

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 Criminal Justice

BILL: SB 1356

INTRODUCER: Senator Calatayud

SUBJECT: School Safety

DATE: February 5, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1356 authorizes a sheriff to waive certain training requirements for the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program, if a guardian candidate has at least two years of law enforcement experience and held an active law enforcement certificate within the past 5 years.

The bill also requires specific annual instruction to be provided to students regarding FortifyFL and the consequences for making:

- A threat to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person.
- A false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction, or concerning the use of firearms in a violent manner against a person or persons.

Lastly, the bill requires the district school superintendent to notify the postsecondary institution at which a student is dually enrolled within 24 hours of being notified by law enforcement of an alleged delinquent act by a student that would be a felony if committed by an adult.

The bill takes effect July 1, 2024.

II. Present Situation:

Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program

Sheriffs are required to assist district school boards, charter school governing boards, and private schools in exercising options for safe-school officers. A sheriff is required to provide access to a

Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises.¹

A sheriff who establishes a Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program is required to consult with the Department of Law Enforcement on programmatic guiding principles, practices, and resources, and certify as school guardians, school employees who:²

- Hold a license to carry a concealed weapon or concealed firearm.
- Complete a 144-hour training program, consisting of 12 hours of certified nationally recognized diversity training and 132 total hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors.
- Pass a psychological evaluation.
- Submit to and pass an initial drug test and subsequent random drug tests.
- Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.

The required 132 hours of comprehensive firearm safety and proficiency training includes:³

- Eighty hours of firearms instruction based on the Criminal Justice Standards and Training Commission's Law Enforcement Academy training model, which must include at least 10 percent but no more than 20 percent more rounds fired than associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.
- Sixteen hours of instruction in precision pistol.
- Eight hours of discretionary shooting instruction using state-of-the-art simulator exercises.
- Sixteen hours of instruction in active shooter or assailant scenarios.
- Eight hours of instruction in defensive tactics.
- Four hours of instruction in legal issues.

The sheriff who conducts the guardian training is required to issue a school guardian certificate to individuals who meet these requirements and maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian certified by the sheriff.⁴

There are currently 49 counties that are participating in the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program.⁵

Mobile Suspicious Activity Reporting Tool

The mobile suspicious activity reporting tool (FortifyFL) allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or

¹ Section 30.15(1)(k), F.S.

² Section 30.15(1)(k)2., F.S.

³ Section 30.15(1)(k)2.b., F.S.

⁴ Section 30.15(1)(k), F.S.

⁵ Florida Department of Education, *Chris Hixon, Coach Aaron Feis, & Coach Scott Beigel Guardian Program*, <https://www.fldoe.org/safe-schools/guardian-program.stml> (last visited Feb. 1, 2024).

criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.⁶ FortifyFL 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.⁷

District school boards are required to promote the use of the mobile suspicious activity reporting tool by advertising it on the school district website, in newsletters, on school campuses, in school publications, by installing it on all mobile devices issued to students, and by bookmarking the website on all computer devices issued to students.⁸

The reporting tool is required to notify the reporting party that:⁹

- If, following an investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the Internet protocol (IP) address of the device on which the tip was submitted will be provided to law enforcement agencies for further investigation; and
- The reporting party may be subject to criminal penalties for a false report to law enforcement authorities.¹⁰
- In circumstances that do not involve a false tip submitted through FortifyFL, unless the reporting party has chosen to disclose his or her identity, the report remains anonymous.

Specific Crimes Involving Threats or False Reports

Threat to throw, project, place, or discharge any destructive device

It is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person, and any person convicted thereof commits a felony of the second degree.¹¹

False report concerning planting a bomb, an explosive, or a weapon of mass destruction, or concerning the use of firearms in a violent manner

It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction, or concerning the use of firearms in a violent manner against a person or persons. A person who commits such an act commits a felony of the second degree.¹²

When a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement

⁶ Section 943.082(1), F.S.

⁷ Florida Department of Education, *FortifyFL School Safety Awareness Program*, at 1-2 (Oct. 26, 2018) available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8397/dps-2018-157.pdf>.

⁸ Section 943.082(4)(b), F.S.

⁹ Section 943.082(2)(c), F.S.

¹⁰ False reports to law enforcement authorities are addressed in s. 837.05, F.S.

¹¹ Section 790.162, F.S.

¹² Section 790.163(1), F.S.

agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act.¹³

Dual Enrollment Program

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward both a high school diploma and a career certificate or an associate or baccalaureate degree.¹⁴ To be eligible for dual enrollment a student must be enrolled in grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with the requirements specified in law¹⁵ and provides a secondary curriculum pursuant to law. Dual enrollment instruction may be offered on the high school or eligible postsecondary institution campus.¹⁶ Students who meet the eligibility requirement and who participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.¹⁷

III. Effect of Proposed Changes:

The bill modifies s. 30.15, F.S., to authorize a sheriff to waive the training requirements, except for the required instruction in legal issues, for the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program, if a guardian candidate has at least two years of law enforcement experience and held an active law enforcement certificate within the past 5 years.

The bill modifies s. 943.082, F.S., to require each school principal to ensure annual instruction is provided to students on the use of FortifyFL. The instruction must be age and developmentally appropriate and include the consequences for, when school or school personnel's property, school transportation, or a school-sponsored activity is involved, making:

- A threat to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person.
- A false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction, or concerning the use of firearms in a violent manner against a person or persons.

The bill modifies s. 985.04, F.S., to address the reporting of crimes in the case of a child who is alleged to have committed an offense that would have been a felony if committed by an adult. If the child is a dually enrolled student at a postsecondary institution, the bill requires the district school superintendent to notify the postsecondary institution at which the student is dually enrolled within 24 hours of being notified by law enforcement of the delinquent act by the student.

¹³ Section 985.04(4)(a), F.S.

¹⁴ Section 1007.271(1), F.S.

¹⁵ Section 1002.42, F.S.

¹⁶ Eligible postsecondary institutions include career centers under s. 1001.44, F.S., state universities under s. 1000.21(8), F.S., Florida College System institutions under s. 1000.21(5), F.S., and private colleges and universities that are not for profit, are accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confer degrees, pursuant to s. 1011.61(1)(i), F.S.

¹⁷ Section 1007.271, F.S. However, s. 1011.62(1)(i), F.S., specifies that the exemption from tuition and fees does not apply to dual enrollment at an eligible private postsecondary institution.

The bill takes effect July 1, 2024.

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 30.15, 943.082, and 985.04.

IX. Additional Information:

A. **Committee Substitute – Statement of 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.
