

SB 7030 Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission

(CH. 2019-22, Laws of Florida)

Bill Sponsor: Appropriations Committee, Infrastructure and Security Committee, and Education Committee

Effective Date: Upon becoming law (May 8, 2019), except as otherwise expressly provided

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Executive Summary:

The bill builds upon the school safety and security foundation established in the Marjory Stoneman Douglas High School Public Safety Act (Chapter 2018-03, Laws of Florida) by addressing the school safety and security recommendations of the Marjory Stoneman Douglas High School Public Safety Commission and by strengthening accountability and compliance oversight authority.

Bill Sections:

Section 1.

Amends s. 30.15(1)(k), F.S., Powers, duties, and obligations, to:

- Require a sheriff to assist district school boards and charter school governing boards in complying with s. 1006.12, F.S., "Safe-school officers at each public school," by providing access to a Coach Aaron Feis Guardian Program either by providing the training directly or through a contract with another sheriff's office that has established a guardian program.
- Allow a charter school governing board in a school district that has not voted, or has declined to implement the guardian program, to request that the sheriff in the county establish the program for the purpose of training the charter school employees or contract with another sheriff that has established a guardian program to provide the training. The charter school governing board must notify the district school superintendent and the sheriff in the charter school's county prior to the contract's execution.
- Require a sheriff who establishes a guardian program to consult with the Florida Department of Law Enforcement (FDLE) on programmatic guiding principles, practices, and resources, and to certify school guardians.
- Reimburse a sheriff conducting a guardian program training for screening-related and training-related costs, and for providing a one-time stipend of \$500 to each school guardian.
- Remove the prohibition against full-time classroom teachers participating in the guardian program.
- Authorize only applicable district school superintendents or charter school principals to appoint certified school guardians to serve.

Section 2. (Effective October 1, 2019)

Amends s. 843.08, F.S., False personation, to:

- Include language that prohibits false personation of a school guardian as described in s. 30.15(1)(k), F.S., or a security officer licensed under chapter 493, F.S.

Section 3.

Amends s. 943.03, F.S., Department of Law Enforcement, to:

- Require the Florida Department of Law Enforcement (FDLE), upon request, to consult with sheriffs to provide input regarding programmatic guiding principles, practices, and resources in order to assist in the development and implementation of the Coach Aaron Feis Guardian Program established pursuant to s. 30.15, F.S. Such input and guidance may include, but need not be limited to, standards, curriculum, instructional strategies, evaluation, certification, records retention, equipment, and other resource needs.

Section 4.

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

- Require district school boards to promote the use of the mobile suspicious activity reporting tool (FortifyFL) by advertising it on the school district website, in newsletters, on school campuses, and in school publications; by installing it on all mobile devices issued to students; and by bookmarking its website on all computer devices issued to students.

Section 5.

Amends s. 1001.10, F.S., Commissioner of Education; general powers and duties, to:

- Require the Commissioner to review the report of the School Hardening and Harm Mitigation Workgroup regarding school hardening and harm mitigation strategies and recommendations submitted by the Office of Safe Schools (OSS), and submit a summary of such recommendations to the Governor, Senate President, and House Speaker by September 1, 2020.

Section 6.

Amends s. 1001.11, F.S., Commissioner of Education; other duties, to:

- Require the Commissioner to oversee compliance with the safety and security requirements of the Marjory Stoneman Douglas High School Public Safety Act (MSDHSPSA) by school districts; district school superintendents; and public schools, including charter schools.
- Require the Commissioner to facilitate compliance with the MSDHSPSA to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend to the State Board of Education, the Governor, or the Legislature enforcement and sanctioning actions pursuant to s. 1008.32, F.S., and other authority granted under law.

Section 7.

