

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/CS/HB 301 Emergency Response Mapping Data

**SPONSOR(S):** PreK-12 Appropriations Subcommittee, Choice & Innovation Subcommittee, Alvarez and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** CS/SB 212

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**FINAL HOUSE FLOOR ACTION:** 116 Y's

0 N's

**GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/CS/HB 301 passed the House on April 20, 2023, and subsequently passed the Senate on April 26, 2023.

To assist local first responders in responding to emergencies in public schools, the bill requires the Department of Education (DOE) to create a School Mapping Data Grant Program through which public schools, including charter schools, can apply to receive funds for mapping each school in the district.

The bill does not require school districts to use emergency response mapping data. However, should a school district elect to do so, the district could procure a vendor, in consultation with local law enforcement and public safety agencies, to provide such data and apply for funding through the School Mapping Data Grant Program.

The bill specifies minimum requirements for the data and requires the mapping data to be provided in an electronic or a digital format to assist first responders in responding to emergencies at schools and for conducting required active assailant drills. A vendor selected by a school district under the grant program is responsible for providing the data to the district and local law enforcement and public safety agencies.

The bill appropriates \$14 million to the DOE for the School Mapping Data Grant Program established by this bill. The bill does not appear to have a fiscal impact on local governments.

The bill was approved by the Governor on May 17, 2023, ch. 2023-99, L.O.F., and will become effective on July 1, 2023.

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### Present Situation

#### Background

Lessons learned from school emergencies highlight the importance of preparing school officials and first responders to implement emergency operations plans. By having plans in place to keep students and staff safe, schools play a key role in taking preventative and protective measures to stop an emergency from occurring or reduce the impact of an incident. They provide first aid, notify response partners, and provide instructions before first responders arrive.<sup>1</sup>

Schools also work with their community partners (i.e., governmental organizations that have a responsibility in the school emergency operations plan to provide a cohesive, coordinated response). Community partners include first responders (law enforcement officers, fire officials, and emergency medical services personnel) as well as public and mental health entities.<sup>2</sup>

According to federal guidance,<sup>3</sup> the planning process must include preparing and making available to first responders an up-to-date and well-documented site assessment as well as any other information that would assist them. These materials should include building schematics and photos of both the inside and the outside, and include information about door and window locations, and locks and access controls. Emergency responders should also have advance information on where students, staff, and others with disabilities as well as those with access and functional needs are likely to be sheltering or escaping, generally in physically accessible locations, along accessible routes, or in specific classrooms.<sup>4</sup>

State school safety guidance also highlights the importance of ensuring that first responders understand the layout of school facilities. In a 2019 report on school safety, the Marjory Stoneman Douglas High School Public Safety Commission recommended that schools quickly, with little to no funding required:<sup>5</sup>

- Ensure all campus doors and buildings are clearly marked with easily identifiable markings known to first responders.
- Mark exterior classroom windows so first responders can identify classrooms from the exterior of the building.
- Place building numbers on the roof for aerial support.
- Provide keys/access to on duty law enforcement so they can quickly enter the school.

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<sup>1</sup> U.S. Department of Education, Office of Elementary and Secondary Education, Office of Safe and Healthy Students, *Guide for Developing High-Quality School Emergency Operations Plans* (2013), at 7, available at <https://www.fema.gov/sites/default/files/2020-07/guide-developing-school-emergency-operations-plans.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> The federal agencies collaborating on the guidance include the Federal Bureau of Investigation, the Federal Emergency Management Agency, and the U.S. Departments of Education, Health and Human Services, Homeland Security, and Justice. *Id.* at 3.

<sup>4</sup> *Id.* at 64.

<sup>5</sup> Marjory Stoneman Douglas Public High School Safety Commission, *Initial Report* (Jan. 2019), at 364, available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>.

## State-Level Support

### *Comprehensive Emergency Management Plan*

For the 3,697 public schools in Florida,<sup>6</sup> emergency management is a collaborative process that includes the Division of Emergency Management (DEM), the Department of Education (DOE), local governments and first responders, and district school boards.

