

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 Fiscal Policy

BILL: CS/SB 1356

INTRODUCER: Criminal Justice Committee and Senator Calatayud

SUBJECT: School Safety

DATE: February 13, 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>	Fav/CS
3.	<u>Brick</u>	<u>Yeatman</u>	<u>FP</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1356 modifies school safety requirements for public and private schools. The bill:

- Requires schools and sheriffs to report guardian information to the Florida Department of Law Enforcement.
- Establishes a statewide school safety inspection process with regular inspections on a 3-year cycle, reporting, and compliance verification.
- Requires district school boards to adopt a progressive discipline policy for school safety violations.
- Authorizes the Marjory Stoneman Douglas High School Public Safety Commission to research best practices in school safety and update legislative recommendations.
- Requires the Florida Safe Schools Assessment Tool to specifically address best practices for locked access points and safe spaces in schools.
- Provides for criminal penalties against a person who knowingly or willfully operates a drone over a K-12 school or allows a drone to make contact with a school.
- Modifies existing guardian training requirements to require a guardian candidate to receive training to improve the school guardian's knowledge and skills necessary to respond to and de-escalate incidents on school premises.
- Includes, subject to appropriation, grants for local law enforcement to assist private schools with security assessments and threat management programs.
- Enables certification as a guardian without initial training for certain qualified individuals.
- Requires specific annual instruction to be provided to students regarding FortifyFL.

- Requires the district school superintendent to notify the postsecondary institution at which a student is dually enrolled of certain allegations of crimes by the student.

The bill takes effect July 1, 2024.

II. Present Situation:

Marjory Stoneman Douglas High School Public Safety Commission

The Marjory Stoneman Douglas High School Public Safety Commission (commission) was established in 2018 to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, and to develop recommendations for system improvements.¹ The commission is housed within the Florida Department of Law Enforcement.² The commission submitted its initial report to the Governor and the Legislature on January 2, 2019,³ and its second report on November 1, 2019.⁴

Among its various duties, the commission is required to monitor implementation of school safety legislation by:

- Evaluating the activities of the Office of Safe Schools (OSS) to provide guidance to school districts, identifying areas of noncompliance and mechanisms used to achieve compliance.
- Reviewing the findings of the Auditor General regarding school district school safety policies and procedures that need improvement to ensure and demonstrate compliance with state law.
- Reviewing school hardening grant expenditures and evaluating such expenditures based on the report of the School Hardening and Harm Mitigation Workgroup, recommendations of law enforcement agencies, and the return on investment.
- Evaluating the utilization of the centralized integrated data repository by schools and its effectiveness in conducting threat assessments.
- Assessing efforts by local governments to improve communication and coordination among regional emergency communications systems.
- Investigating any failures in incident responses by local law enforcement agencies and school resource officers.
- Investigating any failures in interactions with perpetrators preceding incidents of violence.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:⁶

¹ Section 943.687(3), F.S.

² Section 943.687(1), F.S.

³ Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> (last visited Feb. 3, 2023).

⁴ 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>.

⁵ Section 943.687(3), F.S.

⁶ Section 1006.12, F.S.

- Establishing a School Resource Officer (SRO) program through a cooperative agreement with law enforcement agencies. SROs are certified law enforcement officers and are responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency.
- Commissioning one or more school safety officers. School safety officers are certified law enforcement officers who are employed by either a law enforcement agency or by the district school board.
- Participating in the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program.
- 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.

Additionally, a private school may partner with a law enforcement agency or a security agency to establish or assign one or more safe-school officers.⁷

Safe-school officers who are sworn law enforcement officers are required to complete mental health crisis intervention training. Each safe-school officer who is not a sworn law enforcement officer is required to receive training to improve the officer’s knowledge and skills necessary to respond to and de-escalate incidents on school premises.⁸

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.⁹

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:¹⁰

- 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.

⁷ Section 1006.12(18)(a), F.S.

⁸ Section 1006.12(6), F.S.

⁹ Section 30.15(1)(k), F.S.

¹⁰ Section 30.15(1)(k)2., F.S.