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

- Require the OSS to provide annual training to appropriate school district and charter school personnel on physical site security assessments and completion of the school security risk assessment tool.
- Require the OSS to coordinate with the FDLE by August 1, 2019, to provide a centralized integrated data repository and data analytics resources (data repository) from a number of data sources to improve access to school safety information.
- Clarify that data incorporated in the data repository retains its exempt or confidential status, and that agencies shall ensure compliance with all applicable state and federal data privacy requirements. Access to data in the data repository is governed by rules of the respective source agencies, and the Federal Bureau of Investigation Criminal Justice Information Services security policy.
- Require the OSS to provide data to support the evaluation of mental health services conducted by the Louis de la Parte Florida Mental Health Institute within the University of South Florida.
- Require the OSS to provide technical assistance to school districts and charter school governing boards for school environmental safety incident reporting (SESIR) as required by s. 1006.07(9), F.S.
- Require the OSS to review and evaluate school districts' SESIR data to ensure compliance with reporting requirements. A district school board shall withhold further salary payment to a district school superintendent who fails to comply with SESIR requirements, and shall impose other appropriate sanctions that the Commissioner or State Board of Education by law may impose.
- Require the OSS to convene a School Hardening and Harm Mitigation Workgroup to meet as necessary to review school hardening and harm mitigation policies and submit a report to the OSS by August 1, 2020, which includes a prioritized list for the implementation of school campus hardening and harm mitigation strategies, and the estimated costs of and timeframes for implementation of the strategies by school districts and charter schools. The OSS must also submit the workgroup's report to the Commissioner with recommendations on procedures the OSS can implement to monitor and enforce compliance by the school districts and charter schools with the report recommendations.
- Require the OSS to develop a statewide behavioral threat assessment instrument by August 1, 2019, for use by all public schools, which addresses early identification, evaluation, early intervention, student support, and training for school administrators and school threat assessment team members.
- Require the OSS to evaluate each school district's and charter school governing board's behavioral threat assessment instrument procedures for compliance by August 1, 2020, notify the district school superintendent or charter school governing board of noncompliance, and report ongoing noncompliance to the district school superintendent, governing board, and Commissioner as applicable.
- Require the OSS to establish the Statewide Threat Assessment Database Workgroup (Workgroup) to complement the data repository work, and to make recommendations to develop a statewide threat assessment database. The Workgroup shall provide a report to the OSS by December 31, 2019, with recommendations including threat assessment data that should be entered into the database; school personnel who should be allowed to input and view student records; database design, functionality, and security; information sharing guidelines and restrictions; database costs and maintenance; and an implementation plan and timeline.

- Require the OSS to monitor school safety requirement compliance by public schools and report noncompliance to the Commissioner and State Board of Education.
- Require the OSS to publish an annual list of the total number of safe-school officers, including the number of officers disciplined or relieved of duty due to misconduct, the number of officers' disciplinary actions, and the number of incidents in which an officer discharged a firearm outside of a training or response situation.

Section 8.

Amends s. 1002.33, F.S., Charter schools, to:

- Require charter schools to comply with school safety statutes, including safe-school officers, threat assessment teams, SESIR, Florida Safe Schools Assessment Tool (FSSAT), adopting an active assailant response plan, FortifyFL, and youth mental health awareness and assistance training.

Section 9.

Amends s. 1003.25, F.S., Procedures for maintenance and transfer of student records, to:

- Require that the transfer of records of students who transfer from school to school must occur within 3 school days.
- Require student records to include verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services, and psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by district or charter school staff.

Section 10.

