 (a) Formulate and prescribe policies and procedures, in  
210 consultation with the appropriate public safety agencies, for  
211 emergency drills and for actual emergencies, including, but not  
212 limited to, fires, natural disasters, active shooter and hostage  
213 situations, and bomb threats, for all students and faculty at  
214 all public schools of the district comprised of grades K-12.





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215 Drills for active shooter and hostage situations shall be  
216 conducted in accordance with developmentally appropriate and  
217 age-appropriate procedures at least as often as other emergency  
218 drills. District school board policies shall include commonly  
219 used alarm system responses for specific types of emergencies  
220 and verification by each school that drills have been provided  
221 as required by law and fire protection codes and may provide  
222 accommodations for drills conducted by ESE centers. The  
223 emergency response policy shall identify the individuals  
224 responsible for contacting the primary emergency response agency  
225 and the emergency response agency that is responsible for  
226 notifying the school district for each type of emergency.

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

232 (d) Each district school board and charter school governing  
233 board must adopt, in coordination with local law enforcement  
234 agencies, a family reunification plan to reunite students and  
235 employees with their families in the event that a school is  
236 closed or unexpectedly evacuated due to a natural or manmade  
237 disaster.

238 (7) THREAT ASSESSMENT TEAMS.—Each district school board  
239 shall adopt policies for the establishment of threat assessment  
240 teams at each school whose duties include the coordination of  
241 resources and assessment and intervention with individuals whose  
242 behavior may pose a threat to the safety of school staff or  
243 students consistent with the model policies developed by the



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244 Office of Safe Schools. Such policies must include procedures  
245 for referrals to mental health services identified by the school  
246 district pursuant to s. 1012.584(4), when appropriate, and  
247 procedures for behavioral threat assessments in compliance with  
248 the instrument developed pursuant to s. 1001.212(12).

249 (a) A threat assessment team shall include persons with  
250 expertise in counseling, instruction, school administration, and  
251 law enforcement. Members of the threat assessment team must be  
252 involved in the threat assessment process and final decision.

253 The threat assessment teams shall identify members of the school  
254 community to whom threatening behavior should be reported and  
255 provide guidance to students, faculty, and staff regarding  
256 recognition of threatening or aberrant behavior that may  
257 represent a threat to the community, school, or self. Upon the  
258 availability of the behavioral threat assessment instrument  
259 developed pursuant to s. 1001.212(12), the threat assessment  
260 team shall use that instrument.

261 Section 9. Section 1006.12, Florida Statutes, is amended to  
262 read:

263 1006.12 Safe-school officers at each public school.—For the  
264 protection and safety of school personnel, property, students,  
265 and visitors, each district school board and school district  
266 superintendent shall partner with law enforcement agencies or  
267 security agencies to establish or assign one or more safe-school  
268 officers at each school facility within the district, including  
269 charter schools. A district school board must collaborate with  
270 charter school governing boards to facilitate charter school  
271 access to all safe-school officer options available under this  
272 section. The school district may implement any combination of



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273 the options in subsections (1)-(4) to best meet the needs of the  
274 school district and charter schools.

275 (1) SCHOOL RESOURCE OFFICER.—A school district may  
276 establish school resource officer programs through a cooperative  
277 agreement with law enforcement agencies.

278 (a) School resource officers shall undergo criminal  
279 background checks, drug testing, and a psychological evaluation  
280 and be certified law enforcement officers, as defined in s.  
281 943.10(1), who are employed by a law enforcement agency as  
282 defined in s. 943.10(4). The powers and duties of a law  
283 enforcement officer shall continue throughout the employee's  
284 tenure as a school resource officer.

285 (b) School resource officers shall abide by district school  
286 board policies and shall consult with and coordinate activities  
287 through the school principal, but shall be responsible to the  
288 law enforcement agency in all matters relating to employment,  
289 subject to agreements between a district school board and a law  
290 enforcement agency. Activities conducted by the school resource  
291 officer which are part of the regular instructional program of  
292 the school shall be under the direction of the school principal.

