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**K - 12**  
**Subcommittee**  
**Wednesday, March 11, 2015**  
**10:00 a.m. – 12:00 p.m.**  
**17 HOB**

**Meeting Packet**

**Steve Crisafulli**  
**Speaker**

**Janet Adkins**  
**Chair**



## **AGENDA**

K-12 Subcommittee  
Wednesday, March 11, 2015  
10:00 a.m. – 12:00 p.m.  
17 HOB

- I. Call to Order
- II. Roll Call
- III. Welcome/Opening Remarks
- IV. Consideration of the following bills:
  - HB 181 – Educational Facilities by Bileca
  - HB 85 – Public School Instruction by Hill
  - HB 587 – Educational Professional Practices by Spano
  - HB 19 – School Safety by Steube
- V. Adjournment





Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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1 Committee/Subcommittee hearing bill: K-12 Subcommittee  
 2 Representative Bileca offered the following:

**Amendment**

5 Remove lines 32-48 and insert:

6 implementation of exceptions to requirements of the uniform  
 7 statewide building code for the planning and construction of  
 8 public educational and ancillary plants adopted pursuant to ss.  
 9 553.73 and 1013.37 relating to:

10 (a) Interior nonload-bearing walls by approving the use of  
 11 fire-rated wood stud walls in new construction or remodeling for  
 12 interior nonload-bearing wall assemblies that will not be  
 13 exposed to water or located in wet areas.

14 (b) Walkways, roadways, driveways, and parking areas by  
 15 approving the use of designated, stabilized, and well-drained  
 16 gravel or grassed student parking areas.



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17 | (c) Standards for relocatables used as classroom space, as  
18 | specified in s. 1013.20, by approving construction  
19 | specifications for installation of relocatable buildings that do  
20 | not have covered walkways leading to the permanent buildings  
21 | onsite.

22 | (d) Site lighting by approving construction specifications

1                                   A bill to be entitled  
 2           An act relating to educational facilities; creating s.  
 3           1013.385, F.S.; providing for school district  
 4           construction flexibility; authorizing exceptions to  
 5           educational facilities construction requirements under  
 6           certain circumstances; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:  
 9

10           Section 1. Section 1013.385, Florida Statutes, is created  
 11   to read:

12           1013.385 School district construction flexibility.-  
 13           (1) A district school board may, with a supermajority vote  
 14           at a public meeting that begins no earlier than 5 p.m., adopt a  
 15           resolution to implement one or more of the exceptions to the  
 16           educational facilities construction requirements provided in  
 17           this section. Before voting on the resolution, a district school  
 18           board must conduct a cost-benefit analysis prepared according to  
 19           a professionally accepted methodology that describes how each  
 20           exception selected by the district school board achieves cost  
 21           savings, improves the efficient use of school district  
 22           resources, and impacts the life-cycle costs and life span for  
 23           each educational facility to be constructed, as applicable, and  
 24           demonstrates that implementation of the exception will not  
 25           compromise student safety or the quality of student instruction.  
 26           The district school board must conduct at least one public

27 workshop to discuss and receive public comment on the proposed  
 28 resolution and cost-benefit analysis, which must begin no  
 29 earlier than 5 p.m. and may occur at the same meeting at which  
 30 the resolution will be voted upon.

31 (2) A resolution adopted under this section may propose  
 32 implementation of exceptions to requirements relating to:

33 (a) Interior nonload-bearing walls, as specified in s.  
 34 423.8.3.1.1 of the Florida Building Code, by approving the use  
 35 of fire-rated wood stud walls in new construction or remodeling  
 36 for interior nonload-bearing wall assemblies that will not be  
 37 exposed to water or located in wet areas.

38 (b) Walkways, roadways, driveways, and parking areas, as  
 39 specified in s. 423.10.2 of the Florida Building Code, by  
 40 approving the use of designated, stabilized, and well-drained  
 41 gravel or grassed student parking areas.

42 (c) Standards for relocatables used as classroom space, as  
 43 specified in s. 1013.20, by approving construction  
 44 specifications for installation of relocatable buildings that do  
 45 not have covered walkways leading to the permanent buildings  
 46 onsite.