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

- Require a student to disclose at initial registration for school any school district referral for mental health services associated with a school expulsion, arrest resulting in a charge, or juvenile justice action.
- Require drills for active shooter and hostage situations to be developmentally appropriate and age-appropriate.
- Expand the school safety specialist position qualifications to include a law enforcement officer employed by the sheriff's office located in the school district, who is authorized and approved by the sheriff. The school safety specialist approved by the sheriff remains an employee of the sheriff's office for the purposes of compensation and other benefits. The sheriff and district school superintendent may agree to share costs to compensate the school safety specialist employed by the sheriff.
- Require the school safety specialist to review school district policies and procedures for compliance with state law and rules, including the timely and accurate submission of SESIR reports.
- Require the school safety specialist to collaborate with public safety agencies to conduct an annual school security risk assessment using FSSAT at each public school by October 1 and provide recommendations to the district school superintendent and school board to address the assessment findings.
- Require district school boards and charter school governing boards to adopt an active assailant response plan. By October 1, 2019, and annually thereafter, each district school superintendent and charter school principal shall certify that all school personnel have received annual training on the procedures in the plan.

- Require district school board policies for threat assessment teams comply with the procedures for behavioral threat assessments and the use of the behavioral threat assessment instrument developed by the OSS.
- Allow authorized threat assessment team members to obtain certain criminal history information.
- Require the school threat assessment team to verify behavioral health intervention services remain in place for a student who transfers to a different school until the receiving school's threat assessment team determines the student's need for intervention services.
- Require each school threat assessment team to use the statewide threat assessment database developed by the OSS.
- Require district school boards to adopt policies to ensure the accurate and timely reporting of SESIR incidents, for which the district school superintendent is responsible and subject to the penalties specified in law for noncompliance. The State Board of Education shall adopt rules governing SESIR requirements.

Section 11.

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

- Expand the school district's partnership options to include security agencies and specify that the safe-school officer requirement extends to charter schools. District school boards are required to collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options.
- Provide definitions, qualifications, and duties for the four safe-school officer designations: School Resource Officer, School Safety Officer, School Guardian, and School Security Guard.
- Authorize charter school governing boards to participate in the guardian program.
- Expand eligibility to serve as a school guardian to school district or charter school employees/personnel who volunteer to participate in addition to his or her official job duties, and to school district or charter school employees hired specifically as a school guardian.
- Authorize school districts and charter school governing boards to contract with a security agency as defined in s. 493.6101(18), F.S., to employ school security guards to meet the safe-school officer requirement. School security guards must complete the same initial background and training requirements, and ongoing training requirements, as the school guardians. The contract between a security agency and a school district or a charter school governing board must define the entity responsible for training and maintaining records relating to training, inspection, and firearm qualification.
- Require school districts to notify the county sheriff and the OSS within 72 hours of any safe-school officer disciplined or dismissed for misconduct, or of any incident where a safe-school officer discharges his/her firearm other than for training purposes.
- Require a district school board that denies a charter school access to any safe-school officer option to assign a school resource officer or school safety officer to the charter school at a cost that does not exceed the charter school's safe school allocation funds.

Section 12.

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

- Replace the phrase "serious threat to school safety," with "threat to school safety."

- Remove the exclusion that zero-tolerance policies may not be rigorously applied to misdemeanors, including but not limited to, minor fights or disturbances.
- Require district school boards to adopt a zero-tolerance policy that defines acts that pose a threat to school safety, criteria for reporting such acts to a law enforcement agency, and petty acts of misconduct which are not a threat to school safety and do not require consultation with law enforcement.
- Require district school boards to amend their agreements with the county sheriff's office and local police department to ensure that acts that pose a threat to school safety are reported to a law enforcement agency and to include a procedure requiring school personnel to consult with school resource officers concerning delinquent acts and crimes.
- Require school principals to notify all school personnel of their responsibilities to report any incident that poses a threat to school safety to the principal or to his or her designee, and that the disposition of each such incident is properly documented.

Section 13.

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

- Specify that the FSSAT must be the primary physical site security assessment tool, as revised and required by the OSS, that is used by school officials at each school district and public school site in the state in conducting security assessments.
- Require that the security consulting firm contracted by the department to develop, update, and implement the FSSAT, review the recommendations of the School Hardening and Harm Mitigation Workgroup to address physical security measures identified by the FSSAT.
- Require that the OSS make the FSSAT available to school districts and schools no later than May 1 of each year, and provide annual training to each district's school safety specialist and other school district personnel on site security assessments and completion of the FSSAT.
- Require the department to report by December 1 of each year to the Governor, Senate President, and House Speaker on the status of the implementation of the FSSAT across school districts and schools.