The required 132 hours of comprehensive firearm safety and proficiency training includes:¹¹

- 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.¹²

There are currently 49 counties that are participating in the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program.¹³ The Florida Department of Law Enforcement (FDLE) is not directly involved with the training or tracking of persons appointed as school guardians. The responsibility is assigned to the sheriff's office in each county that certifies school guardians.¹⁴

The Office of Safe Schools

The OSS in the Department of Education (DOE) serves as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning.¹⁵ The OSS, in part, must:

- Establish and update as necessary a school security risk assessment tool¹⁶ for use by school districts and charter schools, and provide annual training on the proper assessment of physical site security and completion of the school security risk assessment tool.
- Provide ongoing professional development opportunities to school district and charter school personnel.
- Provide a coordinated and interdisciplinary approach to providing technical assistance and guidance to school districts on safety and security and recommendations to address findings identified in the school security risk assessment.¹⁷

¹¹ Section 30.15(1)(k)2.b., F.S.

¹² Section 30.15(1)(k), F.S.

¹³ 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).

¹⁴ Florida Department of Law Enforcement, *2024 FDLE Legislative Bill Analysis for HB 1473* (Jan. 29, 2024) at 2.

¹⁵ Section 1001.212, F.S. *See also*: Florida Department of Education, *Office of Safe Schools*, <http://www.fldoe.org/safe-schools/> (last visited February 3, 2023).

¹⁶ Section 1006.1493, F.S., provides guidelines for the Florida Safe Schools Assessment Tool (FSSAT).

¹⁷ Section 1006.07(6)(a)4., F.S., requires a school security risk assessment at each public school using the school security risk assessment tool (FSSAT) developed by the Office of Safe Schools.

- Develop and implement a School Safety Specialist Training Program for school safety specialists.¹⁸ The office must develop the training program based on national and state best practices on school safety and security and must include active shooter training. A school safety specialist certificate of completion must be awarded to a school safety specialist who satisfactorily completes the training.
- Review and provide recommendations on the security risk assessments.
- Monitor compliance with requirements relating to school safety by school districts and public schools.¹⁹
- Provide data to support the evaluation of mental health services.²⁰
- Provide technical assistance to school districts and charter school governing boards for school environmental safety incident reporting.
- Award grants to schools to improve the safety and security of school buildings based on the recommendations of the security risk assessment developed.
- Disseminate, in consultation with the FDLE, to participating schools awareness and education materials on the proper use of the School Safety Awareness Program, including the consequences of knowingly submitting false information.
- Convene a School Hardening and Harm Mitigation Workgroup.²¹
- Develop a standardized, statewide behavioral threat assessment instrument for use by all public schools, including charter schools, which addresses early identification, evaluation, early intervention, and student support.
- Establish the Statewide Threat Assessment Database Workgroup.²²

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. District school board policies must establish emergency response and emergency preparedness policies and procedures, including emergency notification procedures.²³ Law enforcement officers responsible for responding to the school in the event of an active assailant emergency, as determined necessary by the sheriff in

¹⁸ Section 1006.07(6)(a), F.S., requires each district school superintendent to designate a school administrator as a school safety specialist for the district.

¹⁹ Section 1001.212(14), F.S.

²⁰ Section 1001.212(7), F.S., provides such data must include, for each school, the number of involuntary examinations as defined in s. 394.455, F.S., which are initiated at the school, on school transportation, or at a school-sponsored activity and the number of children for whom an examination is initiated.

²¹ Section 1001.212(11), F.S. This subsection will be repealed on June 30, 2023.

²² Section 1001.212(13), F.S., provides that members are appointed by the DOE, to complement the work of the DOE and FDLE associated with the centralized integrated data repository and data analytics resources initiative and make recommendations regarding the development of a statewide threat assessment database. The database must allow authorized public school personnel to enter information related to any threat assessment conducted at their schools using a specified instrument, and must provide such information to authorized personnel in each school district and public school and to appropriate stakeholders.

²³ Section 1006.07(4), F.S.

coordination with the district's school safety specialist, must be physically present on campus and directly involved in the execution of active assailant emergency drills.²⁴

School Safety Specialist

Each district school superintendent is required to designate a school safety specialist for the district. The school safety specialist must be a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office located in the school district. The school safety specialist is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district.²⁵

Each district school safety specialist is required to conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool (FSSAT) and report findings and subsequent school board action to the Office of Safe Schools within 30 days after the district school board meeting.²⁶

Safe Schools Allocation

Each school district receives a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, one-third is required to be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and two-thirds based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.²⁷

Florida Safe Schools Assessment Tool

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.²⁸

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 criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.²⁹ 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

²⁴ Section 1006.07(4), F.S.

