

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1473 School Safety
SPONSOR(S): Judiciary Committee, Trabulsy and others
TIED BILLS: CS/HB 1509 **IDEN./SIM. BILLS:** CS/SB 1356

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Judiciary Committee	22 Y, 0 N, As CS	Wolff	Kramer
2) Appropriations Committee	23 Y, 0 N	Saag	Pridgeon
3) Education & Employment Committee			

SUMMARY ANALYSIS

CS/HB 1473 clarifies 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 the sheriff providing training for the participating private school to waive costs related to training and background screening. Additionally, the bill provides that an individual certified by the Criminal Justice Standards and Training Commission is exempt from the required school guardian training. The bill implements new reporting requirements related to individuals certified as school guardians and serving as school guardians in school districts, charter schools, and private schools. The Florida Department of Law Enforcement (FDLE) shall serve as the central repository of information regarding certified and appointed guardians.

The bill establishes new perimeter and door safety requirements that school districts and charter school governing boards must comply with by August 1, 2024. These requirements include keeping routes of ingress and egress securely closed and locked when students are on campus, requiring that these routes be actively staffed when open or unlocked, requiring that violations of such perimeter and safety requirements be reported to applicable school official or governing board, and providing disciplinary measures for a school administrator who knowingly violates such requirements.

The bill requires the Office of Safe Schools (OSS), by August 1, 2024, to develop and adopt a Florida school safety compliance inspection report to document compliance with Florida school safety requirements. The bill requires that the OSS triennially conduct unannounced inspections of all public schools, using the safety compliance inspection report. The bill provides for a bonus program for school principals and charter school administrators whose schools are found to be in full compliance with school safety requirements. The bill requires the OSS, by December 1, 2024, to recommend a methodology to distribute the Safe Schools Allocation included in the Florida Education Finance Program based upon the number and severity of incidents in school district School Environmental Safety Incident Reporting (SESIR) and each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.

The bill prohibits a person from operating a drone over a public or private school serving students in any grade from voluntary prekindergarten through grade 12, unless the person was granted permission by school personnel or the drone is operated by a law enforcement agency. A violation is punishable as a second degree misdemeanor for a first offense and a first degree misdemeanor for a second or subsequent offense. The bill provides increased penalties if a person operates a drone over a public or private school and, in doing so, records video of the school, including any person or object on the premises of the school.

The bill creates, subject to appropriation, a grant program to support private schools' school safety efforts. Under the program, the FDLE shall provide competitive grants to sheriff's 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.

The bill has an indeterminate fiscal impact on the OSS and FDLE, as well as local governments. See Fiscal Comments.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

In February 2018, a 19-year old gunman killed 14 students and three staff members at Marjory Stoneman Douglas High School in Parkland, Florida.¹ The staff members killed were athletic director Chris Hixon, assistant football coach Aaron Feis, and teacher and cross-country coach Scott Beigel.² The incident of mass violence was preceded by multiple, repeated interactions between the shooter and law enforcement agencies, social services agencies, and schools, over many years. This history was characterized by a lack of communication and coordination, preventing these many entities from understanding the whole problem and acting to prevent the mass violence incident.

In response, the Legislature created the Marjory Stoneman Douglas High School Public Safety Commission (Commission) within FDLE.³ The Commission is composed of 16 voting members and four nonvoting members. The Governor appointed five voting members to the Commission, including the chair, and the President of the Senate and Speaker of the House of Representatives each appointed five voting members to the Commission. The Secretary of the Department of Children and Families, the Secretary of the Department of Juvenile Justice, the Secretary of the Agency for Health Care Administration, and the Commissioner of Education serve as ex officio, non-voting members of the Commission.⁴ The Commission meets, as necessary, to conduct its work at the call of the chair and at designated times and locations throughout the state.

The Commission published an initial report on its findings and recommendations on January 2, 2019. Many of the recommendations were adopted during the 2019 Legislative Session. The Commission issued its second report on November 1, 2019, and may issue reports annually until it sunsets.⁵

In 2022, the Legislature extended the sunset of the Commission until July 1, 2026, and substantially amended the responsibilities of the Commission.⁶ The Commission must monitor the 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 needing 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 based on school campus tours and the required return on investment analysis component of the Florida Safe Schools Assessment Tool (FSSAT).
- 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.⁷

School Safety Oversight and Compliance

¹ Tonya Alanez, David Fleshler, Stephen Hobbs, Lisa J. Huriash, Paula McMahon, Megan O'Matz and Scott Travis, *Unprepared and Overwhelmed*, South Florida Sun-Sentinel (Dec 28, 2018), <https://projects.sun-sentinel.com/2018/sfl-parkland-school-shooting-critical-moments/> (last visited Feb. 6, 2024).

