



SB 7026 Public Safety
(CH. 2018-3, Laws of Florida)

Bill Sponsor: Appropriations Committee and Rules Committee

Effective Date: March 9, 2018

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Executive Summary:

The bill (Chapter 2018-3, L.O.F.) comprehensively addresses gun violence on school campuses. The law promotes school safety and enhanced coordination between education and law enforcement entities at the state and local level.

Section 4.

Amends s. 20.15, F.S., Department of Education, to:

- Create the Office of Safe Schools as a division within the Florida Department of Education (DOE).

Section 5.

Amends s. 30.15, F.S., Powers, duties, and obligations, to:

- Permit sheriffs to establish a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises by school employees who volunteer; there is no power of arrest.
- Exclude those who serve solely as classroom teachers, as defined in s. 1012.01(2)(a), F.S., from participating in the program. However, this exclusion does not apply to classroom teachers of JROTC, current service members, or current or former law enforcement officers.
- Establish requirements including concealed carry permit, firearms and other training, psychological evaluation, drug test, diversity training, ongoing training, and firearm qualification.

Section 6.

- Requires the Division of Law Revision and Information to make labeling consistent.

Section 7.

Amends s. 121.091, F.S., Benefits payable under the system, to:

- Add provisions for the reemployment of retired law enforcement officers as school resource officers by an employer that participates in the Florida Retirement System.

Section 9.

Amends s. 394.495, F.S., Child and adolescent mental health system of care; programs and services, to:

- Require contracted community action treatment teams to provide community-based behavioral health and support services in 22 counties/regions or more, subject to appropriations.



Section 19.

Creates s. 943.082, F.S., School Safety Awareness Program, to:

- Direct the Florida Department of Law Enforcement (FDLE), in collaboration with the Department of Legal Affairs, to procure a mobile suspicious activity reporting tool that 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.
 - As recommended by students of Marjory Stoneman Douglas High School, the program shall be named “FortifyFL.”
 - At a minimum, FDLE must receive reports electronically through the mobile suspicious activity reporting tool that is available on both Android and Apple devices.
- Require the information reported using the tool be promptly forwarded to the appropriate law enforcement agency or school official.
- Require law enforcement dispatch centers, school districts, schools, and other entities identified by the department be made aware of the mobile suspicious activity reporting tool.
- Require FDLE, the Office of Attorney General, and DOE to develop and provide a comprehensive training and awareness program on the tool.

Section 20:

Creates s. 943.687, F.S., Marjory Stoneman Douglas High School Public Safety Commission, to:

- Establish the Marjory Stoneman Douglas High School Public Safety Commission within the Florida Department of Law Enforcement.
- Require the commission to convene no later than June 1, 2018.
- Require the commission to be composed of 16 members. Five members shall be appointed by the President of the Senate, five members shall be appointed by the Speaker of the House of Representatives, and five members shall be appointed by the Governor. These appointments must be made by April 30, 2018. Commissioner of the FDLE shall also serve as a member.
 - Secretary of Children and Families, Secretary of Juvenile Justice, Secretary of Health Care Administration, and the Commissioner of Education shall serve as *ex officio*, non-voting members of the commission.
- Require the General Counsel for FDLE to serve as the general counsel for the commission, and require FDLE staff, as assigned by the chair, to assist the commission in performing its duties.
- Require that the commission meet as necessary to conduct its work at the call of the chair at locations throughout the state. The commission can conduct its meetings through teleconferences or other similar means.
- Require the commission to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in this state and to develop recommendations for system improvements.
- Require, at a minimum, the commission to:
 - Develop a timeline of the incident, response, and all relevant events preceding the incident, with particular attention to perpetrator contacts with local, state, and national



