

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 802

INTRODUCER: Senator Gruters and others

SUBJECT: School Safety

DATE: February 27, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Grace</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	<u>Grace</u>	<u>Sadberry</u>	<u>AP</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 802 provides additional safeguards for Florida's students and schools. The bill modifies both state-level oversight of school safety requirements and school district-level emergency response procedures. The bill increases school safety oversight and accountability in the event of noncompliance of school safety requirements by a school district by:

- Requiring the Office of the Inspector General within the Department of Education to investigate credible allegations of school safety and security violations if the district school board is unwilling or unable to address the allegations.
- Providing that the Commissioner of Education must require the district school board to withhold further payment of the superintendent's salary.
- Authorizing the State Board of Education (SBE) to direct the suspension of certain superintendent or school board member salaries.

The bill clarifies requirements for safe-school officers. Specifically, the bill provides that:

- School safety officers may make arrests on charter school property.
- Sworn law enforcement officers serving as school guardians must complete mental health crisis intervention training.
- Only a sheriff may conduct school guardian training.
- Individuals must satisfy screening requirements before participating in guardian training.

The bill expands school safety planning to require:

- The SBE to establish emergency drill policies and procedures.

- Comprehensive participation from all members of a school threat assessment team.
- Law enforcement officers responsible for responding to the school in the event of an emergency to be on campus and directly involved in the execution of emergency drills.
- Each district school board to adopt a family reunification plan to reunite students and employees with their families in the event a school is closed due to an emergency.

The bill does not impact state revenues or state expenditures. *See* Section V. Fiscal Impact Statement.

Except as otherwise specified in the bill, the bill takes effect July 1, 2022.

II. Present Situation:

State-Level Oversight of School Safety Requirements

State Board of Education

The State Board of Education (SBE) is the chief implementing and coordinating body of public education in Florida and is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 public education, except for the state university system. The SBE has authority over the Department of Education (DOE) and is authorized to delegate the SBE's general powers to the Commissioner of Education (commissioner) or the directors of the divisions of the DOE.¹

The SBE may enforce compliance by district school boards and Florida College System (FCS) institution boards of trustees by:

- Reporting to the Legislature that the school district or FCS institution is unwilling or unable to comply with law or state board rule and recommending action to be taken.
- Withholding the transfer of state funds, discretionary grant funds, discretionary lottery funds, or other specified funds until the school district or FCS institution complies with law or rule.
- Declaring the school district or FCS institution ineligible for competitive grants.
- Requiring monthly or periodic reporting related to noncompliance until it is remedied.²

The Commissioner of Education

The commissioner is required to oversee compliance with the safety and security requirements of the Marjory Stoneman Douglas High School Public Safety Act by school districts; district school superintendents; and public schools, including charter schools. The commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend to the SBE, the Governor, or the Legislature enforcement and sanctioning actions.³

Office of Inspector General within the Department of Education

The Inspector General within the DOE is responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the

¹ Section 1001.02, F.S.

² Section 1008.32, F.S.

³ Section 1001.11, F.S.

Deaf and the Blind, and FCS institutions in Florida. If the commissioner determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or an FCS institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, or the FCS institution, the Inspector General must conduct, coordinate, or request investigations into such substantiated allegations. The Inspector General is required to investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought.⁴

The Office of Safe Schools

The Office of Safe Schools (OSS) is a division of the DOE that serves as a central repository for best practices, training standards, and compliance oversight in matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. OSS responsibilities include:

- The establishment of a school security risk assessment tool for use by school districts.
- Duties related to school safety incident reporting and data.
- The development and implementation of a School Safety Specialist Training Program for school safety specialists, which must be based on national and state best practices on school safety and include active shooter training.
- Provision of a centralized integrated data repository and data analytics resources to improve access to timely, complete, and accurate information integrating data from multiple agencies and sources.
- Provision of ongoing professional development opportunities to district school board personnel.⁵

Safe-School Officer Requirement

Florida law requires each district school board and school district superintendent to partner with law enforcement and security agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing one or more safe-school officer options which best meet the needs of the school district and charter schools. These options include:

- Establishing a School Resource Officer (SRO) program through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers who must meet specified screening requirements and also complete mental health crisis intervention training.
- Commissioning one or more school safety officers. School safety officers are certified law enforcement officers with the power of arrest on district school property, who are employed by either a law enforcement agency or by the district school board. School safety officers must undergo the same screening requirements and crisis intervention training as an SRO.
- Participating in the Coach Aaron Feis Guardian Program.