³ S. 943.687, F.S.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

Background

Florida's Commissioner of Education (commissioner) oversees compliance with school safety and security requirements by school districts, district school superintendents, and public schools, including charter schools.⁸ The commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend enforcement and sanctioning actions to the State Board of Education (SBE), the Governor, or the Legislature.⁹

The Office of Safe Schools (OSS) is fully accountable to the commissioner and 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.¹⁰ The OSS responsibilities include, among other duties, collecting School Environmental Safety Incident Reporting (SESIR) data, providing a School Safety Specialist Training Program, evaluating usage of the standardized, statewide behavioral threat assessment instrument, monitoring compliance with requirements relating to school safety, and reporting incidents of noncompliance to the commissioner and the SBE.¹¹

District school boards and superintendents each have responsibilities related to school safety and security. District school superintendents must designate a school safety specialist who is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district, including conducting and reporting the recommendations from the annual school security risk assessment at each public school using the Florida Safe Schools Assessment Tool (FSSAT).¹² District school boards must adopt policies that guide many aspects of school safety including the establishment of threat management teams (TMT) and emergency procedures and emergency preparation drills. TMTs assess and provide intervention recommendations for individuals whose behavior may pose a threat to the safety of school staff or students.¹³ TMT members must include individuals with expertise in counseling, instruction, school administration, and law enforcement.¹⁴ To conduct its work, a TMT must use the standardized, statewide behavioral threat assessment instrument developed by the OSS¹⁵ and may use the Florida Schools Safety Portal (FSSP) until the OSS operationalizes the statewide threat management portal, which must be in place by August 1, 2025.¹⁶

Emergency drills and procedures are guided by district school boards' policies and procedures, which are formulated in consultation with the appropriate public safety agencies. These policies apply to all students and faculty at all K-12 public schools. Emergencies include fires, natural disasters, active shooter and hostage situations, and bomb threats.¹⁷ Drills for active shooter and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills.¹⁸ The active shooter situation training for each school must engage the participation of the district school safety specialist, the TMT members, faculty, staff, and students, and must be conducted by the law enforcement agency or agencies designated as first responders to the school's campus.¹⁹

In 2020, the Legislature passed HB 23, requiring all public and charter schools to have a mobile panic alert system.²⁰ Known as Alyssa's Law, the bill is named for Alyssa Alhadeff, a Marjory Stoneman Douglas High School student who was one of the 17 people killed during the shooting. The legislation required the DOE to procure a statewide, mobile panic alert system for school districts to facilitate an

⁸ S. 1001.11(9), F.S.

⁹ *Id.*

¹⁰ S. 1001.212, F.S.

¹¹ *Id.*

¹² *Id.*

¹³ S. 1006.07(7), F.S.

¹⁴ S. 1006.07(7)(a), F.S.

¹⁵ *Id.*

¹⁶ S. 1006.07(7)(f), F.S.; S. 1001.212(12)(c), F.S.

¹⁷ S. 1006.07(4)(a), F.S.

¹⁸ *Id.*

¹⁹ S. 1006.07(4)(b)1., F.S.

²⁰ Ch. 2020-145, Laws of Fla.

integrated Enhanced 911 transmission or mobile activation during emergencies on public school campuses. The DOE completed the procurement and selected 11 vendors from which school districts may choose to satisfy this requirement.²¹

In 2021, the Legislature clarified that school districts were required to conduct active assailant drills but may provide accommodations for emergency drills conducted by exceptional student education centers.²²

In 2022, to provide more statewide uniformity in emergency drills at Florida's schools, the Legislature required the SBE to adopt rules governing emergency drills by August 1, 2023, and required such rules be based on recommendations from the Commission and in consultation with state and local constituencies. The rules must require all types of emergency drills be conducted at least once per school year. Additionally, the rules must define "emergency drill," "active threat," and "after-action report" and provide minimum requirements for school district emergency drill policies and procedures by incident type, school level, school type, and student and school characteristics, including timing, frequency, participation, training, notification, accommodations, and response to threat situations.²³

Additionally, law enforcement responsible for responding to schools in the event of an active assailant emergency must be physically present and participate in active assailant emergency drills. School districts must provide notice to the law enforcement officers required to be present at such drills at least 24 hours before the drill.²⁴

Effect of Proposed Changes – School Safety Oversight and Compliance

Perimeter and Door Security Measures

The bill establishes new perimeter and door safety requirements that school districts and charter school governing boards must comply with by August 1, 2024. The bill requires compliance with the following:

- All gates or other access points that restrict ingress to or egress from a school campus shall remain closed and locked when students are on campus. The school safety specialist may determine in writing and notify the OSS that the open and unlocked gate or other access point is not a threat to school safety based upon other school safety measures. The OSS may conduct a compliance visit to review if such determination is appropriate.
- All school classrooms and other instructional spaces must be locked to prevent ingress when occupied by students, except between class periods when students are moving between classrooms or other instructional spaces.
- All campus access doors, gates, and other access points that allow ingress to or egress from a school building shall remain closed and locked at all times to prevent ingress, unless a person is actively entering or exiting the door, gate, or other access point. The school safety specialist may determine in writing and notify the OSS that the open and unlocked gate or other access point is not a threat to school safety based upon other school safety measures. The OSS may conduct a compliance visit to review if such determination is appropriate. All campus access doors, gates, and other access points may be electronically or manually controlled by school personnel to allow access by authorized visitors, students, and school personnel.

In relation to the locking of doors and access points, the bill requires that any time a door or access point is left open or unlocked it must be actively staffed by a person standing or seated at the door.

Additionally, the bill requires that all school classrooms and other instructional spaces must clearly and conspicuously mark the safest areas in each classroom or other instructional space where students must shelter in place during an emergency. Students must be notified of these safe areas within the first 5 days of the school year. If it is not feasible to clearly and conspicuously mark the safest areas in a classroom or other instructional space, the school safety specialist or his or her designee must

²¹ Florida Department of Education, *Alyssa's Alert*, <https://www.fldoe.org/safe-schools/alyssas-alert.stm> (last visited Feb. 6, 2024).