- government agencies and entities and any contract providers of such agencies and entities.
- Investigate failures in incident responses by local law enforcement agencies and school resource officers.
 - Identify existing policies and procedures for active assailant incidents on school premises and evaluate compliance with such policies and procedures in the execution of incident responses.
 - Evaluate existing policies and procedures for active assailant incidents on school premises in comparison with national best practices.
 - Evaluate the extent to which any failures in policy, procedure, or execution contributed to an inability to prevent deaths and injuries.
 - Make specific recommendations for improving law enforcement and school resource officer incident response in the future.
 - Make specific recommendations for determining the ratio of school resource officers per school and school type.
 - Investigate failures in interactions with perpetrators preceding mass violence incidents.
 - Identify history of interactions between perpetrators and entities such as schools, law enforcement agencies, courts, and social service agencies, and identify any failure to communicate or coordinate regarding indicators of risk or possible threats.
 - Evaluate the extent to which any such failures contributed to an inability to prevent deaths and injuries.
 - Make specific recommendations for improving communication and coordination among entities with knowledge of indicators of risk of possible threats of mass violence in the future.
 - Identify available state and local tools and resources for enhancing communication and coordination regarding indicators of risk of possible threats, and make specific recommendations for using such tools and resources in the future.
 - Allow the commission to investigate and to delegate to its investigators the authority to administer oaths and affirmations.
 - Require the Commissioner of FDLE to use his or her subpoena power to compel the attendance of witnesses to testify before the commission.
 - Require the Commissioner of FDLE to use his or her subpoena power to compel the production of documents, including confidential information, relevant to the performance of the commission's duties or to the exercise of its powers.
 - Allow the Commissioner of FDLE to seek an order from the circuit court to compel a witness to appear before the commission and to produce evidence.
 - Allow the commission to obtain assistance as needed from other state agencies and require any such agencies to assist in a timely manner.
 - Require that the commission be provided access to any information or records, including exempt or confidential records or information, which pertain to the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida being reviewed by the commission and which are necessary for the commission to carry out its duties.



- Require the commission to submit an initial report on its findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2019. The commission may issue reports annually thereafter.

The commission sunsets on July 1, 2023, and this section is repealed on that date.

Section 21.

Creates s. 1001.212, F.S., Office of Safe Schools, to:

- Establish the Office of Safe Schools, which is fully accountable to the Commissioner of Education.
- Establish requirements of the Office of Safe Schools:
 - Serve as a central repository for best practices, training standards, and compliance oversight for school safety and security, including prevention, intervention, and emergency preparedness.
 - Establish and update as necessary a school security risk assessment tool.
 - Provide ongoing professional development, technical assistance and guidance.
 - Develop and implement a School Safety Specialist Training Program.
 - Review and provide recommendations on the security risk assessments.
 - Coordinate with FDLE to provide a centralized integrated data repository and data analytics resources integrating data from social media, Department of Children and Families, FDLE, Department of Juvenile Justice, and local law enforcement by December 1, 2018.
 - Award grants to schools to improve the safety and security of school buildings based on the recommendations of the security risk assessment.
 - Disseminate, in consultation with FDLE, awareness and education materials on the School Safety Awareness Program to schools.

Section 23.

Amends s. 1006.04, F.S., Educational multiagency services for students with severe emotional disturbance, to:

- Specify additional requirements for the Multiagency Network for Students with Emotional/Behavioral Disabilities (SEDNET).

Section 24.

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

- Require student disclosure of mental health referrals at registration.
- Allow an expelled student who is admitted to another district to be referred for mental health services.
- Require the student code of conduct to include policies for referring violent or disruptive students for mental health services.
- Require students expelled for firearms or certain threats to be referred for mental health services.
- Require student crime watch programs to allow anonymous reporting.
- Require emergency plans to be developed with public safety agencies and include active shooter and hostage situations, which must be conducted as often as other drills; plans should identify those required to contact first responders and require periodic testing of communications systems.



- Require superintendents to create policies for violence prevention and intervention, and designate a school safety specialist for the district who must be trained and perform specific duties.
- Require school boards to establish school-level threat assessment teams with specific expertise; teams must immediately report threats to the superintendent and the parent/guardian; teams may access criminal history of students posing a threat; relevant agencies may share confidential records as necessitated by a specific threat; teams shall report quantitative data to DOE.
- Require district schools board to allow the law enforcement agency or agencies that are designated as first responders to the district's campus and school's campuses every three years for a tour.
- Require district school boards to document changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour.

Section 25.

Amends s. 1006.08, F.S., District school superintendent duties relating to student discipline and school safety, to:

- Require courts to notify the school superintendent of students referred to mental health services.