47 (d) Site lighting, as specified in s. 423.10.3 of the  
 48 Florida Building Code, by approving construction specifications  
 49 regarding site lighting that:

50 1. Do not provide for lighting of gravel or grassed  
 51 auxiliary or student parking areas.

52 2. Provide lighting for walkways, roadways, driveways,

53 paved parking lots, exterior stairs, ramps, and walkways from  
 54 the exterior of the building to a public walkway through  
 55 installation of a timer that is set to provide lighting only  
 56 during periods when the site is occupied.

57 3. Allow lighting for building entrances and exits to be  
 58 installed with a timer that is set to provide lighting only  
 59 during periods in which the building is occupied. The minimum  
 60 illumination level at single-door exits may be reduced to no  
 61 less than 1 footcandle.

62 Section 2. This act shall take effect July 1, 2015.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 181 Educational Facilities  
**SPONSOR(S):** Bileca and others  
**TIED BILLS:** IDEN./SIM. BILLS: SB 448

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Beagle <i>GB</i>	Fudge <i>F</i>
2) Education Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

The uniform statewide building code for the planning and construction of public educational and ancillary plants, i.e., the State Requirements for Educational Facilities (SREF), is adopted by the Florida Building Commission as part of the Florida Building Code. The Department of Education (DOE) must biennially review and recommend to the Florida Building Commission updates and revisions to the SREF. The law and State Board of Education rules require district school boards to adhere to the SREF when constructing and renovating educational facilities. Generally speaking, SREF standards are premised on providing enhanced safety of occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.

The bill authorizes a district school board to adopt a resolution to implement one or more of the following exceptions to the SREF requirements regarding:

- Use of wood studs in interior nonload-bearing walls;
- Paved walkways, roadways, driveways, and parking areas;
- Covered walkways for relocatable buildings; and
- Site lighting.

The resolution must pass by a supermajority vote at a public meeting that begins no earlier than 5 p.m. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board:

- Achieves cost savings;
- Improves the efficient use of school district resources; and
- Impacts the life-cycle costs and life span for each educational facility to be constructed.

The cost-benefit analysis must also demonstrate that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.

The exceptions granted by the bill reference s. 423 of the 2010 Florida Building Code, which is currently in effect. The 2014 Florida Building Code takes effect July 1, 2015, and places the SREF in s. 453 of the code, thereby making the section references in the bill obsolete. See Drafting Issues or Other Comments.

The bill does not have a fiscal impact on state government. District school boards that take advantage of the facilities flexibility may achieve cost savings. See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### **State Requirements for Educational Facilities**

The uniform statewide building code for the planning and construction of public educational and ancillary plants, i.e., the State Requirements for Educational Facilities (SREF), is adopted by the Florida Building Commission as part of the Florida Building Code.<sup>1</sup> The Department of Education (DOE) must biennially review and recommend to the Florida Building Commission updates and revisions to the provisions of the SREF of the Florida Building Code.<sup>2</sup> The law and State Board of Education rules require district school boards and Florida College System (FCS) institution boards of trustees to adhere to the SREF when constructing, maintaining, and renovating educational facilities.<sup>3</sup> Generally speaking, SREF standards are premised on providing enhanced safety of occupants and increasing the life span of the extensive, publicly funded infrastructure of Florida's public school districts.<sup>4</sup>

The SREF is codified in s. 423 of the Florida Building Code. Among other things, the SREF specifies the following standards for interior walls; walks, roads, drives, and parking areas; covered walks; and site lighting:

<b>SREF of the Florida Building Code<sup>5</sup></b>
423.8.3.1.1: Interior nonload-bearing wood studs or partitions shall not be used in permanent educational and auxiliary facilities or relocatable buildings
423.10.2: Walks, roads, drives, and parking areas. Walks, roads, drives, and parking areas on educational and ancillary sites shall be paved. Roads, drives, and parking areas shall be in compliance with Department of Transportation (DOT) road specifications and striped in compliance with DOT paint specifications. All paved areas shall have positive drainage.
423.10.2.1: Covered walks. All buildings in K-12 educational facilities shall be connected by paved walks and accessible under continuous roof cover. New relocatable classroom buildings shall be connected to permanent buildings by paved covered walks where applicable.
423.10.3: Site lighting required. Design, construction, and installation of exterior security lighting for educational and ancillary facilities shall be provided for: <ul style="list-style-type: none"><li>• Auto, bus, and service drives and loading areas;</li><li>• Parking areas;</li><li>• Building perimeter; and</li><li>• Covered and connector walks between buildings and between buildings and parking.</li></ul>

##### **Effect of Proposed Changes**

The bill authorizes a district school board to adopt a resolution to implement one or more of the following exceptions to the SREF:

<sup>1</sup> Section 1013.37(1), F.S.