²² Ch. 2021-176, Laws of Fla.

²³ S. 1006.07(4), F.S.

²⁴ *Id.*

document such determination in writing, identify where affected students must shelter in place, and notify the OSS. The OSS shall conduct a compliance inspection of this requirement.

The bill requires any person who becomes aware of a violation of these requirements to report the violation to the school principal. The school principal must report the violation to the school safety specialist no later than the next business day after receiving such report. If the school principal or charter school administrator allegedly violated these requirements, then the report must be made directly to the district school superintendent or charter school governing board, as applicable.

The bill requires that the OSS refer any instructional personnel that knowingly violated the perimeter and door safety requirements to the district school superintendent or charter school administrator for disciplinary action. The superintendent or charter school administrator must notify the OSS of the outcome of the disciplinary proceeding within three school days of the conclusion of the proceedings.

The bill requires that the OSS refer any administrative personnel that knowingly permitted a violation of the perimeter and door safety requirements to the Education Practices Commission. The bill amends s. 1012.795, F.S., to authorize the Education Practices Commission to discipline an administrative certificate holder for a knowing violation of the perimeter and door safety requirements.

The OSS is required to maintain a record of any instructional or administrative personnel that unknowingly violated the perimeter and door safety requirements, and may use such information to inform any future investigation of the individual for a violation of the requirements.

The bill requires that the OSS annually notify all administrative and instructional personnel by electronic mail of the perimeter and door safety requirements.

Unannounced School Inspections

The bill requires the OSS, by August 1, 2024, to develop and adopt a Florida school safety compliance inspection report to document compliance with Florida school safety requirements. The OSS must provide school district superintendents and charter school administrators with a blank copy of the adopted report.

The bill requires that the OSS triennially conduct unannounced inspections of all public schools, including charter schools, using the safety compliance inspection report. Within three school days of the inspection, the OSS must provide a copy of the completed report to the school safety specialist and the school principal or charter school administrator. The school principal or charter school administrator must acknowledge receipt of the report within one school day. If the OSS finds any instance of noncompliance with Florida's school safety laws, the bill requires that a reinspection of the school occur within six months.

Upon a finding of noncompliance with the perimeter and door safety requirements, the bill requires a school principal or charter school administrator to notify the OSS within three school days of receipt of the report how the noncompliance will be remedied.

In addition to the unannounced inspections, the OSS must provide quarterly reports to each district superintendent and school safety specialist identifying the number and percentage of school inspected or re-inspected during the quarter and the number and percentage of schools that had no safety deficiencies.

The bill requires the school safety specialist to present the quarterly OSS report to the district school board in a public meeting. Additionally, during the first quarter of every school year, the school safety specialist shall report to the district school board the number of schools inspected during the preceding calendar year and the number and percentage of schools in compliance with school safety laws during the initial inspection and reinspection.

The bill requires the school safety specialist to conduct annual unannounced inspections of all public schools while school is in session and investigate reports of noncompliance with school safety requirements.

The bill creates a bonus program for school principals and charter school administrators that provides a bonus, as set forth in the General Appropriations Act, if, after the initial unannounced inspection during each triennial period, the OSS report reflects full compliance with Florida's school safety laws.

Emergency Drills

The bill requires each public school to maintain a record that is accessible on each campus or by request of the OSS of all emergency drills conducted, including the names of law enforcement personnel present on campus for each active assailant emergency drill.

School Safety Specialist Duties

The bill improves the communication between the school safety specialist and the district superintendent by requiring the school safety specialist to report to the district school superintendent and school board, at least on a quarterly basis, any noncompliance by the school district with laws or rules relating to school safety. In addition, the bill requires the school safety specialist to report any violations of the perimeter and door safety requirements by administrative personnel or instructional personnel to the district school superintendent or charter school administrator, and to the OSS.

Safe-school Officers

Background

District school boards and school district superintendents are required to partner with law enforcement or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. To assist charter schools with fulfilling this requirement, a district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options.²⁵

A safe-school officer may be a school resource officer, school safety officer, school guardian, or a school security guard. A school district may implement any combination of the following options based upon the needs of the school district and may.²⁶

- **School Resource Officer:** Establish a school resource officer program through a cooperative agreement with law enforcement agencies. A school resource officer is a certified law enforcement officer²⁷ who is employed by a law enforcement agency and is required to undergo criminal background checks, drug testing, and a psychological evaluation.²⁸ School resource officers abide by school board policies and consult with and coordinate activities through the school principal. They are responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a school board and a law enforcement agency. Activities conducted by the school resource officer, which are part of the regular instructional program of the school, are under the principal's direction.²⁹
- **School Safety Officer:** Commission one or more school safety officers as recommended by the district school superintendent and appointed by the district school board. A school safety officer is a certified law enforcement officer who may be employed by a district school board or law enforcement agency and is required to undergo criminal background checks, drug testing, and a psychological evaluation. A school safety officer has and must exercise the power to make arrests for violations of law on school board property or on property owned or leased by a charter school under a charter contract. The officer may also make arrests off school board

²⁵ S. 1006.12, F.S.

²⁶ S. 1006.12(1)-(4), F.S.

²⁷ See s. 943.10(1), F.S.

²⁸ S. 1006.12(1)(a), F.S.