Section 14.

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

- Replace the term "school resource officer" with "safe-school officers."
- Expand the scope of safe schools allocation funds to uses defined in ss. 1006.07 through 1006.12, F.S., with priority for funding given to safe-school officers.
- Require any additional safe school allocation funds appropriated in fiscal year 2018-2019 to be used exclusively for employing or contracting for safe-school officers, retroactive to July 1, 2018.

Section 15. (Effective July 1, 2019)

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

- Expand the list of categorical appropriations that can be transferred by a district school board to address urgent needs, including improving school safety, and require each district school board to include in its

annual financial report to the department the amount of funds transferred from a fund for the specific school safety need. The department must submit a report to the Legislature that identifies by district the fund, the amount transferred, and the specific school safety need.

- Revise the funding formula for the safe schools allocation by requiring one-third (instead of two-thirds) be allocated to school districts based on the official Florida Crime Index, and two-thirds (instead of one-third) be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.
- Require that each school district report to the department by October 15 each year that all public schools within the district have completed the FSSAT.
- Require that if the district must provide a safe-school officer to a charter school, the cost cannot exceed the charter school's safe schools allocation amount.
- Expand the mental health assistance allocation allowable expenditures to include training educators and other school staff in detecting and responding to mental health issues, and to connecting children, youth, and families who may experience behavioral health issues with appropriate services.
- Specify that charter schools that submit a student mental health plan separate from the school district are entitled to a proportionate share of district mental health assistance allocation funding.
- Remove the requirement that 90 percent of a district's mental health assistance allocation funds must be spent on direct mental health services or the coordination of such services.
- Require the district plan outlining the local program and planned expenditures to include all of the district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district.
- Require the district plan to be focused on a multi-tiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care.
- Require the district plan, at a minimum, to include the following elements:
 - Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. These providers include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan also must identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.
 - Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior

modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth.

- Policies and procedures, including contracts with service providers, that will ensure that students who are referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and ensure that the assessment of students at risk for mental health disorders occurs within 15 days of referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.
- Strategies or programs to reduce the likelihood of at risk students developing social, emotional, or behavioral health problems; depression; anxiety disorders; suicidal tendencies; or substance use disorders.
- Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders; to improve the provision of early intervention services; and to assist students in dealing with trauma and violence.
- Amend the school district's annual report to the department, due September 30, on program outcomes and expenditures to include at least the number of each of the following:
 - Students who receive screenings or assessments.
 - Students who are referred to either school-based or community-based providers for services or assistance.
 - Students who receive either school-based or community-based interventions, services, or assistance.
 - School-based and community-based mental health providers, including licensure type, paid for from funds provided through the allocation.
 - Contract-based collaborative efforts or partnerships with community mental health programs, agencies, or providers.

Section 16.

Reenacts s. 921.0022, F.S., Criminal Punishment Code; offense severity ranking chart, to:

- Incorporate the amendment made by this act to s. 843.08, F.S. (False Personation)

Section 17.

- Declares the Legislature's intent that a proper and legitimate state purpose is served when district school boards have options to provide safe-school officers for the protection and safety of school personnel, property, students, and visitors, and that school guardians must be available for every district school board that chooses such an option.

Section 18.

- Provides an effective date of upon becoming law (May 8, 2019), except as otherwise expressly provided.