⁴ Section 1001.20, F.S.

⁵ Section 1001.212, F.S.

- Contracting with a security agency to employ as a school security guard an individual who holds a Class “D” and Class “G” license and completes the same training and evaluation requirements as a school guardian.

The school district is required to notify the county sheriff and the OSS immediately, no later than 72 hours, after a safe-school officer:

- Is dismissed for misconduct or is otherwise disciplined.
- Discharges his or her firearm in the exercise of the safe-school officer’s duties, other than for training purposes.

SROs and school safety officers are required to complete mental health crisis intervention training.⁶ Crisis intervention team training is a law enforcement response program designed for first responders who handle crisis calls involving people with mental illness including those with co-occurring substance use disorders. Crisis intervention team training emphasizes a partnership between law enforcement, the mental health and substance abuse treatment system, mental health advocacy groups, and consumers of mental health services and their families.⁷ The Florida Criminal Justice Standards and Training Commission offers to sworn law enforcement officers two free courses in crisis intervention training.⁸ In addition, the Florida Sheriffs Association receives \$800,000 in recurring funds from the Legislature to enhance crisis intervention team training for law enforcement and correctional officers in local sheriff’s offices and police departments.⁹

Coach Aaron Feis Guardian Program (Guardian Program)

The guardian program was established in 2018¹⁰ as an option for school districts to meet the safe-school officer requirements in law.¹¹ Persons certified as school guardians have no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.

A sheriff is required to provide access to a guardian program to aid in the prevention or abatement of active assailant incidents on school premises. If a district school board has voted by a majority to implement a guardian program, the sheriff in that county must establish a guardian program to provide training to school district or charter school employees, either directly or through a contract with another sheriff’s office that has established a guardian program.

The sheriff must certify as school guardians school employees who:

- Hold a valid concealed weapon license.
- Complete a 144-hour training program.
- Pass a psychological evaluation administered by a licensed psychologist.

⁶ Section 1006.12, F.S.

⁷ Florida Sheriffs Association, *Law Enforcement Programs: Crisis Intervention Team Training*, <https://www.flsheriffs.org/law-enforcement-programs/crisis-intervention-team> (last visited Jan. 3, 2022).

⁸ Florida Department of Law Enforcement, *CJST: Active Courses*, <https://www.fdle.state.fl.us/CJSTC/Curriculum/Active-Courses.aspx> (last visited Jan. 3, 2022); *see also* Email, Florida Department of Law Enforcement (Jan. 31, 2020).

⁹ Specific Appropriation 1300, s. 4, ch. 2021-36, L.O.F.

¹⁰ Section 26, ch. 2018-3, L.O.F.

¹¹ Section 1006.12, F.S.

- Submit to and pass an initial drug test and subsequent random drug tests in accordance with law and the sheriff's office.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.¹²

The Legislature appropriated \$6.5 million for the 2021-2022 fiscal year for sheriffs to certify and train school guardians.¹³ As of September 2021, 26 school districts were employing school guardians to satisfy safe-school officer requirements, and an additional 19 districts were employing school guardians as reinforcements for sworn law enforcement officers.¹⁴

School District Requirements Related to School Safety

Emergency Response Policies and Procedures

District school boards must formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active assailant and hostage situations, and bomb threats, for all students and faculty at all district K-12 public schools.