²⁹ S. 1006.12(1)(b), F.S.

property if the law violation occurred on such property and may carry weapons when performing his or her official duties. A school safety officer's salary may be paid jointly by the school board and the law enforcement agency, as mutually agreed.³⁰

- School Guardian: Appoint a school guardian under the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program who is certified by the sheriff after completing a psychological evaluation, drug testing, and specified training, which includes firearm instruction. A guardian may be a school district employee or charter school employee who volunteers to serve as a guardian, in support of school sanctioned activities, in addition to his or her official job duties. A qualifying individual may also be employed specifically as a guardian.³¹ Guardians do not have arrest powers.³²
- School Security Guard: Contract with a security agency to employ a school security guard. A school security guard is an individual who is employed by a security agency and serves on a school facility as a safe-school officer in support of school sanctioned activities. Security guards are required to hold a concealed carry weapon permit and undergo drug testing and a psychological evaluation. An individual serving in this capacity must complete guardian program training, including 144 training hours.³³ A security guard must aid in the prevention or abatement of active assailant incidents on school premises,³⁴ but does not have arrest powers.³⁵

A school district contract with a security agency must define the entity or entities responsible for training and the responsibilities for maintaining records relating to training, inspection, and firearm qualification.³⁶

All safe-school officers are required to receive mental health training. Safe-school officers who are sworn law enforcement officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in the topic. The training must improve the safe-school officers' knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, to include de-escalation skills. Safe-school officers who are not sworn law enforcement officers are required to receive training to improve their knowledge and skills related to incident response and de-escalation.³⁷

A district school superintendent or charter school administrator, or their designee, is required to notify its county sheriff and the OSS within 72 hours after a safe-school officer being dismissed for misconduct, being disciplined, or discharging a firearm in the exercise of duties during a non-training incident.³⁸

The OSS must annually publish certain information about safe-school officers including the total number of officers, officers disciplined or relieved of duty due to misconduct, disciplinary incidents, and incidents in which a safe-school officer discharged his or her firearm outside of a training situation or in the course of duty.³⁹

Florida law exempts from disclosure any information held by a law enforcement agency, school district, or charter school that would identify whether a particular individual has been appointed as a safe-school officer.⁴⁰

³⁰ S. 1006.12(2), F.S.

³¹ S. 1006.12(3), F.S.

³² S. 30.15(1)(k), F.S.

³³ S. 1006.12(4), F.S.

³⁴ S. 1006.12(4)(c), F.S.

³⁵ S. 30.15(1)(k), F.S.

³⁶ S. 1006.12(4)(b), F.S.

³⁷ S. 1006.12(6), F.S.

³⁸ S. 1006.12(5), F.S.

³⁹ S. 1001.212(16), F.S.

⁴⁰ S. 1006.12(8), F.S.

Florida law prohibits a person from falsely impersonating a school guardian and a violation of the prohibition is a third degree felony. In addition, the law prohibits a person from impersonating a law enforcement officer or licensed security officer acting in the capacity of a safe-school officer.⁴¹

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

The Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program (guardian program) authorizes qualified school personnel to serve as an armed guard to aid in the prevention or abatement of active assailant incidents on school premises.⁴²

A school district or charter school employee may serve as a guardian if the individual is appointed by the district school superintendent or charter school principal and is certified by a sheriff. The individual must satisfy the following requirements:

- hold a concealed weapons or concealed firearms License;
- pass a psychological evaluation administered by a licensed psychologist;
- pass an initial drug test and subsequent random drug tests; and
- successfully complete a 144-hour training program that includes at least 12 hours of certified nationally recognized diversity training and 132 total hours of specified, comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors, and ongoing training, weapon inspection, and firearm qualification on at least an annual basis.⁴³

An individual must satisfy the background screening, psychological evaluation, and drug testing requirements prior to participating in the required guardian training. All training for the guardian program must be conducted by a sheriff.⁴⁴

A county sheriff must establish a program if the district school board elects to participate. The sheriff may contract with another county sheriff who has already established a program to provide training. Charter school governing boards may directly request guardian training from the county sheriff even if the school district decides not to participate. Should the sheriff deny the request, the charter school may contract with a county sheriff who is willing to provide the training.⁴⁵

A sheriff who establishes a guardian program may consult with the FDLE on programmatic guiding principles, practices, and resources.⁴⁶

A school guardian has no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident on school premises.⁴⁷ The sheriff who conducts the guardian training must 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.⁴⁸

The guardian training specified in statute is the statewide standard that must be used, however, sheriffs are authorized to supplement such training. A guardian that has received the required training cannot be required to attend the training again unless there has been at least a one-year break in her or his employment as a guardian.⁴⁹

⁴¹ S. 843.08, F.S. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

⁴² S. 30.15(1)(k), F.S.

⁴³ *Id.*

⁴⁴ S. 1006.12(7), F.S.

⁴⁵ S. 30.15(1)(k), F.S.

⁴⁶ S. 943.03(16), F.S.

⁴⁷ S. 30.15(1)(k), F.S.

⁴⁸ *Id.*

⁴⁹ S. 30.15(1)(k)1.d., F.S.

