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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2021	.	
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The Committee on Appropriations (Harrell) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 79 - 196

and insert:

19. A reasonable attempt to notify ~~Immediate notification~~  
~~to~~ a student's parent, guardian, or caregiver before ~~if~~ the  
student is removed from school, school transportation, or a  
school-sponsored activity to be ~~and~~ taken to a receiving  
facility for an involuntary examination pursuant to s. 394.463,  
including and subject to the requirements and exceptions



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11 established under ss. 1002.20(3) and 1002.33(9), as applicable.

12 Section 2. Subsection (4) of section 394.463, Florida  
13 Statutes, is amended to read:

14 394.463 Involuntary examination.—

15 (4) DATA ANALYSIS.—Using data collected under paragraph  
16 (2)(a), the department shall, at a minimum, analyze data on both  
17 the initiation of involuntary examinations of children and the  
18 initiation of involuntary examinations of students who are  
19 removed from a school, identify any patterns or trends and cases  
20 in which involuntary examinations are repeatedly initiated on  
21 the same child or student, study root causes for such patterns,  
22 trends, or repeated involuntary examinations, and make  
23 recommendations to encourage the use of ~~for encouraging~~  
24 alternatives to eliminate ~~and eliminating~~ inappropriate  
25 initiations of such examinations. The department shall submit a  
26 report on its findings and recommendations to the Governor, the  
27 President of the Senate, and the Speaker of the House of  
28 Representatives by November 1 of each odd-numbered ~~odd-numbered~~  
29 year.

30 Section 3. Subsection (7) of section 1001.212, Florida  
31 Statutes, is amended to read:

32 1001.212 Office of Safe Schools.—There is created in the  
33 Department of Education the Office of Safe Schools. The office  
34 is fully accountable to the Commissioner of Education. The  
35 office shall serve as a central repository for best practices,  
36 training standards, and compliance oversight in all matters  
37 regarding school safety and security, including prevention  
38 efforts, intervention efforts, and emergency preparedness  
39 planning. The office shall:



40 (7) Provide data to support the evaluation of mental health  
41 services pursuant to s. 1004.44. Such data must include, for  
42 each school, the number of involuntary examinations as defined  
43 in s. 394.455 which are initiated at the school, on school  
44 transportation, or at a school-sponsored activity and the number  
45 of children for whom an examination is initiated.

46 Section 4. Paragraph (1) of subsection (3) of section  
47 1002.20, Florida Statutes, is amended, and a new subsection (25)  
48 is added to that section, to read:

49 1002.20 K-12 student and parent rights.—Parents of public  
50 school students must receive accurate and timely information  
51 regarding their child's academic progress and must be informed  
52 of ways they can help their child to succeed in school. K-12  
53 students and their parents are afforded numerous statutory  
54 rights including, but not limited to, the following:

55 (3) HEALTH ISSUES.—

56 (1) *Notification of involuntary examinations.*—

57 1. Except as provided in subparagraph 2., the public school  
58 principal or the principal's designee shall make a reasonable  
59 attempt to ~~immediately~~ notify the parent of a student before the  
60 student ~~who~~ is removed from school, school transportation, or a  
61 school-sponsored activity to be ~~and~~ taken to a receiving  
62 facility for an involuntary examination pursuant to s. 394.463.

63 2. The principal or the principal's designee may delay the  
64 required notification for no more than 24 hours after the  
65 student is removed if:

66 a. The principal or the principal's designee deems the  
67 delay to be in the student's best interest and ~~if~~ a report has  
68 been submitted to the central abuse hotline, pursuant to s.



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69 39.201, based upon knowledge or suspicion of abuse, abandonment,  
70 or neglect; or

71 b. The principal or principal's designee reasonably  
72 believes that such delay is necessary to avoid jeopardizing the  
73 health and safety of the student.

74 3. Before a principal or his or her designee contacts a law  
75 enforcement officer, he or she must verify that deescalation de-  
76 escalation strategies have been utilized and outreach to a  
77 mobile response team has been initiated unless the principal or  
78 the principal's designee reasonably believes that any delay in  
79 removing the student will increase the likelihood of harm to the  
80 student or others. This requirement does not supersede the  
81 authority of a law enforcement officer to act under s. 394.463.