293 ~~(c) Complete mental health crisis intervention training~~  
294 ~~using a curriculum developed by a national organization with~~  
295 ~~expertise in mental health crisis intervention. The training~~  
296 ~~shall improve officers' knowledge and skills as first responders~~  
297 ~~to incidents involving students with emotional disturbance or~~  
298 ~~mental illness, including de-escalation skills to ensure student~~  
299 ~~and officer safety.~~

300 (2) SCHOOL SAFETY OFFICER.—A school district may commission  
301 one or more school safety officers for the protection and safety



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302 of school personnel, property, and students within the school  
303 district. The district school superintendent may recommend, and  
304 the district school board may appoint, one or more school safety  
305 officers.

306 (a) School safety officers shall undergo criminal  
307 background checks, drug testing, and a psychological evaluation  
308 and be law enforcement officers, as defined in s. 943.10(1),  
309 certified under ~~the provisions of~~ chapter 943 and employed by  
310 either a law enforcement agency or by the district school board.  
311 If the officer is employed by the district school board, the  
312 district school board is the employing agency for purposes of  
313 chapter 943, and must comply with ~~the provisions of~~ that  
314 chapter.

315 (b) A school safety officer has and shall exercise the  
316 power to make arrests for violations of law on district school  
317 board property or on property owned or leased by a charter  
318 school under the charter contract, as applicable, and to arrest  
319 persons, whether on or off such property, who violate any law on  
320 such property under the same conditions that deputy sheriffs are  
321 authorized to make arrests. A school safety officer has the  
322 authority to carry weapons when performing his or her official  
323 duties.

324 (c) A district school board may enter into mutual aid  
325 agreements with one or more law enforcement agencies as provided  
326 in chapter 23. A school safety officer's salary may be paid  
327 jointly by the district school board and the law enforcement  
328 agency, as mutually agreed to.

329 (3) SCHOOL GUARDIAN.—At the school district's or the  
330 charter school governing board's discretion, as applicable,



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331 pursuant to s. 30.15, a school district or charter school  
332 governing board may participate in the Coach Aaron Feis Guardian  
333 Program to meet the requirement of establishing a safe-school  
334 officer. The following individuals may serve as a school  
335 guardian, in support of school-sanctioned activities for  
336 purposes of s. 790.115, upon satisfactory completion of the  
337 requirements under s. 30.15(1)(k) and certification by a  
338 sheriff:

339 (a) A school district employee or personnel, as defined  
340 under s. 1012.01, or a charter school employee, as provided  
341 under s. 1002.33(12)(a), who volunteers to serve as a school  
342 guardian in addition to his or her official job duties; or

343 (b) An employee of a school district or a charter school  
344 who is hired for the specific purpose of serving as a school  
345 guardian.

346 (4) SCHOOL SECURITY GUARD.—A school district or charter  
347 school governing board may contract with a security agency as  
348 defined in s. 493.6101(18) to employ as a school security guard  
349 an individual who holds a Class "D" and Class "G" license  
350 pursuant to chapter 493, provided the following training and  
351 contractual conditions are met:

352 (a) An individual who serves as a school security guard,  
353 for purposes of satisfying the requirements of this section,  
354 must:

355 1. Demonstrate completion of 144 hours of required training  
356 pursuant to s. 30.15(1)(k)2.

357 2. Pass a psychological evaluation administered by a  
358 psychologist licensed under chapter 490 and designated by the  
359 Department of Law Enforcement and submit the results of the



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360 evaluation to the sheriff's office, school district, or charter  
361 school governing board, as applicable. The Department of Law  
362 Enforcement is authorized to provide the sheriff's office,  
363 school district, or charter school governing board with mental  
364 health and substance abuse data for compliance with this  
365 paragraph.

366 3. Submit to and pass an initial drug test and subsequent  
367 random drug tests in accordance with the requirements of s.  
368 112.0455 and the sheriff's office, school district, or charter  
369 school governing board, as applicable.

370 4. Successfully complete ongoing training, weapon  
371 inspection, and firearm qualification on at least an annual  
372 basis and provide documentation to the sheriff's office, school  
373 district, or charter school governing board, as applicable.

374 (b) The contract between a security agency and a school  
375 district or a charter school governing board regarding  
376 requirements applicable to school security guards serving in the  
377 capacity of a safe-school officer for purposes of satisfying the  
378 requirements of this section shall define the entity or entities  
379 responsible for training and the responsibilities for  
380 maintaining records relating to training, inspection, and  
381 firearm qualification.

382 (c) School security guards serving in the capacity of a  
383 safe-school officer pursuant to this subsection are in support  
384 of school-sanctioned activities for purposes of s. 790.115, and  
385 must aid in the prevention or abatement of active assailant  
386 incidents on school premises.