Safe-school Officers in Private Schools

In 2023, the Legislature expanded the guardian program by authorizing private schools to partner with a law enforcement or security agency to establish or assign a safe-school officer to their schools.⁵⁰ The private school is responsible for any costs associated with implementing a safe-school officer, including training under the guardian program.⁵¹ A private school electing to implement a safe-school officer must comply with the same statutory requirements for such officers as school districts and charter schools.⁵²

If the county in which a private school operates does not currently participate in the guardian program, the private school may request the sheriff to initiate a guardian program for the purpose of training private school employees.⁵³ If the local sheriff declines, the private school may contract with a sheriff of a county that has implemented a guardian program to provide the necessary training.⁵⁴ The private school is responsible for notifying the local sheriff prior to entering into such a contract and is responsible for all costs associated with the training of private school employees to serve as guardians.⁵⁵ The sheriff providing guardian training to private school employees is prohibited from comingling funds received for such training with funds received from the state for the purposes of training school district or charter school employees to serve as guardians.⁵⁶

Effect of Proposed Changes – Safe-School Officers

The bill clarifies 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 DOE for the school guardian program may not be used to subsidize any costs that have been waived by the sheriff.

The bill clarifies that the one-time guardian stipend only applies to employees of the school district or charter school serving as guardians.

The bill provides that an individual certified 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 incident on school premises, and deletes a requirement for a school guardian to complete 12 hours of certified nationally recognized diversity training.

The bill requires 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 maintain records relating to SRO training.

The bill requires that a school notify the local sheriff and the OSS within 72 hours when a safe-school officer separates from employment or appointment with the district.

Required Reporting of Certified and Appointed School Guardians

The bill implements new reporting requirements related to individuals certified as school guardians and serving as school guardians in school districts, charter schools, and private schools. Under the bill, the

⁵⁰ S. 2, ch. 2023-18, Laws of Fla.

⁵¹ S. 30.15(1)(k)1.c., F.S.

⁵² S. 1002.42(18), F.S.

⁵³ S. 30.15(1)(k)1.c., F.S.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

FDLE shall serve as the central repository of information regarding certified and appointed school guardians.

The bill requires that each sheriff report to the FDLE, within 30 days of such certification, each individual certified as a school guardian. Each sheriff must also make a one-time report, by September 1, 2024, of every individual previously certified as a school guardian by the sheriff. The required reports must include the name, date of birth, and certification date of the guardian.

Additionally, the bill requires each school district, charter school, and private school participating in the guardian program to report to the FDLE, each February 1 and September 1, the name, date of birth, and appointment date of each individual appointed as a school guardian. The schools must also report the end date of any appointment as a school guardian within 30 days of the end of the appointment. Each participating school must make a one-time report to the FDLE, by September 1, 2024, providing a current list of appointed school guardians that includes, name, date of birth, and appointment date of each guardian.

Using the information from these reports, the FDLE must maintain a list of all individuals appointed as school guardians that includes name, certification date, date of appointment, including the name of the school, information reported by the DOE related to a school guardian discharging their firearms or being subject to discipline, and end date of appointment, if applicable. The FDLE must remove anyone from the list whose required guardian training has expired.

The bill requires that each sheriff report to the FDLE, on a quarterly basis, the schedule for upcoming guardian trainings, including the dates, locations, contact person for registration, and class capacity. The FDLE is required to publish, and update quarterly, the information related to such trainings on its website.

For any sheriff that fails to comply with the above reporting requirements, the bill prohibits the sheriff from receiving reimbursements from the DOE for costs associated with the school guardian program. For any school district, charter school, or private school that fails to comply with the above reporting requirements, the bill prohibits the entity from operating a school guardian program the following school year. Such prohibition is lifted as soon as the sheriff, school district, charter school, or private school complies with reporting requirements. In order for the DOE to be able to enforce these prohibitions, the bill requires the FDLE to report any non-compliance to the DOE by March 1 and October 1, each year.

The bill requires that each school district, charter school, or private school, before employing an individual as a school guardian, must contact the FLDE and review all information maintained by the FDLE related to the individual's school guardian certification and employment as a school guardian. Additionally, the DOE must provide the FDLE with any information relating to a school guardian discharging their firearms or being disciplined.

Incident Reporting and Safe Schools Allocation

Background

Incident Reporting

With respect to school safety, there are a number of tracking and reporting tools managed by the DOE to which school districts are required to report incident information. The OSS monitors school district compliance with SESIR requirements and TMT utilization of the standardized behavioral assessment tool, i.e., the FSSP. The FSSP is available to individual TMT members with specific permissions and the OSS tracks the number of queries.⁵⁷ The FSSP provides a centralized repository to access student records across multiple disciplines including law enforcement and behavioral health care.⁵⁸

⁵⁷ Florida Department of Education, *Department of Education Announces the Florida Schools Safety Portal*, <http://www.fldoe.org/newsroom/latest-news/department-of-education-announces-the-florida-schools-safety-portal.stm> (last visited Feb. 6, 2024).

⁵⁸ S. 1001.212(12), F.S.