<sup>2</sup> Section 1013.37(4), F.S.

<sup>3</sup> Section 1013.37(1), F.S.; rule 6A-2.0010, F.A.C.

<sup>4</sup> See, e.g., s. 1013.12 (casualty, safety, sanitation, and firesafety standards and inspection of property) and 1013.451, F.S. (life-cycle cost comparison)

<sup>5</sup> International Code Council, 2010 Florida Building Code, [http://ecodes.cyberregs.com/cgi-exe/cpage.dll?pg=x&rp=/indx/ST/fl/st/b200v10/st\\_fl\\_st\\_b200v10\\_4.htm&sid=2015030617392435273&aph=0&cid=iccf&uid=iccf0002&clrA=005596&clrV=005596&clrX=005596&ref=/nonindx/ST/fl/st/b200v10/index.htm#b=423](http://ecodes.cyberregs.com/cgi-exe/cpage.dll?pg=x&rp=/indx/ST/fl/st/b200v10/st_fl_st_b200v10_4.htm&sid=2015030617392435273&aph=0&cid=iccf&uid=iccf0002&clrA=005596&clrV=005596&clrX=005596&ref=/nonindx/ST/fl/st/b200v10/index.htm#b=423) (last visited March 6, 2015)(see s. 423 State Requirements for Educational Facilities).

- Interior nonload-bearing walls by approving the use of fire-rated wood stud walls in new construction or remodeling for interior nonload-bearing wall assemblies that will not be exposed to water or located in wet areas.
- Walkways, roadways, driveways, and parking areas by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas.
- Standards for relocatables used as classroom space by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.
- Site lighting by approving construction specifications regarding site lighting that:
  - Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
  - Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.
  - Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than 1 footcandle.

The resolution must pass by a supermajority vote at a public meeting that begins no earlier than 5 p.m. Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board:

- Achieves cost savings;
- Improves the efficient use of school district resources; and
- Impacts the life-cycle costs and life span for each educational facility to be constructed.

The cost-benefit analysis must also demonstrate that implementation of the exception will not compromise student safety or the quality of student instruction. The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis, which must begin no earlier than 5 p.m. and may occur at the same meeting at which the resolution will be voted upon.

**B. SECTION DIRECTORY:**

Section 1. Creates s. 1013.385, F.S., relating to School district construction flexibility.

Section 2. Provides an effective date of July 1, 2015.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

District school boards that choose to implement the facilities flexibility authorized by the bill may achieve cost savings.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The exceptions granted by the bill reference s. 423 of the 2010 Florida Building Code, which is currently in effect. The 2014 Florida Building Code takes effect July 1, 2015, and places the SREF in s. 453 of the code, thereby making the chapter references in the bill obsolete. Consideration might be given to amending the bill to remove these section references to accommodate future changes to the building code.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.



1                                   A bill to be entitled  
 2           An act relating to public school instruction; amending  
 3           s. 1003.42, F.S.; requiring that instructional staff  
 4           of public schools provide instruction to students  
 5           about the terrorist attacks occurring on September 11,  
 6           2001, and the impact of those events; providing an  
 7           effective date.