General Implementation Timeline:

Upon Becoming Law:	<p>The State Board of Education must adopt rules establishing the requirements for SESIR. (Lines 872-882)</p> <p>The School Hardening and Harm Mitigation Workgroup and State Threat Assessment Database Workgroup will convene.</p>
Annually:	<p>The OSS will publish a list detailing the total number of safe-school officers in, the total number of safe-school officers disciplined or relieved of their duties because of misconduct in the previous year, the total number of disciplinary incidents involving safe-school officers, and the number of incidents in which a safe-school officer discharged his or her firearm outside of a training situation or in the exercise of his or her duties as a safe-school officer. (Lines 604-611)</p> <p>The OSS will provide training on site security assessments and completion of the school security risk assessment tool. (Lines 394-398)</p>
May 1 of Each Year:	<p>The OSS shall make the FSSAT available no later than May 1 of each year. (Lines 1140-1145)</p>
October 1 of Each Year:	<p>School safety specialists must collaborate with public safety agencies to conduct a risk assessment using the FSSAT at each public school. (Lines 756-762)</p>
October 15 of Each Year:	<p>Each school district must report to the department that all public schools within the school district have completed the school security risk assessment using the FSSAT. (Lines 1260-1268)</p>
December 1 of Each Year:	<p>The department shall report to the Governor, the Senate President, and the House Speaker on the status of FSSAT implementation across school districts and schools. (Lines 1146-1155)</p>
July 1, 2019:	<p>The list of categorical funds that can be transferred to address urgent needs, including improving school safety, is expanded. (Lines 1225-1234)</p> <p>The safe schools allocation funding formula changes to one-third (instead of two-thirds) being allocated to school districts based on the official Florida Crime Index and two-thirds (instead of one-third) being allocated based on</p>

each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. (Lines 1248-1260)

- August 1, 2019: The OSS will coordinate with FDLE to provide a centralized integrated data repository and data analytics resources to include, at a minimum, the following data sources: social media Internet posts; Department of Children and Families; Department of Law Enforcement; Department of Juvenile Justice; mobile suspicious activity reporting tool known as FortifyFL; SESIR; and local law enforcement. (Lines 420-456)
- August 1, 2019: The OSS will 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. (Lines 529-533)
- August 1 of Each Year: Each school district shall submit its district school board-approved mental health assistance allocation plan to the Commissioner, including the approved plans of each charter school in the district. (Lines 1373-1375)
- September 30 of Each Year: Each school district shall submit to the department a report on its mental health assistance allocation plan's program outcomes and expenditures for the previous fiscal year. (Lines 1376-1391)
- October 1, 2019: Section 843.08, F.S., False personation, changes become effective. (Lines 301-332)
- October 1, 2019,
And Annually: Each district school superintendent and charter school principal shall certify that all school personnel have received annual training on the procedures contained in the active assailant response plan for the applicable school district or charter school. (Lines 784-790)
- December 31, 2019: The Statewide Threat Assessment Database Workgroup shall provide a report to the OSS with recommendations that include, but need not be limited to, threat assessment data that should be required to be entered into the database; school district and public school personnel who should be allowed to input student records to the database and view such records; database design and functionality, to include data security; restrictions and authorities on information sharing; the cost to develop and maintain a statewide online database; and an implementation plan and timeline for the workgroup recommendations. (Lines 562-597)
- August 1, 2020: The School Hardening and Harm Mitigation Workgroup report is due to the executive director of the OSS which includes, at a minimum, a prioritized list



for the implementation of school campus hardening and harm mitigation strategies and the estimated costs of and timeframes for implementation of the strategies by school districts and charter schools. The estimated costs must include regional and statewide projections of the implementation costs. (Lines 499-526)

August 1, 2020:

The OSS will evaluate each school district's and charter school governing board's behavioral threat assessment procedures for compliance. (Line 552-554)

September 1, 2020:

The Commissioner's summary of the School Hardening and Harm Mitigation Workgroup strategies and recommendations is due to the Governor, the Senate President, and the House Speaker. (Lines 361-367)

June 30, 2023:

Section 1001.212(11), F.S., which requires the School Hardening and Harm Mitigation Workgroup convening, is repealed. (Line 528)