The SESIR data is collated by a DOE electronic database to which school districts report on 26 incidents of crime, violence, and disruptive behaviors that occur on school grounds.⁵⁹ The SESIR reporting is required for all public schools.⁶⁰ Each district school board must adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline and the district school superintendent is responsible for reporting such incidents in SESIR.⁶¹ The DOE revised the reporting rule in 2020 to direct how incidents are reported at regular intervals throughout the school year.⁶² Superintendents must annually certify that the school district is in compliance with the SBE rule. Failure to report SESIR data by the survey deadlines can result in forfeiture of the superintendent's salary until the reporting is completed.⁶³ The DOE makes the data available annually through publication of summary excel files on its website,⁶⁴ which are separate from other DOE databases that provide public visibility into school accountability and performance metrics.⁶⁵

School districts must provide emergency notifications for a limited list of life-threatening emergencies that take place on a K-12 public school campus.⁶⁶ Incidents include weapon-use, hostage, and active shooter situations, hazardous materials or toxic chemical spills, weather emergencies, and exposure as a result of manmade emergencies.⁶⁷ For colleges and universities, the Clery Act prescribes a broader list of violent incidents or criminal acts for which notification is required to the "campus community."⁶⁸ Acts that must be reported include criminal offenses,⁶⁹ hate crimes,⁷⁰ Violence Against Women Act offenses,⁷¹ and arrests and referrals for discipline for weapons, drug, or liquor law violations.⁷²

In 2021,⁷³ the Legislature established the parental right to timely notification of school safety and emergency incidents, including certain threats, unlawful acts, and significant emergencies, and the right to access the SESIR data as reported by school districts to the DOE.⁷⁴ The DOE must annually publish the most recently available SESIR data, along with other school accountability and performance data, in a uniform, statewide format that is easy to read and understand.⁷⁵

In response to concerns the SESIR reporting requirements were unclear and not aligned with Florida's criminal statutes regarding criminal offenses being reported by schools, the DOE substantially amended the SESIR reporting rule in January 2023.⁷⁶ The amendment updated a number of definitions, clarified the process for determining when incidents must be referred to law enforcement, and bolstered the annual school district reporting requirements to improve overall data quality.⁷⁷ To address under-reporting of serious crimes due to school district discretion, in 2023, the Legislature authorized the SBE to adopt emergency rules to establish which SESIR incidents must be reported to law enforcement. The SBE must adopt final rules no later than July 1, 2024.⁷⁸

⁵⁹ Florida Department of Education, *Discipline Data*, <http://www.fldoe.org/safe-schools/discipline-data.stml> (last visited Feb. 6, 2024).

⁶⁰ Ss. 1001.212(8) and 1006.07(6), F.S.

⁶¹ S. 1006.07(9), F.S.

⁶² R. 6A-1.0017, F.A.C. The survey periods for submission of data by school districts to the DOE are established in *Full-time Equivalent (FTE) General Instructions 2022-2023*, <https://www.fldoe.org/core/fileparse.php/7508/urlt/2223FTEGenInstruct.pdf> (last visited Feb. 6, 2024).

⁶³ R. 6A-1.0017, F.A.C.

⁶⁴ Florida Department of Education, *Discipline Data*, <http://www.fldoe.org/safe-schools/discipline-data.stml> (last visited Feb. 6, 2024).

⁶⁵ See Florida Department of Education, *Know Your Schools*, <https://edudata.fldoe.org/> (last visited Feb. 6, 2024).

⁶⁶ S. 1006.07(4), F.S.

⁶⁷ *Id.*

⁶⁸ Pub. L. No. 101-152, 104 Stat. 2381 (Nov. 8, 1990).

⁶⁹ *Id.* Criminal offenses include criminal homicide, sexual assault, robbery, burglary, motor vehicle theft, and arson.

⁷⁰ *Id.* Hate crimes can include any of the covered criminal offenses and larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property.

⁷¹ *Id.* Violence Against Women Act offenses include domestic violence, dating violence, and stalking.

⁷² *Id.*

⁷³ Ch. 2021-176, Laws of Fla.

⁷⁴ Ss. 1002.20(25) and 1002.33(9)(r), F.S.

⁷⁵ S. 1006.07(9), F.S.

⁷⁶ R. 6A-1.0017, F.A.C.

⁷⁷ *Id.*

⁷⁸ S. 24, ch. 2023-18, Laws of Fla.

Additionally, school districts must provide timely notice to parents of the following unlawful acts and significant emergency situations on school grounds, school transportation, or school-sponsored activities:

- Weapons possession or use or hostage and active assailant situations.
- Murder, homicide, or manslaughter.
- Sex offenses, including rape, sexual assault, or sexual misconduct with a student by school personnel.
- Aggravated assault or battery.
- Natural emergencies, including hurricanes, tornadoes, and severe weather.
- Exposure as a result of a manmade emergency.⁷⁹

When a child 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.⁸⁰

Safe Schools Allocation

The Safe Schools Allocation is a categorical in the Florida Education Finance Program and provides funding to assist school districts in their compliance with ss. 1006.07-1006.12, F.S., with priority given to safe-school officers. For the 2023-2024 school year, \$250 million is appropriated for this categorical with each district receiving a minimum of \$250,000 and the remaining balance of funds allocated by a formula based on one-third of the recent Florida Crime Index and two-thirds allocated based on each school district’s proportionate share of the state’s total unweighted full-time equivalent student enrollment.⁸¹

The distribution of safe schools funds provided to a school district is contingent upon the district’s compliance with all reporting procedures related to the prevention of bullying and harassment.⁸²

Safe Schools Allocation	
Fiscal Year	Funding Amount
2018-2019 ⁸³	\$ 162 million
2019-2020 ⁸⁴	\$ 180 million
2020-2021 ⁸⁵	\$ 180 million
2021-2022 ⁸⁶	\$ 180 million
2022-2023 ⁸⁷	\$ 210 million
2023-2024 ⁸⁸	\$250 million
	\$ 1.2 billion

Effect of Proposed Changes – Incident Reporting

⁷⁹ S. 1006.07(4)(b), F.S.