8  
 9           WHEREAS, former Representative Clay Ford, Jr., who lost his  
 10          battle with cancer during the 2013 Legislative Session, served  
 11          his country in the United States Army as an infantry officer in  
 12          a number of assignments ranging from Germany to the Pentagon,  
 13          retiring as a full colonel, and

14           WHEREAS, in 1975, Representative Clay Ford, Jr., served as  
 15          a member of the Arkansas House of Representatives, and, in  
 16          February 2007, he was elected as a member of the Florida House  
 17          of Representatives and reelected in 2008, and

18           WHEREAS, as a member of the Florida House of  
 19          Representatives, Representative Clay Ford, Jr., had a passion  
 20          for education and served on many committees, including the PreK-  
 21          12 Policy Committee, and

22           WHEREAS, Representative Clay Ford, Jr., was a member of  
 23          many organizations, including the Arkansas Bar Association and  
 24          The Florida Bar as an attorney, the Military Officers  
 25          Association of America, and the National Rifle Association, and

26           WHEREAS, this act honors Representative Clay Ford, Jr.'s,

HB 85

2015

27 | legacy of service to this country and his passion for education  
28 | and the military, NOW, THEREFORE,

29 |  
30 | Be It Enacted by the Legislature of the State of Florida:

31 |  
32 | Section 1. Paragraph (u) is added to subsection (2) of  
33 | section 1003.42, Florida Statutes, to read:

34 | 1003.42 Required instruction.—

35 | (2) Members of the instructional staff of the public  
36 | schools, subject to the rules of the State Board of Education  
37 | and the district school board, shall teach efficiently and  
38 | faithfully, using the books and materials required that meet the  
39 | highest standards for professionalism and historic accuracy,  
40 | following the prescribed courses of study, and employing  
41 | approved methods of instruction, the following:

42 | (u) The events surrounding the terrorist attacks occurring  
43 | on September 11, 2001, and the impact of those events on the  
44 | nation.

45 |  
46 | The State Board of Education is encouraged to adopt standards  
47 | and pursue assessment of the requirements of this subsection.

48 | Section 2. This act shall take effect July 1, 2015.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 85 Public School Instruction  
**SPONSOR(S):** Hill and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 358

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Flynn <i>XF</i>	Fudge <i>Y</i>
2) Education Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

The bill requires public schools to provide instruction on the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill provides an effective date of July 1, 2015.



Current law does not require instruction on the impact of September 11, 2001, on our nation.

Federal law designates September 11, 2001, as Patriot Day in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States on September 11, 2001.<sup>1</sup>

Effect of Proposed Changes:

The bill requires that the events surrounding the terrorist attacks of September 11, 2001, and the impact of those events on the nation be included in the required instruction for public school students. School districts could incorporate remembrance of these events in instruction and school-related activities on Patriot Day, September 11, and throughout the year in other subjects.

**B. SECTION DIRECTORY:**

Section 1. Creates s. 1003.42(2)(u), F.S.; requiring that instructional staff of public schools provide instruction to students about the terrorist attacks occurring on September 11, 2001, and the impact of those events.

Section 2. Provides an effective date of July 1, 2015.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

There is no anticipated fiscal impact associated with this bill. Providing instruction as required by the bill would not necessitate expenditure of funds because free resources are available for use. If districts choose to purchase additional instructional materials, funds received pursuant to the instructional materials categorical under the Florida Education Finance Program (FEFP) formula can be used.

**III. COMMENTS**

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<sup>1</sup> Public Law 107-89. See 36 U.S.C. s. 144.  
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DATE: 3/6/2015





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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: K-12 Subcommittee  
 2 Representative Spano offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Present paragraphs (q) through (s) of  
 7 subsection (2) of section 39.202, Florida Statutes, are  
 8 redesignated as paragraphs (r) through (t), respectively, and a  
 9 new paragraph (q) is added to that subsection, to read:

10 39.202 Confidentiality of reports and records in cases of  
 11 child abuse or neglect.—

12 (2) Except as provided in subsection (4), access to such  
 13 records, excluding the name of the reporter which shall be  
 14 released only as provided in subsection (5), shall be granted  
 15 only to the following persons, officials, and agencies:

16 (q) An employee or agent of the Department of Education



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17 who is responsible for the investigation or prosecution of  
18 misconduct by a certified educator.