Section 26.

Amend s. 1006.12, F.S., Safe-school officers at each public school, to:

- Require safe-school officers at every school within the district. Districts have discretion to use school resource officers, school safety officers, and/or school guardians (outlined in section 5).
- Require background checks, drug screening, and psychological evaluations for school resource officers and school safety officers.
- Require mental health crisis intervention training for school resource officers.
- Allow participation in the school guardian program at the discretion of the district.

Section 27.

Amends s. 1006.13, F.S., Policy of zero tolerance for crime and victimization, to:

- Require threat assessment teams to consult with law enforcement when students pose a threat to school safety and when a student commits more than one misdemeanor.

Section 28.

Creates s. 1006.1493, F.S., Florida Safe Schools Assessment Tool, to:

- Require DOE through the Office of Safe Schools pursuant s. 1001.212, F.S., to contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT).
- Require the FSSAT to be used by school officials at each school district and public school site in the state in conducting security assessments.
- Require the FSSAT to help school officials identify threats, vulnerabilities and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6), F.S.



- Require the FSSAT to address, at a minimum, all of the following components:
 - School emergency and crisis preparedness planning;
 - Security, crime, and violence prevention policies and procedures;
 - Physical security measures,
 - Professional development training needs;
 - An examination of support service roles in school safety, security, and emergency planning;
 - School security and school police staffing, operational practices, and related services;
 - School and community collaboration on school safety; and
 - A return on investment analysis of the recommended physical security controls.
- Require DOE to require by contract that the security consulting firm:
 - Generate written automated reports on assessment findings for review by the department and school and district officials;
 - Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and
 - Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.
- Require DOE to report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools.
 - The report must include a summary of the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district, or school levels.
 - The report is due to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2018, and annually by that date thereafter.
- Require that data and information related to security risk assessments administered pursuant to this section and s. 1006.07(6), F.S., and the security information contained in the annual report required pursuant to subsection (3) be kept confidential and exempt from public records requirements, in accordance with ss. 119.071(3)(a) and 281.301, F.S.

Section 29.

Revises s. 1011.62, F.S., Funds for operation of schools, to:

- Add “improve school safety” as an urgent need for which a school district may pass a resolution to redirect other categorical funds.
- Delete funds for safe schools from the list of categorical funds that a school district can, by resolution, redirect for other uses.
- Specify that any additional funds appropriated to the Safe Schools Allocation in fiscal year 2018-19 to the school resource officer program established pursuant to s. 1006.12, F.S., must be used for employing or contracting for school resource officers, which must be in addition to the number of officers employed or contracted for in fiscal year 2017-18.
- Create a Mental Health Assistance Allocation to provide funding to school districts to help establish or expand school-based mental health care.



- Funds for this allocation are to be allocated each year in the GAA or other law, with each school district receiving a minimum of \$100,000 and the remaining balance to be distributed to school districts proportionately based on their total unweighted full-time equivalent student enrollment.
- Eligible charter schools are entitled to a proportionate share of the district's Mental Health Assistance Allocation funding.
- At least 90 percent of a district's allocation must be spent to:
 - Provide mental health assessment, diagnosis, intervention, treatment and recovery services to students with one or more mental health or co-occurring substance abuse diagnosis and students at high risk of such diagnoses; and
 - To coordinate such services with a student's primary care provider and the student's other mental health providers.
- Funds from this allocation may not supplant operating funds currently provided for this purpose, nor may they be used to increase salaries or provide bonuses.
- School districts are encouraged to maximize third-party health insurance benefits and Medicaid claims for services.
- Prior to receipt of this allocation, school districts must develop and submit to their respective school boards a detailed plan outlining a local program and planned expenditures. Charter schools may develop their own plans and submit them to their sponsors.
- Plans must be focused on delivering evidence-based mental health care treatment to children and include:
 - Provision of mental health assessment, diagnosis, intervention, treatment and recovery services to students with one or more mental health or co-occurring substance abuse diagnosis and students at high risk of such diagnoses.
 - Coordination of services with student's primary care provider and other mental health providers caring for student.
 - Direct employment of service providers or a contract-based collaborative effort or partnership with one or more local community mental health program, agency or provider.
- Approved plans are due to the Commissioner of Education by August 1 of each fiscal year.
- School districts must submit to the DOE, beginning September 30, 2019, and annually by September 30 thereafter, a report on their program outcomes and expenditures for the previous fiscal year. The report must include:
 - Number of students who received screenings or assessments;
 - Number of students who were referred for services or assistance;
 - Number of students who received service or assistance;
 - Number of direct employment service providers employed by the school district; and
 - Number of contract-based collaborative efforts or partnerships with community mental health programs, agencies or providers.