⁸⁰ S. 985.04(4)(a), F.S.

⁸¹ Specific Appropriations 5 and 86, ch. 2022-156, Laws of Fla. See S. 1011.62(12), F.S.

⁸² S. 1006.147(7), F.S.

⁸³ S. 42, ch. 2018-3, Laws of Fla. (\$97,500,000); Specific Appropriations 6 and 92, ch. 2018-9, L.O.F. (\$64,456,019)

⁸⁴ Specific Appropriations 6 and 93, ch. 2019-115, Laws of Fla.

⁸⁵ Specific Appropriations 8 and 92, ch. 2020-111, Laws of Fla.

⁸⁶ Specific Appropriations 7 and 90, ch. 2021-36, Laws of Fla.

⁸⁷ Specific Appropriations 5 and 86, ch. 2022-156, Laws of Fla.

⁸⁸ Specific Appropriations 5 and 80, ch. 2023-239, Laws of Fla.

The bill creates, subject to appropriation, a grant program to support private schools' school safety efforts. Under the program, the FDLE shall provide grants to sheriff's 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; and
- consult with or provide guidance to private schools in implementing a threat management program similar to the program required for public schools.

The FDLE must develop a site security assessment form for use by sheriff's offices and law enforcement agencies and provide the form, including any subsequent revisions, to the recipient of funds in conducting the duties outlined in the bill. Grants awarded under this program may be used by sheriff's offices and law enforcement agencies for personnel costs and to purchase software and other items necessary to assist private schools. The FDLE must establish the requirements for awarding such grants through an open, competitive process and must award grants no later than October 1, 2024.

The bill requires the OSS, by December 1, 2024, to recommend a methodology to distribute the safe schools allocation based upon the number and severity of incidents in school district SESIR reporting and each school district's proportionate share of the state's total unweighted FTE student enrollment.

The bill also requires the superintendent, if the student in question was taking dual enrollment courses, to inform the postsecondary institution where the dual enrollment courses were being taken of the alleged delinquent act within 24 hours of receiving such notification.

FortifyFL

Background

The School Safety Awareness Program is a mobile suspicious activity reporting tool known as FortifyFL, which is based upon a recommendation by the students of Marjory Stoneman Douglas High School. The tool allows students and the community to share information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of criminal activities, to the appropriate public safety agencies and school officials.⁸⁹ The information reported using FortifyFL must be promptly forwarded to the appropriate law enforcement agency or school official.⁹⁰ The tool will notify the person reporting the suspicious activity that information may be provided anonymously, but if, following an investigation, it is determined that an individual knowingly submitted a false tip, the Internet Protocol (IP) address of the device from which the tip was submitted will be provided to law enforcement and the individual may be subject to criminal penalties.⁹¹ If the person chooses to identify him or herself, then the identity will be shared with the law enforcement agency and school officials. However, those entities must keep the identify information confidential.⁹²

The FDLE must collaborate with the Division of Victims Services within the Office of the Attorney General and the OSS to develop and provide a comprehensive training and awareness program on the use of FortifyFL.⁹³ Each district school board must promote the use of FortifyFL by advertising it on the school district website, in publications, and on school campuses. FortifyFL must be installed on all mobile devices issued to students and bookmarked in web browsers on all computer devices issued to students.⁹⁴

⁸⁹ S. 943.082(1), F.S.

⁹⁰ S. 943.082(3), F.S.

⁹¹ S. 943.082(2), F.S.

⁹² *Id.*

⁹³ S. 943.082(5), F.S.

⁹⁴ S. 943.082(4)(b), F.S.

Effect of Proposed Changes – FortifyFL

The bill requires each school principal to incorporate use of FortifyFL into the school curriculum at least once per school year. Instruction on FortifyFL must be age and developmentally appropriate and include the consequences for inappropriate use of the system.

Drones

Background

Under Florida law, 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.⁹⁵

In Florida, the authority to regulate the operation of drones is preempted to the state.⁹⁶ Political subdivisions may not enforce ordinances or resolutions impacting the design, manufacture, testing, maintenance, licensing, registration, certification, or operation of a drone.⁹⁷ However, political subdivisions may enact or enforce ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of drones if such laws or ordinances are not specifically related to the use of a drones for those illegal acts.⁹⁸

A person may not knowingly or willfully:

- operate a drone over a critical infrastructure facility;
- allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- allow a drone to come close enough to a critical infrastructure facility as to interfere with the operations of or cause a disturbance to the facility.⁹⁹

A person who violates this prohibition commits a second degree misdemeanor.¹⁰⁰ A second or subsequent violation is a first degree misdemeanor.¹⁰¹

The prohibition against operating a drone over a critical infrastructure facility does not apply to:

- a federal, state, or other governmental entity, or a person under contract or otherwise acting under the direction of a federal, state, or other governmental entity;
- a law enforcement agency that is in compliance with s. 934.50, F.S.,¹⁰² or a person under contract with or otherwise acting under the direction of such law enforcement agency; or
- an owner, operator, or occupant of the critical infrastructure facility, or a person who has prior written consent of such owner, operator, or occupant.