²⁵ Section 1006.07(6)(a), F.S.

²⁶ Section 1006.07(6)(a)4., F.S.

²⁷ Section 1011.62(12), F.S.

²⁸ Section 1006.1493, F.S.

²⁹ Section 943.082(1), F.S.

tips from FortifyFL. Any tips submitted via FortifyFL are sent to local school district and law enforcement officials until action is taken.³⁰

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.³¹

The reporting tool is required to notify the reporting party that:³²

- 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.³³
- 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.³⁴

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.³⁵

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 agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act.³⁶

³⁰ 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>.

³¹ Section 943.082(4)(b), F.S.

³² Section 943.082(2)(c), F.S.

³³ False reports to law enforcement authorities are addressed in s. 837.05, F.S.

³⁴ Section 790.162, F.S.

³⁵ Section 790.163(1), F.S.

³⁶ Section 985.04(4)(a), F.S.

Drones

A drone is a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.³⁷

A person commits a second-degree misdemeanor if the person knowingly or willfully:

- Operates a drone over a critical infrastructure facility;³⁸
- Allows a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allows a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.³⁹

A subsequent violation is a first-degree misdemeanor.⁴⁰

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.⁴¹ 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 law⁴² and provides a secondary curriculum pursuant to law. Dual enrollment instruction may be offered on the high school or eligible postsecondary institution campus.⁴³ Students who meet the eligibility requirement and who participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.⁴⁴

³⁷ Section 934.50(2)(a), F.S.

³⁸ A critical infrastructure facility includes secure facilities that are crucial to infrastructure and enumerated in s. 330.41(2)(a), F.S.

³⁹ Section 330.41(4), F.S.

⁴⁰ Section 330.41(4)(b), F.S.

⁴¹ Section 1007.271(1), F.S.

⁴² Section 1002.42, F.S.

⁴³ 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.

⁴⁴ 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.

III. Effect of Proposed Changes:

The bill modifies school safety requirements for public and private schools. The bill:

- Requires schools and sheriffs to report guardian information to the Florida Department of Law Enforcement (FDLE).
- Establishes a statewide school safety inspection process with regular inspections on a 3-year cycle, reporting, and compliance verification.
- Requires district school boards to adopt a progressive discipline policy for school safety violations.
- Authorizes the Marjory Stoneman Douglas High School Public Safety Commission (commission) to research best practices in school safety and update legislative recommendations.
- Requires the Florida Safe Schools Assessment Tool (FSSAT) to specifically address best practices for locked access points and safe spaces in schools.
- Provides for criminal penalties against a person who knowingly or willfully operates a drone over a K-12 school or allows a drone to make contact with a school.
- Modifies existing guardian training requirements to require a guardian candidate to receive training to improve the school guardian's knowledge and skills necessary to respond to and de-escalate incidents on school premises.
- Includes, subject to appropriation, grants for local law enforcement to assist private schools with security assessments and threat management programs.
- Enables certification as a guardian without initial training for certain qualified individuals.
- Requires specific annual instruction to be provided to students regarding FortifyFL.
- Requires the district school superintendent to notify the postsecondary institution at which a student is dually enrolled of certain allegations of crimes by the student.

Marjory Stoneman Douglas High School Public Safety Commission

The bill modifies s. 943.687, F.S., to require the commission to research best practices in school safety and make additional legislative recommendations if necessary.

Safe-School Officer Requirements

The bill amends s. 1006.12, F.S., to require that agreements between a school district and a law enforcement agency for the provision of school resource officers (SRO) in district schools must identify the entity responsible for maintaining records relating to SRO training.

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

The bill modifies s. 30.15, F.S., to clarify that private schools seeking to participate in the guardian program are responsible for costs associated with background screening in addition to costs associated with training. However, the bill authorizes a sheriff to waive training and background screening costs for a private school participating in the school guardian program. Funds provided to the sheriff by the Department of Education (DOE) for the school guardian program may not be used to subsidize any costs that have been waived by the sheriff.