387 (5) NOTIFICATION.—The district school superintendent or  
388 charter school administrator ~~school district~~ shall notify the



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389 county sheriff and the Office of Safe Schools immediately after,  
390 but no later than 72 hours after:

391 (a) A safe-school officer is dismissed for misconduct or is  
392 otherwise disciplined.

393 (b) A safe-school officer discharges his or her firearm in  
394 the exercise of the safe-school officer's duties, other than for  
395 training purposes.

396 (6) CRISIS INTERVENTION TRAINING.—Each safe-school officer  
397 must complete mental health crisis intervention training using a  
398 curriculum developed by a national organization with expertise  
399 in mental health crisis intervention. The training shall improve  
400 the officer's knowledge and skills as a first responder to  
401 incidents involving students with emotional disturbance or  
402 mental illness, including de-escalation skills to ensure student  
403 and officer safety.

404 (7) LIMITATIONS.—An individual must satisfy the background  
405 screening, psychological evaluation, and drug test requirements  
406 and be approved by the sheriff before participating in any  
407 training required by s. 30.15(1)(k), which may only be conducted  
408 by a sheriff.

409 (8) ~~(6)~~ EXEMPTION.—Any information that would identify  
410 whether a particular individual has been appointed as a safe-  
411 school officer pursuant to this section held by a law  
412 enforcement agency, school district, or charter school is exempt  
413 from s. 119.07(1) and s. 24(a), Art. I of the State  
414 Constitution. This subsection is subject to the Open Government  
415 Sunset Review Act in accordance with s. 119.15 and shall stand  
416 repealed on October 2, 2023, unless reviewed and saved from  
417 repeal through reenactment by the Legislature.



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419 If a district school board, through its adopted policies,  
420 procedures, or actions, denies a charter school access to any  
421 safe-school officer options pursuant to this section or if the  
422 charter school notifies the school district that it is unable to  
423 obtain a school resource officer or school safety officer on the  
424 same terms and conditions as the school district or that its  
425 employees are unable to complete guardian training in time to  
426 meet the requirements of law, the school district must assign a  
427 school resource officer or school safety officer to the charter  
428 school. Under such circumstances, the charter school's share of  
429 the costs of the school resource officer or school safety  
430 officer may not exceed the safe school allocation funds provided  
431 to the charter school pursuant to s. 1011.62(15) and shall be  
432 retained by the school district.

433 Section 10. Paragraph (d) is added to subsection (4) of  
434 section 1006.13, Florida Statutes, to read:

435 1006.13 Policy of zero tolerance for crime and  
436 victimization.—

437 (4)

438 (d)1. This paragraph may be cited as the "Kaia Rolle Act."

439 2. The agreements must also disclose the procedures adopted  
440 by the sheriff and local police department that must be used by  
441 law enforcement officers before arresting any student 10 years  
442 of age or younger on school grounds.

443 Section 11. Paragraph (a) of subsection (2) of section  
444 1006.1493, Florida Statutes, is amended to read:

445 1006.1493 Florida Safe Schools Assessment Tool.—

446 (2) The FSSAT must help school officials identify threats,





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447 vulnerabilities, and appropriate safety controls for the schools  
448 that they supervise, pursuant to the security risk assessment  
449 requirements of s. 1006.07(6).

450 (a) At a minimum, the FSSAT must address all of the  
451 following components:

- 452 1. School emergency and crisis preparedness planning;
- 453 2. Security, crime, and violence prevention policies and  
454 procedures;
- 455 3. Physical security measures;
- 456 4. Professional development training needs;
- 457 5. An examination of support service roles in school  
458 safety, security, and emergency planning;
- 459 6. School security and school police staffing, operational  
460 practices, and related services;
- 461 7. School and community collaboration on school safety; ~~and~~
- 462 8. Policies and procedures to prepare for and respond to  
463 natural and manmade disasters, including family reunification  
464 plans to reunite students and employees with their families  
465 after a school is closed or unexpectedly evacuated due to such  
466 disasters; and

467 ~~9.8.~~ A return on investment analysis of the recommended  
468 physical security controls.

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

471 And the title is amended as follows:

472 Delete lines 65 - 68

473 and insert:

474 amending s. 1011.62, F.S.;