A “critical infrastructure facility” is defined as any of the following, if completely enclosed by a fence or other physical barrier, or if clearly marked with a sign or signs that indicate entry is forbidden:

- power generation or transmission facility, substation, switching station, or electrical control center;
- chemical or rubber manufacturing or storage facility;
- water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- mining facility;

⁹⁵ S. 934.50(2)(a), F.S.

⁹⁶ S. 330.41(3)(a), F.S.

⁹⁷ S. 330.41(3)(b), F.S.

⁹⁸ S. 330.41(3)(c), F.S.

⁹⁹ S. 330.41(4)(a), F.S.

¹⁰⁰ A second degree misdemeanor is punishable by up to 60 days in jail and a \$500 fine. Ss. 775.082 or 775.083, F.S.

¹⁰¹ A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. Ss. 775.082 or 775.083, F.S.

¹⁰² Generally, s. 934.50, F.S., provides requirements for the use of drones by a law enforcement agency.

- natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline;
- liquid natural gas or propane gas terminal or storage facility;
- any portion of an aboveground oil or gas pipeline;
- refinery;
- gas processing plant, including a plant used in the processing, treatment, or fractionalization of natural gas;
- wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment;
- seaport;
- an inland port or other facility or group of facilities serving as a point or intermodal transfer of freight in a specific area physically separated from a seaport;
- an airport;
- spaceport;
- military installation as defined in 10 U.S.C. s. 2801(c)(4) or an armory;
- dam, or other structures such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways;
- state correctional institution or a private correctional facility;
- secure detention center or facility, or a nonsecure residential facility, a high-risk residential facility, or a maximum-risk residential facility; or
- county detention facility.¹⁰³

Effect of Proposed Changes – Drones

The bill prohibits 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.

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1: Amends s. 30.15, F.S., relating to powers, duties, and obligations.

Section 2: Amends s. 330.41, F.S., relating to Unmanned Systems Aircraft Act.

Section 3: Amends s. 943.082, F.S., relating to School Safety Awareness Program.

Section 4: Amends s. 985.04, F.S., relating to oaths; records; confidential information.

Section 5: Amends s. 1001.212, F.S., relating to Office of Safe Schools.

Section 6: Amends s. 1006.07, F.S., relating to district school board duties relating to student discipline and school safety.

Section 7: Amends s. 1006.12, F.S., relating to safe-school officers at each public school.

Section 8: Amends s. 1012.795, F.S.; relating to Education Practices Commission; authority to discipline.

Section 9: Establishes a grant program.

Section 10: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The House Proposed General Appropriations Act for Fiscal Year 2024-2025 (HB 5001) appropriates \$3.8 million in recurring general revenue funds for the bonus program administered by the OSS. Additionally, 15 FTE and \$1.7 million in recurring funds is appropriated to the OSS for the additional workload associated with the completion of the annual compliance inspections.

The bill may have a positive fiscal impact on revenues of sheriff's offices and other law enforcement agencies who apply for and receive cost reimbursements under the school security assessment grant program. HB 5001 appropriates \$5.0 million in nonrecurring general revenue funds to FDLE to implement the grant program.

FDLE may also experience increased workload and additional technology costs associated with administering the grant program, tracking school guardian data, and publishing online training information.¹⁰⁴ However, any initial impact can likely be absorbed within existing resources. Future needs of the department could be addressed through the annual Legislative Budget Request process.

The bill may also have an indeterminate positive impact on jail beds by creating new misdemeanor offenses for operating drones near schools.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

¹⁰⁴ Florida Department of Law Enforcement, Agency Analysis of House Bill 1473, p. 4 (Jan. 12, 2024).

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not give the SBE any additional rulemaking authority, however, existing rules may need to be amended to incorporate the changes to statute in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 30, 2024, the Judiciary Committee adopted a proposed committee substitute (PCS) and two amendments to the PCS. The PCS, as amended, differed from the original bill as filed in that it:

- Specified that any stipend provided by a sheriff to a school guardian cannot be used to subsidize any screening or training-related costs that have been waived by a sheriff.
- Required a school guardian to complete 12 hours of de-escalation training, rather than 12 hours of diversity training.
- Revised the date by which a sheriff must report to the FDLE specified information about each person who was issued a guardian certificate from August 1 to September 1.
- Revised the date by which a school district, charter school, or private school must report to the FDLE specified information about each person who has been appointed as a school guardian from August 1 to September 1.
- Specified that a school district, charter school, or private school who fails to report guardian information to the FDLE may not operate a guardian program for the following school year.
- Prohibited a person from knowingly or willfully operating a drone over a public or private school.
- Required the OSS to conduct unannounced inspections of schools triennially, rather than annually.
- Deleted a requirement for the OSS to provide a copy of the school safety compliance inspection report to the Commissioner of Education and the SBE.
- Required the school safety specialist to report noncompliance with laws or rules relating to school safety to the district school board, in addition to the district school superintendent.
- Required the school safety specialist to conduct annual unannounced inspections of all public schools while school is in session and investigate reports of noncompliance with school safety requirements.
- Deleted signage requirements for specified gates or access points.
- Authorized a school safety specialist to determine that an open or unlocked door, gate, or other access point is not a threat to school safety and thus does not need to be closed or locked at all times.
- Required a school district or charter school, prior to appointing a person as a school guardian, to contact the FDLE and review all information related to the person.
- Made other technical changes to improve the clarity and structure of the bill.

This analysis is drafted to the committee substitute as passed by the Judiciary Committee.