The DEM is required to prepare a state comprehensive emergency management plan (CEMP).<sup>7</sup> The CEMP serves as the master operations document for Florida and is the framework through which the state handles emergencies and disasters.<sup>8</sup>

Each county, or with approval from the Governor, a group of two or more adjoining counties, is required to establish and maintain an emergency management agency and develop a county emergency management plan and program that is coordinated and consistent with the CEMP.<sup>9</sup>

During a declared state or local emergency and upon the request of the director of the local emergency management agency, the district school board or school boards in the affected area are required to participate in emergency management by providing facilities and necessary personnel to staff such facilities.<sup>10</sup>

### *Department of Education Responsibilities*

When the needs of disaster survivors exceed local government capabilities,<sup>11</sup> the DOE is tasked under the CEMP, in relevant part, to:<sup>12</sup>

- Coordinate, when necessary during emergency activations, the use of educational facilities, campuses and equipment by federal and state agencies, local school districts and colleges.
- Serve as the primary liaison in coordinating all phases of an emergency response from pre-disaster planning through post disaster recovery of educational facilities.
- Facilitate the coordination and implementation of an emergency communication network with the State Emergency Response Team and the public education school districts and colleges.
- Be prepared to provide trained personnel to other emergency response agencies upon activation of the State Emergency Operations Center.

The Commissioner of Education (commissioner) oversees and enforces compliance with the requirements relating to school safety and security by district school boards, 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 State Board of Education, the Governor, or the Legislature enforcement and sanctioning actions.<sup>13</sup>

### *Office of Safe Schools Responsibilities*

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<sup>6</sup> As of August 2021, there were 3,697 public schools in Florida. Florida Department of Education, *PK-12 Public School Data Publications and Reports: 2021-22 Public School Files*, available at <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/school/index.shtml> (Excel file “Number of Elementary, Middle/Junior High, High, and Combination Schools, K-12 General Education, by District”).

<sup>7</sup> Section 252.35(2), F.S.

<sup>8</sup> *Id.* Florida Division of Emergency Management, *2020 Comprehensive Emergency Management Plan*, available at <https://www.floridadisaster.org/globalassets/cemp/2020-CEMP/2020-state-CEMP.pdf>.

<sup>9</sup> Section 252.38(1)(a), F.S.

<sup>10</sup> Section 252.38(1)(d), F.S.

<sup>11</sup> Florida Division of Emergency Management, *2020 Comprehensive Emergency Management Plan*, at 92, available at <https://www.floridadisaster.org/globalassets/cemp/2020-CEMP/2020-state-CEMP.pdf>.

<sup>12</sup> *Id.* at 101.

<sup>13</sup> Section 1001.11(9), F.S.

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. The OSS responsibilities include, in relevant part:<sup>14</sup>

- The establishment of the school security risk assessment tool for use by school districts.
- The development of 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 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 ongoing professional development opportunities to school district and charter school personnel.

### 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. District school board policies must establish emergency response and emergency preparedness policies and procedures, including emergency notification procedures.<sup>15</sup> In 2022, the Legislature required that law enforcement officers responsible for responding to a school in the event of an active assailant must be physically present on campus and actively involved in the execution of active assailant drills.<sup>16</sup>

Each district school board must employ a school safety specialist to serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.<sup>17</sup> The school safety specialist must also conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool (FSSAT).<sup>18</sup>

The 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.<sup>19</sup>

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<sup>14</sup> Section 1001.212, F.S.

<sup>15</sup> Section 1006.07(4), F.S.

<sup>16</sup> Section 1006.07(4)(a), F.S.

<sup>17</sup> Section 1006.07(6)(a), F.S.

<sup>18</sup> Section 1006.07(6)(a)4., F.S.

<sup>19</sup> Section 1006.1493, F.S.