Drills for active assailant and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills. District school board policies must establish emergency response and emergency preparedness policies and procedures, including emergency notification procedures.¹⁵

The Florida Safe Schools Assessment Tool (FSSAT) is required to be used by school officials at each school district and public school site in the state in conducting security assessments and is intended to help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise. The FSSAT is required to address certain components of school safety, such as school emergency and crisis preparedness planning.¹⁶

Threat Assessment Teams

Each district school board must adopt policies for the establishment of threat assessment teams (TATs) at each school. The purpose of TATs is to coordinate resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students. Each TAT must include persons with expertise in counseling, instruction, school administration, and law enforcement.¹⁷ The OSS developed a behavioral threat assessment instrument, the Comprehensive School Threat Assessment Guidelines (CSTAG)¹⁸ to assist TATs

¹² Section 30.15, F.S.

¹³ Specific Appropriation 93, s. 2, ch. 2021-36, L.O.F.

¹⁴ Timothy Hay, Director, Office of Safe Schools, Remarks at the Meeting of the Marjory Stoneman Douglas High School Public Safety Commission (Sept. 27, 2021) (transcript available at https://www.fdoe.state.fl.us/MSDHS/Meetings/2021/September/Documents/09_27_2021-Part-1.aspx, at 15-16).

¹⁵ Section 1006.07(4), F.S.

¹⁶ Section 1006.1493, F.S.

¹⁷ Section 1006.07(7), F.S.

¹⁸ Comprehensive School Threat Assessment Guidelines. Florida Department of Education, *Memo to School District Superintendents and Charter School Administrators Regarding the Standardized Behavioral Threat Assessment Instrument* (Aug. 1, 2019), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8617/DPS-2019-116.pdf>.

in the threat assessment process. The law provides specific requirements for the CSTAG, including that the CSTAG address training for TATs and school administrators.¹⁹

Each TAT must include persons with expertise in counseling, instruction, school administration, and law enforcement. The TAT must identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self.

If an immediate mental health or substance abuse crisis is suspected, school personnel must follow policies established by the TAT to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and SROs trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel are required to report all such situations and actions taken to the TAT, which must contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary follow-up actions. Upon the student's transfer to a different school, the TAT must verify that any intervention services provided to the student remain in place until the TAT of the receiving school independently determines the need for intervention services.²⁰

Juvenile Diversion Programs

Juvenile diversion programs are alternatives to juvenile arrest. A juvenile arrest may be diverted based on comprehensive knowledge of the juvenile's criminal history, prior contacts with law enforcement, and prior program enrollment.²¹ Florida law directs that a civil citation or similar pre-arrest diversion program for misdemeanor offenses be established in each judicial circuit in the state.²²

Florida school districts are required to incorporate into student codes of conduct criteria for:

- Recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest.
- Assigning to a school-based intervention program a student who commits a petty act of misconduct, as defined by the district school board, which are not a threat to school safety. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web (JJIS).²³

Compliance with the community-based diversion programs includes all reporting requirements, including that criminal diversions be entered into JJIS. School districts may still operate their

¹⁹ Section 1001.212(12)(a)6., F.S.

²⁰ Section 1006.07(7), F.S.

²¹ Marjory Stoneman Douglas High School Public Safety Commission (Commission), *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President* (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf> at 131.

²² Section 985.12, F.S.

²³ Section 1006.07(2), F.S.

own “diversion programs” that address non-criminal conduct, such as Student Code of Conduct violations and other misbehavior.²⁴

An audit conducted by the Department of Juvenile Justice in 2019 revealed that 58 school districts were not offering any form of school-based diversion program. Seven school districts were participating in the civil citation or similar prearrest diversion program of the local judicial circuit, and three school districts were operating school-based diversion programs.²⁵

Safety Incident Reporting

Each district school board is required to adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline.²⁶ The School Environmental Safety Incident Reporting System (SESIR) system collects data on incidents related to school safety and discipline that occur on school grounds, school transportation, and off-campus, school-sponsored events.²⁷ The SBE is required to adopt rules establishing the requirements for the SESIR.²⁸