The bill provides that an individual certified and in good standing under the Florida Criminal Justice Standards and Training Commission, and who is otherwise qualified to serve as a guardian, is exempt from the 144-hour training requirement prior to certification as a guardian. The bill authorizes a sheriff to issue a school guardian certificate to such individuals.

The bill requires a school guardian to complete 12 hours of training to improve the guardian's knowledge and skills necessary to respond to and de-escalate incidents on school premises, and deletes a requirement for a school guardian to complete 12 hours of certified nationally recognized diversity training. A conforming change is made in s. 1006.12, F.S.

The bill creates a framework for reporting and maintaining information about school guardians certified by sheriffs or appointed by the employer that employs a certified school guardian to serve as a school guardian, including a district school board, a charter school governing board, a security agency which provides school guardian services, or a private school. Specifically, the bill requires:

- By September 1, 2024, and thereafter within 30 days after certification by the sheriff, each sheriff to report to the FDLE the name, date of birth, and certification date of each school guardian certified by the sheriff.
- By February 1 and September 1 of each year, each employer of an appointed school guardian to report to the FDLE the name, date of birth, and initial and end-of-appointment dates, as applicable, of each appointed or separated school guardian which has not been reported.
- The FDLE to maintain a list of each person appointed as a school guardian and provide the list to any school safety specialist upon request. The list must include the name, certification date, and any appointment or end-of-appointment date of each school guardian, including the name of the employer or last employer of the school guardian. The bill requires the FDLE to remove from the list any person whose training has expired.
- Each sheriff to report on a quarterly basis to the FDLE the schedule for upcoming school guardian trainings, including the dates of the training, the training locations, a contact person to register for the training, and the class capacity.
- The FDLE to publish on its website a list of the upcoming school guardian trainings and update such list quarterly.
- By March 1 and October 1 of each year, the FDLE to notify the DOE of any employer of a school guardian which has not complied with the reporting requirements.

The bill provides that an employer that is out of compliance with the reporting requirements may not operate a school guardian program until the employer comes into compliance by reporting the information for all school guardians the employer has appointed. Similarly, the bill provides that a sheriff who is out of compliance with the reporting requirements may not receive reimbursement from the DOE for school guardian trainings until the sheriff comes into compliance by reporting the information for all school guardians whom the sheriff has certified.

The Office of Safe Schools

The bill modifies s. 1001.212, F.S., to require the Office of Safe Schools (OSS), by August 1, 2024, to develop and adopt a Florida school safety compliance inspection report to document compliance or noncompliance with school safety requirements and adherence to established school safety best practices to evaluate the safety, security, and emergency response of schools.

Upon the adoption of the report and upon any revisions to the report, the OSS is required to provide a blank copy of the report to each district school superintendent and charter school administrator. The bill requires the OSS to annually provide school safety specialists with training on the report, and any revisions thereof, and the expectations associated with the required inspections.

The bill authorizes the OSS to conduct inspections, which may include unannounced inspections, of all public schools, including charter schools. The bill requires the OSS to inspect every public school in this state during 3-year inspection cycles and, within 3 school days after the inspection, provide a copy of the completed Florida school safety compliance inspection report, including any photographs or other evidence of noncompliance, to the superintendent, the school safety specialist, and the school principal or charter school administrator.

The bill requires the school safety specialist to provide the OSS with written notice of the manner in which any noncompliance has been remediated within 5 school days after receipt of the report and the OSS to re-inspect any school with documented deficiencies within 6 months.

The bill requires the OSS to provide a bonus in an amount determined in the General Appropriations Act, at the conclusion of the initial inspection conducted during the school year, to the school principal or charter school administrator of each school that complies with all school safety requirements.

The bill requires the OSS to identify instructional personnel and administrative personnel who knowingly violate school safety requirements to the district school superintendent or charter school administrator, as applicable, for disciplinary action if such action has not already been commenced by the district school superintendent or charter school administrator upon receipt of the Florida school safety compliance inspection report. The district school superintendent or charter school administrator is required by the bill to notify the OSS of the outcome of the disciplinary proceedings within 3 school days after the conclusion of the proceedings.