82  
83 Each district school board shall develop a policy and procedures  
84 for notification under this paragraph.

85 (25) SAFE SCHOOLS.-

86 (a) School safety and emergency incidents.-Parents of  
87 public school students have a right to timely notification of  
88 threats, unlawful acts, and significant emergencies pursuant to  
89 s. 1006.07(4) and (7).

90 (b) School environmental safety incident reporting.-Parents  
91 of public school students have a right to access school safety  
92 and discipline incidents as reported pursuant to s. 1006.07(9).

93 Section 5. Paragraph (q) of subsection (9) of section  
94 1002.33, Florida Statutes, is amended, and paragraph (r) is  
95 added to that subsection, to read:

96 1002.33 Charter schools.-

97 (9) CHARTER SCHOOL REQUIREMENTS.-



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98           (q)1. The charter school principal or the principal's  
99           designee shall make a reasonable attempt to immediately notify  
100           the parent of a student before the student ~~who~~ is removed from  
101           school, school transportation, or a school-sponsored activity to  
102           be and taken to a receiving facility for an involuntary  
103           examination pursuant to s. 394.463.

104           2. The principal or the principal's designee may delay  
105           notification for no more than 24 hours after the student is  
106           removed if:

107           a. The principal or the principal's designee deems the  
108           delay to be in the student's best interest and ~~if~~ a report has  
109           been submitted to the central abuse hotline, pursuant to s.  
110           39.201, based upon knowledge or suspicion of abuse, abandonment,  
111           or neglect; or

112           b. The principal or the principal's designee reasonably  
113           believes that such delay is necessary to avoid jeopardizing the  
114           health and safety of the student.

115           3. Before a principal or his or her designee contacts a law  
116           enforcement officer, he or she must verify that deescalation ~~de-~~  
117           ~~escalation~~ strategies have been utilized and outreach to a  
118           mobile response team has been initiated unless the principal or  
119           the principal's designee reasonably believes that any delay in  
120           removing the student will increase the likelihood of harm to the  
121           student or others. This requirement does not supersede the  
122           authority of a law enforcement officer to act under s. 394.463.

123  
124           Each charter school governing board shall develop a policy and  
125           procedures for notification under this paragraph.

126           (r)1. Parents of charter school students have a right to



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127 timely notification of threats, unlawful acts, and significant  
128 emergencies pursuant to s. 1006.07(4) and (7).

129 2. Parents of charter school students have a right to  
130 access school safety and discipline incidents as reported  
131 pursuant to s. 1006.07(9).

132 Section 6. Paragraphs (a) and (b) of subsection (4) of  
133 section 1006.07, Florida Statutes, are amended, and paragraphs  
134 (n) and (o) of subsection (2) and subsection (10) are added to  
135 that section, to read:

136 1006.07 District school board duties relating to student  
137 discipline and school safety.—The district school board shall  
138 provide for the proper accounting for all students, for the  
139 attendance and control of students at school, and for proper  
140 attention to health, safety, and other matters relating to the  
141 welfare of students, including:

142 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student  
143 conduct for elementary schools and a code of student conduct for  
144 middle and high schools and distribute the appropriate code to  
145 all teachers, school personnel, students, and parents, at the  
146 beginning of every school year. Each code shall be organized and  
147 written in language that is understandable to students and  
148 parents and shall be discussed at the beginning of every school  
149 year in student classes, school advisory council meetings, and  
150 parent and teacher association or organization meetings. Each  
151 code shall be based on the rules governing student conduct and  
152 discipline adopted by the district school board and shall be  
153 made available in the student handbook or similar publication.  
154 Each code shall include, but is not limited to:

155 (n) Criteria for recommending to law enforcement that a



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156 student who commits a criminal offense be allowed to participate  
157 in a civil citation or similar prearrest diversion program as an  
158 alternative to expulsion or arrest. All civil citation or  
159 similar prearrest diversion programs must comply with s. 985.12.

160 (o) Criteria for assigning a student who commits a petty  
161 act of misconduct, as defined by the district school board  
162 pursuant to s. 1006.13(2)(c), to a school-based intervention  
163 program. If a student's assignment is based on a noncriminal  
164 offense, the student's participation in a school-based  
165 intervention program may not be entered into the Juvenile  
166 Justice Information System Prevention Web.