## *Required Floor Plan Sharing with Law Enforcement*

Each district school superintendent must provide to the law enforcement agency and fire department that has jurisdiction over each educational facility a copy of the floor plans and other relevant documents for each educational facility in the district.<sup>20</sup> After the initial submission of the floor plans and other relevant documents, the superintendent must submit, by October 1 of each year, revised floor plans and other relevant documents for each educational facility in the district that was modified during the preceding year.<sup>21</sup>

## Trends in Emergency Response Mapping Data in Schools

At least 24 states are actively investing in digital maps, according to Critical Response Group, Inc., the country's largest school-mapping contractor.<sup>22</sup> An initial digital or critical incident map by a third-party contractor can cost between roughly \$3,500 and \$5,000 per school.<sup>23</sup>

### *Virginia*

In Virginia, as part of required safety audits, each school board must create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate.<sup>24</sup> In 2022, the Virginia Department of Criminal Justice Services announced it will reimburse each district school board up to \$3,500 for each school that collaborates with local first responder partners and chooses an approved vendor to provide digital mapping services for the school.<sup>25</sup>

### *New Jersey*

Under a bill passed in New Jersey in 2022, public and private schools are required to submit to local law enforcement authorities digital mapping data of school facilities.<sup>26</sup> The state has allocated \$6.5 million in funding from the American Rescue Plan Act of 2021<sup>27</sup> to cover digital mapping for the 1,500 public and private schools that do not have digital maps.<sup>28</sup>

### *Washington*

The Washington Legislature has appropriated \$24 million to map schools and cover operational costs of the school mapping system since 2003, when it directed the Washington Association of Sheriffs and Police Chiefs to create a statewide first responder mapping system for schools and other public buildings.<sup>29</sup> Currently, school districts update the information at their own expense. Among districts and agencies that report using the system, 33 to 53 percent intend to use it during an incident. Following a

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<sup>20</sup> Section 1013.13(1), F.S. "Educational facility" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards. Section 1013.01(6), F.S.

<sup>21</sup> Section 1013.13(1), F.S.

<sup>22</sup> Pew, *After Uvalde, States Look to New Digital Maps to Keep Schools Safe* (Oct. 2022), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/10/18/after-uvalde-states-look-to-new-digital-maps-to-keep-schools-safe> (last visited Apr. 26, 2023).

<sup>23</sup> *Id.*

<sup>24</sup> VA. CODE ANN. § 22.1-279.8.

<sup>25</sup> Virginia Department of Criminal Justice Services, *Digital Mapping Program for Virginia K-12 Schools*, <https://www.dcjs.virginia.gov/digital-mapping-program-virginia-k-12-schools> (last visited Apr. 26, 2023).

<sup>26</sup> New Jersey Legislature, *S2426* (Session 2022-2023), <https://www.njleg.state.nj.us/bill-search/2022/S2426> (last visited Apr. 26, 2023).

<sup>27</sup> Pub. L. No. 117-2, 135 Stat. 1517 (Mar. 11, 2021).

<sup>28</sup> State of New Jersey Governor Phil Murphy, *Governor Murphy Unveils Statewide School Security Initiative* (Aug. 2022), <https://www.nj.gov/governor/news/news/562022/20220830a.shtml> (last visited Apr. 26, 2023).

<sup>29</sup> Washington Joint Legislative Audit & Review Committee, *20-02 Final Report: First Responder Mapping System in K-12 Schools* (June 2020), [https://leg.wa.gov/jlarc/reports/2020/mapping/f\\_3/default.html](https://leg.wa.gov/jlarc/reports/2020/mapping/f_3/default.html) (last visited Apr. 26, 2023).

review of the status of the system in schools, the Joint Legislative Audit and Review Committee recommended that the Washington Association of Sheriffs and Police Chiefs should:<sup>30</sup>

- Develop and implement detailed training and outreach strategies that have measurable goals and targets.
- Periodically review technology standards, address user feedback about technology issues, and use system data to inform its program management decisions.