The bill requires the OSS to maintain a record of any administrative personnel or instructional personnel who violated school safety requirements, and authorizes the use such information when making any subsequent determinations of an alleged violation by the same person.

The bill requires the OSS, by December 1, 2024, to evaluate the methodology for the Safe Schools Allocation and, if necessary, make recommendations for an alternate methodology to distribute the remaining balance of the Safe Schools Allocation to address school safety personnel, technology, and facility cost needs and each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.

Emergency Response Policies and Procedures

The bill amends s. 1006.07, F.S., to require each public school, including charter schools, to maintain a record that is accessible on each campus or by request of the OSS of all current and prior school year drills conducted pursuant to this subsection, including the names of law enforcement personnel present on campus for each active assailant emergency drill.

The bill requires each district school board and charter school governing board to adopt a progressive discipline policy for addressing instructional personnel and any administrative personnel who knowingly violate school safety requirements.

School Safety Specialist

The bill modifies the duties of the district school safety specialist. The bill requires the school safety specialist's review of district policies and procedures to be made annually and in conjunction with the district school superintendent. Additionally, the bill requires the school safety specialist, during the first quarter of every school year, to report to the district school board in a public meeting the number of schools inspected during the preceding calendar year and the number and percentage of schools in compliance during the initial inspection and re-inspection. The bill provides that the school safety specialist's report on school security risk assessment findings to the OSS must be made through the district school superintendent.

Florida Safe Schools Assessment Tool

The bill modifies s. 1006.1493, F.S., to specify that the physical security measures addressed by the FSSAT must include, but are not limited to, security for gates or other access points that restrict ingress to or egress from a school campus, a school facility, and rooms and areas within the facility, and the identification and demarcation of safe spaces.

The bill requires, for the 2024-2025 fiscal year and subject to legislative appropriation, the FDLE to provide grants to sheriffs' offices and law enforcement agencies to:

- Conduct physical site security assessments for and provide reports to private schools with recommendations on improving such schools' infrastructure safety and security;
- Assist private schools in developing active assailant response protocols and develop and implement training relating to active assailant responses, including active assailant response drills for students and school personnel; and
- Consult with or provide guidance to private schools in implementing a threat management program similar to the statewide behavioral threat management operational process for public schools.

The bill requires the FDLE to develop a site security assessment form for use by sheriffs' offices and law enforcement agencies and make the form available, including any subsequent revisions, to private schools. The bill authorizes the grants awarded to be used for personnel costs and to purchase software and other items necessary to assist private schools.

The bill authorizes the FDLE to establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds. Grants are required by the bill to be awarded no later than October 1, 2024.

Mobile Suspicious Activity Reporting Tool

The bill modifies s. 943.082, F.S., to require each district school board and charter school governing board to ensure instruction is provided to students on the use of FortifyFL within the first five days of each school year. 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.

Drones

The bill amends s. 330.41, F.S., to prohibit a person from knowingly or willfully:

- Operating a drone over a public or private school serving students in any grade from voluntary prekindergarten through grade 12; or
- Allowing a drone to make contact with a school, including any person or object on the premises of or within a school facility.

Under the bill, a person who violates such a prohibition commits a second degree misdemeanor for a first violation or a first degree misdemeanor for a second or subsequent violation.

If a person commits a violation and records video of the school, including any person or object on the premises of or within the school facility, the person commits a first degree misdemeanor for a first violation, or a third degree felony for a second or subsequent violation.

The prohibition against operating a drone over a school does not apply to a:

- Person operating a drone with the prior written consent of the school principal, district school board, superintendent, or school governing board; or
- Law enforcement agency that is in compliance with s. 934.50, F.S., or a person under contract with or otherwise acting under the direction of such law enforcement agency.

Dual Enrollment Program

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, or his or her designee, to notify the postsecondary institution at which the student is dually enrolled within 1 business day of being notified by law enforcement of the delinquent act by the student.

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:

The bonuses to school principals for school safety performance are subject to appropriation.

The grants to local law enforcement agencies to assist private schools with school safety improvements are subject to appropriation.