167 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

168 (a) Formulate and prescribe policies and procedures, in  
169 consultation with the appropriate public safety agencies, for  
170 emergency drills and for actual emergencies, including, but not  
171 limited to, fires, natural disasters, active assailant ~~shooter~~  
172 and hostage situations, and bomb threats, for all students and  
173 faculty at all public schools of the district comprised of  
174 grades K-12. Drills for active assailant ~~shooter~~ and hostage  
175 situations shall be conducted in accordance with developmentally  
176 appropriate and age-appropriate procedures at least as often as  
177 other emergency drills. District school board policies shall  
178 include commonly used alarm system responses for specific types  
179 of emergencies and verification by each school that drills have  
180 been provided as required by law and fire protection codes and  
181 may provide accommodations for drills conducted by exceptional  
182 student education centers. District school boards shall  
183 establish ~~The~~ emergency response and emergency preparedness  
184 policies and procedures that include, but are not limited to,



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185 identifying policy shall identify the individuals responsible  
186 for contacting the primary emergency response agency and the  
187 emergency response agency that is responsible for notifying the  
188 school district for each type of emergency.

189 (b) Provide timely ~~Establish model emergency management and~~  
190 ~~emergency preparedness procedures, including emergency~~  
191 notification to parents of threats pursuant to policies adopted  
192 under subsection (7) and procedures pursuant to paragraph (a),  
193 ~~for~~ the following unlawful acts or significant emergencies that  
194 occur on school grounds, during school transportation, or during  
195 school-sponsored activities ~~life-threatening emergencies:~~

196 1. Weapons possession or use when there is intended harm  
197 toward another person ~~Weapon use~~, hostage, and active assailant  
198 ~~shooter~~ situations. The active assailant ~~shooter~~ situation  
199 training for each school must engage the participation of the  
200 district school safety specialist, threat assessment team  
201 members, faculty, staff, and students and must be conducted by  
202 the law enforcement agency or agencies that are designated as  
203 first responders to the school's campus.

204 2. Murder, homicide, or manslaughter.

205 3. Sex offenses, including rape, sexual assault, or sexual  
206 misconduct with a student by school personnel.

207 ~~2. Hazardous materials or toxic chemical spills.~~

208 ~~4.3.~~ Natural ~~Weather~~ emergencies, including hurricanes,  
209 tornadoes, and severe storms.

210 ~~5.4.~~ Exposure as a result of a manmade emergency.

211  
212 ===== T I T L E A M E N D M E N T =====

213 And the title is amended as follows:





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214 Delete lines 2 - 21  
215 and insert:  
216 An act relating to school safety; amending s.  
217 381.0056, F.S.; revising parent, guardian, or  
218 caregiver notification requirements that must be met  
219 before an involuntary examination of a minor; amending  
220 s. 394.463, F.S.; revising data reporting requirements  
221 for the Department of Children and Families; amending  
222 s. 1001.212, F.S.; revising data reporting  
223 requirements for the Office of Safe Schools; amending  
224 s. 1002.20, F.S.; revising parent and guardian  
225 notification requirements; providing an exception;  
226 providing that parents of public school students have  
227 a right to access school safety and discipline  
228 incidents as reported; amending s. 1002.33, F.S.;  
229 revising parent and guardian notification  
230 requirements; providing an exception; providing that  
231 parents of charter school students have a right to  
232 access school safety and discipline incidents as  
233 reported; amending s. 1006.07, F.S.; requiring codes  
234 of student conduct to include provisions relating to  
235 civil citation or similar prearrest diversion programs  
236 for specified purposes; requiring codes of student  
237 conduct to include provisions relating to the  
238 assignment of students to school-based intervention  
239 programs; prohibiting participation in such programs  
240 from being entered into a specified system under  
241 certain circumstances; authorizing certain procedures  
242 to include accommodations for specified drills;



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243        requiring district school boards to establish certain  
244        emergency response and emergency preparedness policies  
245        and procedures and provide timely notification to  
246        parents following certain unlawful acts or significant  
247        emergencies; creating reporting requirements for  
248        schools