19 Section 2. Subsection (3) of section 1012.39, Florida  
20 Statutes, is amended to read:

21 1012.39 Employment of substitute teachers, teachers of  
22 adult education, nondegreed teachers of career education, and  
23 career specialists; students performing clinical field  
24 experience.-

25 (3) A student who is enrolled in a state-approved teacher  
26 preparation program in a postsecondary educational institution  
27 that is approved by rules of the State Board of Education and  
28 who is jointly assigned by the postsecondary educational  
29 institution and a district school board to perform a clinical  
30 field experience under the direction of a regularly employed and  
31 certified educator shall, while serving such supervised clinical  
32 field experience, be accorded the same protection of law as that  
33 accorded to the certified educator except for the right to  
34 bargain collectively as an employee of the district school  
35 board. The district school board providing the clinical field  
36 experience shall notify the student electronically or in writing  
37 regarding the availability of educator liability insurance under  
38 s. 1012.75. A postsecondary educational institution or district  
39 school board may not require a student enrolled in a state-  
40 approved teacher preparation program to purchase liability  
41 insurance as a condition of participation in any clinical field

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42 experience or related activity on the premises of an elementary  
43 or secondary school.

44 Section 3. Subsection (3) is added to section 1012.75,  
45 Florida Statutes, to read:

46 1012.75 Liability of teacher or principal; ~~excessive~~  
47 ~~force.~~

48 (3) Beginning with the 2015-2016 school year, the  
49 Department of Education shall administer an educator liability  
50 insurance program, as provided in the General Appropriation Act,  
51 to protect full-time instructional personnel, as defined by the  
52 district school board, from liability for monetary damages and  
53 the cost of defense of actions resulting from claims made  
54 against them arising out of occurrences in the course of  
55 activities in their professional capacity. For purposes of this  
56 subsection, the term "instructional personnel" has the same  
57 meaning as in s. 1012.01(2).

58 (a) Liability coverage, in an amount not less than 2  
59 million dollars, shall be provided to all full-time  
60 instructional personnel, as defined by the district school  
61 board. Liability coverage may be provided to the following  
62 individuals who choose to participate in the program, at cost:  
63 part-time instructional personnel, as defined by the district  
64 school board; administrative personnel, as defined by the  
65 district school board, and students, as described in 1012.39(3).



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66        (b) Each district school board shall annually notify  
67 personnel specified in paragraph (a) regarding the liability  
68 coverage provided pursuant to this section by August 1. The  
69 department shall develop the form of the notice that shall be  
70 used by each district school board. The notice shall be on an 8  
71 ½" x. 5 ½" postcard and include the amount of coverage, a  
72 general description of the nature of the coverage, and the  
73 contact information for coverage and claims questions. The  
74 notification shall be provided separately from any other  
75 correspondence. Each district school board shall certify to the  
76 department, by August 5 of each year, that the notification  
77 required by this subsection has been provided.

78        (c) The department shall consult with the Department of  
79 Financial Services to select the most economically prudent and  
80 the cost-effective means of implementing the program through  
81 self-insurance, a risk management program, or competitive  
82 procurement.

83        Section 4. Subsection (1) of section 1012.79, Florida  
84 Statutes, is amended to read:

85        1012.79 Education Practices Commission; organization.—

86        (1) The Education Practices Commission is composed  
87 consists of the following 25 members: 10, including 8 teachers;  
88 5 administrators, at least one of whom represents shall  
89 represent a private or virtual school; 4 7 lay citizens who are,  
90 5 of whom shall be parents of public school students and who are



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91 unrelated to public school employees; ~~and 2 of whom shall be~~  
92 former charter school governing board or district school board  
93 members or former superintendents, assistant superintendents, or  
94 deputy superintendents; and 4 ~~5~~ sworn law enforcement officials,  
95 appointed by the State Board of Education from nominations by  
96 the Commissioner of Education and subject to Senate  
97 confirmation. Prior to making nominations, the commissioner  
98 shall consult with teaching associations, parent organizations,  
99 law enforcement agencies, and other involved associations in the  
100 state. In making nominations, the commissioner shall attempt to  
101 achieve equal geographical representation, as closely as  
102 possible.

103 (a) A teacher member, in order to be qualified for  
104 appointment:

105 1. Must be certified to teach in the state.

106 2. ~~Must be a resident of the state.~~

107 ~~3.~~ Must have practiced the profession in this state for at  
108 least 5 years immediately preceding the appointment.