Section 30.

Creates s. 1012.584, F.S., Continuing education and inservice training for youth mental health awareness and assistance, to:

- Require DOE, beginning with the 2018-19 school year, to establish a youth mental health and awareness and assistance training program for school personnel.
- Require DOE to select a national authority on youth mental health to facilitate the training using a trainer certification model to train all K-12 school personnel.
- Require school safety specialists or their designees to be certified as a trainer.
- Specify minimum training content.

Section 31.

Amends s. 1013.64, F.S., Funds for comprehensive educational plant needs, to:

- Provide the cost for the following items must be below 2 percent per student station and specifies items that are to be excluded from the student station cost calculation, as follows:
 - Securing entries;
 - Checkpoint construction;
 - Lighting specifically designed for entry point security;
 - Security cameras;
 - Automatic locks and locking devices;
 - Electronic security systems;
 - Fencing designed to prevent intruder entry into a building;
 - Bullet-proof glass; or
 - Other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities.

Section 36.

Appropriates \$69,237,286 in recurring funds from the General Revenue Fund for the 2018-19 fiscal year to fund the Mental Health Assistance Allocation, created pursuant to s. 1011.62(16), F.S., within the FEFP.

Section 37.

Appropriates \$500,000 in recurring funds and \$6,200,000 in nonrecurring funds from the General Revenue Fund for the 2018-19 fiscal year to the DOE to implement youth mental health awareness and assistance training pursuant to s. 1012.584, F.S.

Section 38.

Appropriates funds for implementation of the act in the 2018-2019 fiscal year as follows:

- Appropriates \$1,000,000 in nonrecurring funds from the General Revenue Fund to the DOE for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School in Broward County.
- Requires that the department collaborate with students and faculty of the Marjory Stoneman Douglas High School, the families of the victims, the Broward County School District and other relevant entities of the Parkland community on the design and placement of the memorial.

Section 39.

Appropriates funds for implementation of the act in the 2018-2019 fiscal year as follows:



- Appropriates \$25,262,714 in nonrecurring funds from the General Revenue Fund to the DOE for the purpose of replacing Building 12, as listed in the Florida Inventory of School Houses, at Marjory Stoneman Douglas High School in Broward County.

Section 40.

Appropriates \$500,000 in recurring funds and \$67,000,000 in nonrecurring funds from the General Revenue Fund to the DOE to allocate to sheriffs' offices that establish a school guardian program pursuant to s. 30.15, F.S. The funds are to be used for costs related to screening and training, with a one-time stipend of \$500 provided to school guardian who participate in the school guardian program.

Section 41.

For the 2018-19 fiscal year, the following items are appropriated and are authorized to the DOE to fund the Office of Safe Schools, created pursuant to s. 1001.212, F.S.:

- Three full-time equivalent positions, with associated salary rate of \$150,000.
- \$344,393 in recurring funds is appropriated from the General Revenue Fund.

Section 42.

Appropriates \$97,500,000 in recurring funds from the General Revenue Fund to the DOE for the Safe Schools Allocation. The funds are in addition to funds appropriated in the FEFP in the fiscal year 2018-19 General Appropriations Act.

- Each school district and developmental research school shall receive \$187,340 of the funds, increasing each district's minimum amount of Safe Schools Allocation funding to \$250,000 in combination with the funds appropriated in the FEFP for 2018-19. The balance of the funds shall be distributed to school districts based on their proportionate share of total unweighted full-time equivalent student enrollment.
- School districts must use the funds exclusively for hiring or contracting for school resource officers pursuant to s. 1006.12, F.S.