The law requires each school principal to ensure that standardized forms prescribed by SBE rule are used to report data concerning school safety and discipline to the DOE.²⁹ Upon notification by the department that a superintendent has failed to comply with SESIR reporting requirements, the district school board shall withhold further payment of his or her salary and impose other appropriate sanctions that the commissioner or SBE by law may impose.³⁰ A district school board member who is responsible for a violation of the reporting or sanctions requirements applicable to a superintendent is subject to suspension and removal.³¹

Mobile Suspicious Activity Reporting Tool (FortifyFL)

FortifyFL, the mobile suspicious activity reporting tool, is a computer and mobile phone application free to all public and private schools in Florida. District and school-level administrators receive and must respond to tips from FortifyFL. Any tips submitted via FortifyFL are sent to local school district and law enforcement officials until action is taken.³²

The reporting party may provide his or her report anonymously. If the reporting party chooses to disclose his or her identity, it remains confidential and exempt from public records disclosure requirements. Information received through the mobile suspicious activity reporting tool is also exempt.³³

²⁴ Marjory Stoneman Douglas High School Public Safety Commission (Commission), *Report Submitted to the Governor, Speaker of the House of Representatives and Senate President* (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>, at 133.

²⁵ Florida Department of Juvenile Justice, *Statewide Audit of School-Based Diversion Programs* (July 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/Meetings/2019/August/August-14-1015am-Report-on-Statewide-Assessment-DJ.aspx>, at 21-23.

²⁶ Section 1006.07(9), F.S.

²⁷ Florida Department of Education, available at [About SESIR – School Environmental Safety Incident Reporting \(fldoe.org\)](http://www.fdoe.org/About/About-SESIR-School-Environmental-Safety-Incident-Reporting)

²⁸ Section 1006.07(9), F.S.

²⁹ Section 1006.09(6), F.S.

³⁰ Section 1001.212(8), F.S.

³¹ Section 1001.42(13)(b), F.S.

³² Florida Department of Education, *FortifyFL School Safety Awareness Program* (Oct. 26, 2018) available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8397/dps-2018-157.pdf>, at 1-2.

³³ Section 943.082, F.S.

III. Effect of Proposed Changes:

SB 802 provides additional safeguards for Florida's students and schools. The bill modifies both state-level oversight of school safety requirements and school district-level emergency response procedures.

State-Level Oversight of School Safety Requirements

State Board of Education

The bill modifies s. 1008.32, F.S., to provide additional enforcement authority by the State Board of Education (SBE) over district school boards. The bill authorizes the SBE to direct the school district to suspend the salaries of the superintendent, and if the superintendent is appointed, the district school board members, until a school district's noncompliance with school safety requirements that are overseen by the district school board is remedied.

Commissioner of Education

The bill modifies s. 1001.11, F.S., to clarify the Commissioner of Education's (commissioner's) existing authority to oversee compliance with requirements relating to school safety and security by school districts, district school superintendents, and public schools, including charter schools. The bill provides the commissioner with specified enforcement authority. Upon notification from the Office of Safe Schools (OSS) that a district school board has failed to comply with requirements relating to school safety and security, the bill provides that the commissioner must require the district school board to withhold further payment of the superintendent's salary. Upon notification from the OSS that a charter school has failed to comply with requirements relating to school safety, the bill requires the commissioner to facilitate compliance by recommending corrective actions to the district school board.

Office of the Inspector General within the Department of Education

The bill modifies s. 1001.20, F.S., to expand the scope of investigations by the office of the Inspector General (IG) within the Department of Education (DOE). The bill requires the IG to conduct, coordinate, or request investigations into credible allegations made by any person relating to compliance with the requirements relating to school safety and security if the commissioner determines that a district school board is unwilling or unable to address such allegations.

The Office of Safe Schools

The bill modifies s. 1001.212, F.S., to require the OSS develop, in coordination with the Division of Emergency Management and other federal, state, and local law enforcement agencies and first-responder agencies, a model emergency event family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary institutions that are closed or unexpectedly evacuated due to natural or man-made disasters or emergencies. The bill provides that the model plan must be reviewed annually and updated if needed.