### *Wisconsin*

In 2022, the Wisconsin Department of Justice began offering grants of up to \$5,000 per building to district school boards, governing bodies of private schools, public schools, and tribal schools to submit to law enforcement a digital blueprint of a school that can be easily accessed by law enforcement on cell phones or other devices during a critical incident and provide a clear layout of a school for law enforcement when a quick response is necessary. A total of \$2 million is available in grant funding.<sup>31</sup>

### *Michigan*

The Michigan Legislature appropriated \$12.5 million<sup>32</sup> to districts, intermediate districts, and nonpublic schools for the implementation of critical incidence mapping that:<sup>33</sup>

- Is compatible with platforms and applications used by local, state, and federal public safety officials.
- Does not require the purchase of additional software for use.
- Is provided in a printable format.
- Is verified for accuracy through a walk-through of a school building and school grounds.
- Is oriented true north.
- Includes accurate floor plans overlaid on or current aerial imagery of a school building or school plan.
- Includes site-specific labeling that matches the structure of the school building, including room labels, hallway names, external door or stairwell numbers, locations of hazards, key utility locations, key boxes, automated external defibrillators, and trauma kits.
- Includes site-specific labeling that matches the school grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties.
- Includes a gridded overlay with x/y coordinates.
- Includes information that best assists first responders in an emergency, including, but not limited to, the following information:
  - Building numbers.
  - Floors.
  - Suite designations.
  - Room numbers.
  - Other available relevant location information for each school.

### **Effect of the Bill**

In order to assist local first responders in responding to emergencies in public schools, the bill requires the DOE to create a School Mapping Data Grant Program, which public schools, including charter schools, can apply to receive funds for mapping each school in the district.

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<sup>30</sup> *Id.*

<sup>31</sup> Wisconsin Department of Justice, *DOJ Launches \$2 Million Critical Incident Mapping Data Grant Program* (July 2022), <https://www.doj.state.wi.us/news-releases/doj-launches-2-million-critical-incident-mapping-data-grant-program> (last visited Apr. 26, 2023).

<sup>32</sup> Michigan House Fiscal Agency, *FY 2021-22 Supplemental Appropriations Summary: Enacted Public Act 93 of 2022 (House Bill 6012)*, available at <http://www.legislature.mi.gov/documents/2021-2022/billanalysis/House/pdf/2021-HLA-6012-2F2BB5B1.pdf>.

<sup>33</sup> 2022 Mich. Pub. Acts 93, s. 97d.

The bill does not require school districts to use emergency response mapping data. However, should a school district elect to do so, the district could procure a vendor, in consultation with local law enforcement and public safety agencies, to provide such data and apply for funding through the School Mapping Data Grant Program.

The bill requires the mapping data to be provided in an electronic or a digital format to assist first responders in responding to emergencies at schools. The bill also requires the emergency response mapping data to:

- Be compatible with software platforms used by local, state, and federal public safety agencies that provide emergency services to the specific school for which the data is provided without requiring such agencies to purchase additional software or requiring a fee to view or access the data.
- Be compatible with security software platforms in use by the specific school for which the data is provided without requiring the local law enforcement agencies or school districts to purchase additional software or requiring a fee to view or access the data.
- Be in a printable format and, if requested be in a digital file format, that can be integrated into interactive mobile platforms in use.
- Be verified for accuracy by a walk-through of school buildings and grounds.
- Be oriented true north.
- Be overlaid on current aerial imagery.
- Contain site-specific labeling that matches the structure of school buildings, including room labels, hallway names, and external door or stairwell numbers and locations of hazards, critical utility locations, key boxes, automated external defibrillators, and trauma kits.
- Contain site-specific labeling that matches the school grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties.
- Be overlaid with gridded x and y coordinates.

A vendor selected by a school district under the grant program is responsible for providing the data to the district and local law enforcement and public safety agencies for use in responding to emergencies at schools and for conducting required active assailant drills.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$14 million in nonrecurring funds from the General Revenue Fund to the DOE for the School Mapping Data Grant Program established in the bill.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.