Section 43.

Appropriates \$100,000 in recurring funds from the General Revenue Fund to the DOE to competitively procure the active shooter training component of the school safety specialist training program, required by s. 1001.212, F.S.

Section 44.

Appropriates \$98,962,286 in nonrecurring funds from the General Revenue Fund to the DOE to implement a grant program for schools to fund fixed capital outlay costs associated with improving the physical security of school buildings, as identified by a security risk assessment completed by August 1, 2018, by a school district or charter school.

- The DOE shall, by August 31, 2018, submit grant guidelines to all school districts and charter schools, which must include an application submission deadline of December 1, 2018, and specific evaluation criteria.
- The DOE shall award grants no later than January 15, 2019, based upon evaluation criteria established in the application guidelines.



Section 49.

For the 2018-19 fiscal year, \$18,321 in recurring funds and \$225,000 in nonrecurring funds are appropriated from the General Revenue Fund to the DOE to provide for the benefits awarded pursuant to s. 112.1915, F.S., to eligible recipients of the three Marjory Stoneman Douglas High School staff members who lost their lives on February 14, 2018.

Section 50

Appropriates funds for implementation of the act in the 2018-19 fiscal year as follows:

- \$3 million in recurring funds is appropriated from the General Revenue Fund to the DOE to competitively procure for the development or acquisition of the centralized data repository and analytics resources pursuant to s. 1001.212, F.S.
- Requires DOE to collaborate with the FDLE and school districts to identify the requirements and functionality of the data repository and analytics resources and shall make such resources available to the school districts no later than December 1, 2018.

Section 51

Appropriates funds for implementation of the act in the 2018-19 fiscal year as follows:

- \$1 million in nonrecurring funds is appropriated from the General Revenue Fund to DOE to competitively procure a contract with a third-party security consultant with experience in conducting security risk assessments of public schools. Contract funds shall be used to:
 - Review and analyze the department's current security risk assessment tool known as the Florida Safe Schools Assessment Tool (FSSAT), and
 - Review a sample of self-assessments conducted by school districts using the FSSAT to determine the effectiveness of the recommendations produced based upon the FSSAT.
- The review shall include any recommended updates and enhancements with associated costs for their implementation to aid districts in developing recommendations to address safety and security issues discovered by the FSSAT.
- DOE shall submit the completed review to the State Board of Education, the Executive Office of the Governor's Office of Policy and Budget, the chair of the Senate Committee on Appropriations, and the House of Representatives Appropriations Committee no later than January 1, 2019.

General Implementation Timeline:

March 9, 2018	The act became effective.
Beginning with the 2018-19 school year	DOE is required to establish a youth mental health and awareness and assistance training program for school personnel.
August 1, 2018	School-board approved district plans for spending Mental Health Assistance Allocation are due to the Commissioner of Education. Plans for subsequent years will be due no later than August 1 annually.



School districts and charter schools must have completed security risk assessments to be eligible for grants for fixed capital outlay costs associated with improving physical security of school buildings.

- August 31, 2018** The DOE must submit guidelines to school districts and charter schools for the grant program to assist with fixed capital outlay costs associated with improving physical security of school buildings.
- December 1, 2018** Application submission deadline for the grant program to assist with fixed capital outlay costs associated with improving physical security of school buildings.
- December 1, 2018** The Office of Safe Schools shall coordinate with FDLE to provide a centralized integrated data repository and data analytics resources integrating data from social media, Department of Children and Families, FDLE, Department of Juvenile Justice, and local law enforcement.
- December 1, 2018** DOE must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools. The report must include a summary of the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district or school levels.
- Thereafter, the report must be provided annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1.
- January 1, 2019** DOE shall submit a completed review of FSSAT to the State Board of Education, the Executive Office of the Governor's Office of Policy and Budget, the chair of the Senate Committee on Appropriations, and the House of Representatives Appropriations Committee.
- January 15, 2019** The DOE shall award grants to assist with fixed capital outlay costs associated with improving physical security of school buildings.
- September 30, 2019** School district reports on Mental Health Assistance Program outcomes and expenditures are due to the DOE. Reports for subsequent years will be due no later than September 30 annually.