The bill also adds requirements for the OSS to:

- Provide ongoing professional development opportunities to charter school personnel in addition to existing requirements to provide training to school district personnel.
- Maintain a current directory of public and private school-based diversion programs and coordinate with the Department of Juvenile Justice and each judicial circuit to monitor and facilitate compliance with the law.

To align the name of the centralized integrated data repository with the functions of the program, the bill renames the centralized integrated data repository as the unified search tool, which is to be known as the “Florida School Safety Portal.”

Safe-School Officer Requirement

The bill modifies s. 1006.12, F.S., relating to safe-school officers, to align requirements among all sworn law enforcement officers serving as safe school officers.

The bill modifies requirements relating to school safety officer authority and training by:

- Clarifying that school safety officers have the power to make arrests on property owned or leased by a charter school in the district.
- Requiring that all safe school officers who are also sworn law enforcement officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve the officer’s knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.
- Clarifying that a district school superintendent or charter school administrator is responsible for notifying the county sheriff and the OSS after certain misconduct committed by a safe-school officer.

Coach Aaron Feis Guardian Program

The bill clarifies requirements related to school guardians. Specifically, the bill clarifies that:

- An individual must satisfy the background screening, psychological evaluation, and drug test requirements and be approved by the sheriff before participating in any school guardian program training.
- Only a sheriff may conduct school guardian program training.

School District Requirements Related to School Safety

Emergency Response Policies and Procedures

The bill modifies s. 1006.07, F.S., to provide for consistent application of emergency drill requirements across all school districts. The Bill requires the SBE to refer to recommendations provided in published reports of the Marjory Stoneman Douglas High School Public Safety Commission (commission), consult with state and local constituencies, and adopt rules establishing minimum requirements for school district policies and procedures related to emergency response and drills. The SBE’s rules must be adopted by August 1, 2023, and must:

- Define, at a minimum, “emergency drill,” “active threat,” and “after-action report.”
- Establish minimum requirements related to the timing, frequency, participation, training, notification, accommodations, and responses to threat situations.

- Specifically address incident type, school level, school type, and student and school characteristics.
- Require all types of emergency drills to be conducted no less frequently than on an annual basis.

The bill requires sheriffs to coordinate with the district school safety specialist to determine the necessary law enforcement officers responsible for responding to a school in the event of an active assailant emergency, and requires the designated law enforcement officers to be physically present on campus and directly involved in the execution of active assailant drills.

To support family reunification following an emergency, the bill requires each district school board and charter school governing board to adopt, in coordination with local law enforcement agencies, a family reunification plan to reunite students and employees with their families in the event that a school is closed or unexpectedly evacuated due to a natural or manmade disaster. This reunification plan must be reviewed annually and updated, as applicable.

The bill also amends s. 1006.1493, F.S., to require that the Florida Safe Schools Assessment Tool (FSSAT) address policies and procedures to prepare for and respond to natural or manmade disasters or emergencies, including plans to reunite students and employees with families after a school is closed or unexpectedly evacuated due to such disasters or emergencies.

Threat Assessment Teams

The bill modifies s. 1006.07, F.S., relating to threat assessment teams (TATs). Specifically, the bill requires that all members of the TAT be involved in the threat assessment process from start to finish, including the determination of the final disposition decision. This change may ensure that all members of the TAT are active participants in the entire threat assessment process.

Mobile Suspicious Activity Reporting Tool (FortifyFL)

The bill modifies s. 943.082, F.S., effective October 1, 2022, to support credible reporting through the FortifyFL application. The bill requires notification to parties reporting through FortifyFL that if, following investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the IP address of the device on which the tip was submitted will be provided to law enforcement agencies, and the reporting party may be subject to criminal penalties for a false report. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report must remain anonymous.

Except as otherwise specified in the bill, the bill takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

An agency analysis has not been provided by the Florida Department of Education. However, the bill is clarifying currently required statutory mandates therefore a fiscal impact to state revenues or expenditures is unlikely. The analysis received from the Florida Department of Law Enforcement does not indicate a fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.082, 1001.11, 1001.20, 1001.212, 1006.07, 1006.12, 1006.1493, and 1008.32.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