The additional requirements imposed by the bill on the Office of Safe Schools, particularly the required inspections of schools, may have an indeterminate fiscal impact on the Office of Safe Schools.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 30.15, 330.41, 943.082, 943.687, 985.04, 1001.212, 1006.07, 1006.12, and 1006.1493.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on February 6, 2024:

The committee substitute modifies the guardian training program administered by local sheriffs. The committee substitute:

- Modifies existing guardian training requirements to require a guardian candidate to receive training to improve the school guardian’s knowledge and skills necessary to respond to and de-escalate incidents on school premises instead of the required diversity training.
- Specifies that a private school receiving guardian training is responsible for all screening-related costs of the program for the private school.
- Specifies that the reimbursement to a sheriff for specified costs associated with administering the guardian program training to public school employees applies only to public school employees.
- Authorizes a sheriff to waive the training and screening-related costs of a private school for a school guardian program.
- Authorizes a person to be certified as a guardian without the initial training requirements if the person is:
 - Certified and in good standing under the Florida Criminal Justice Standards and Training Commission;
 - Meets the minimum qualifications required for employment as a corrections officer; and
 - Deemed by the sheriff to be otherwise qualified.

The committee substitute creates a framework for local sheriffs and schools to report school guardian information. The committee substitute requires:

- Sheriffs and employers of appointed school guardians to report guardian information to the Florida Department of Law Enforcement (FDLE).
- The FDLE to maintain a list of school guardians and appointment status and remove from the list guardians with expired training.
- The sheriff to quarterly report, and the FDLE to publish, all upcoming guardian trainings and contact information.
- The FDLE to notify the Department of Education (DOE) of any schools that fail to comply with the specific guardian reporting requirements.

The committee substitute establishes a statewide process to verify compliance with school safety requirements. The committee substitute requires the Office of Safe Schools (OSS) to:

- Develop a Florida school safety compliance inspection report and provide training on the form to district safety specialists.
- Inspect all schools on a 3-year cycle.
- Provide inspection results to the superintendent, safety specialist, and principal within 3 school days.
- Re-inspect any deficient school within 6 months.
- Provide a bonus to each school principal with no safety violations.
- Refer personnel for school safety violations to the school board for disciplinary action.
- Maintain a record of personnel who violated school safety requirements to use in subsequent disciplinary determinations.
- Evaluate the methodology for the Safe Schools Allocation and, if necessary, make recommendations for an alternate methodology to distribute the Safe Schools Allocation to address school safety personnel, technology, and facility cost needs and each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.

The committee substitute requires the district school safety specialist to:

- Provide OSS with a plan for remediation of violations in schools within 5 school days of notice.
- Report to the district school board in a public meeting in the first quarter of the school year the number of schools inspected during the preceding calendar year and the number and percentage of schools in compliance during the initial inspection and re-inspection.

The committee substitute requires:

- Each district school board and charter school governing board to adopt a progressive discipline policy for addressing school safety violations.
- The Florida Safe Schools Assessment Tool to address locked door requirements and the identification and demarcation of classroom safe spaces.
- Subject to appropriation, the FDLE to provide grants, awarded by 10/1/24, to sheriffs and law enforcement agencies to conduct security assessments and consultations for private schools and assist in implementing threat management programs and for personnel costs and to purchase software and other items necessary to assist private schools.
- Each school to maintain a record of all drills in the prior and current school year and the law enforcement personnel who were on campus during the drill that is accessible to the Office of Safe Schools.
- The superintendent to notify the OSS of the outcome of disciplinary action for school safety violations within 3 school days after the conclusion of the proceedings.

The committee substitute also:

- Provides broader authority for the MSD Commission to research best school safety practices and make additional legislative recommendations.
- Modifies the provision of the bill that requires superintendents to report allegations of certain crimes by dual enrollment students within 24 hours to authorize the superintendent to appoint a designee and provides one business day instead of 24 hours to provide the notification.
- Modifies the provision of the bill that requires principals to ensure certain instruction on the FortifyFL app occurs to instead require school boards to ensure the instruction occurs within the first 5 days of each school year.
- Provides criminal penalties against a person who knowingly or willfully operates a drone over a K-12 school or allows a drone to make contact with a school. The committee substitute provides exemptions for law enforcement and a person with school board consent.
- Requires agreements between a district school board and a law enforcement agency governing the employment of school resource officers to identify the entity responsible for maintaining records related to training.

B. Amendments:

None.