109 (b) A school administrator member, in order to be  
110 qualified for appointment:

111 1. Must have an endorsement on the educator certificate in  
112 the area of school administration or supervision.

113 2. ~~Must be a resident of the state.~~

114 ~~3.~~ Must have practiced the profession as an administrator  
115 for at least 5 years immediately preceding the appointment.

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- 116 (c) ~~The lay members must be residents of the state.~~
- 117 ~~(d)~~ The law enforcement official members must have served
- 118 in the profession for at least 5 years immediately preceding
- 119 appointment and have background expertise in child safety.
- 120 (d) The Commissioner of Education, upon request or
- 121 recommendation from the commission, may also appoint up to 5
- 122 emeritus members from the commission's prior membership to serve
- 123 1-year terms. Notwithstanding any prior service on the
- 124 commission, an emeritus member may serve up to five 1-year
- 125 terms. An emeritus member serves as a voting member at a
- 126 discipline hearing and as a consulting but nonvoting member
- 127 during a business meeting.
- 128 (e) All members must be residents of the state.
- 129 Section 5. Section 3. Subsection (3) of section 1012.796,
- 130 Florida Statutes, is amended to read:
- 131 1012.796 Complaints against teachers and administrators;
- 132 procedure; penalties.-
- 133 (3) The department staff shall advise the commissioner
- 134 concerning the findings of the investigation. The department
- 135 general counsel or members of that staff shall review the
- 136 investigation and advise the commissioner concerning probable
- 137 cause or lack thereof. The determination of probable cause shall
- 138 be made by the commissioner. The commissioner shall provide an
- 139 opportunity for a conference, if requested, prior to determining
- 140 probable cause. The commissioner may enter into deferred

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141 prosecution agreements in lieu of finding probable cause if, in  
142 his or her judgment, such agreements are in the best interests  
143 of the department, the certificateholder, and the public. Such  
144 deferred prosecution agreements shall become effective when  
145 filed with the clerk of the Education Practices Commission.  
146 However, a deferred prosecution agreement may ~~shall~~ not be  
147 entered into if there is probable cause to believe that a felony  
148 or an act of moral turpitude, as defined by rule of the State  
149 Board of Education, has occurred. Upon finding no probable  
150 cause, the commissioner shall dismiss the complaint and may  
151 issue a letter of guidance to the certificateholder.

152 Section 6. This act shall take effect upon becoming law.  
153

154 -----

155 **T I T L E A M E N D M E N T**

156 Remove everything before the enacting clause and insert:  
157 An act relating to education personnel; amending s.  
158 39.202, F.S.; authorizing certain employees or agents  
159 of the Department of Education to have access to  
160 certain reports and records; amending s. 1012.39,  
161 F.S.; providing requirements regarding liability  
162 insurance for students performing clinical field  
163 experience; amending s. 1012.75, F.S.; requiring the  
164 department to establish an educator liability  
165 insurance program; specifying program administration



Amendment No. 1

166 and eligibility requirements; amending s. 1012.79,  
167 F.S.; revising the membership of the Education  
168 Practices Commission; authorizing the Commissioner of  
169 Education to appoint emeritus members to the  
170 commission; amending s. 1012.796, F.S.; authorizing  
171 the commissioner to issue a letter of guidance in  
172 response to a complaint against a certified teacher or  
173 administrator; providing an effective date.

174

1                                   A bill to be entitled  
 2           An act relating to educator professional practices;  
 3           amending s. 39.202, F.S.; authorizing certain  
 4           employees or agents of the Department of Education to  
 5           have access to certain reports and records; amending  
 6           s. 1012.79, F.S.; revising the membership of the  
 7           Education Practices Commission; authorizing the  
 8           Commissioner of Education to appoint emeritus members  
 9           to the commission; amending s. 1012.796, F.S.;  
 10          authorizing the commissioner to issue a letter of  
 11          guidance in response to a complaint against a teacher  
 12          or administrator in lieu of a probable cause  
 13          determination; providing an effective date.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Present paragraphs (q) through (s) of  
 18           subsection (2) of section 39.202, Florida Statutes, are  
 19           redesignated as paragraphs (r) through (t), respectively, and a  
 20           new paragraph (q) is added to that subsection, to read:

21           39.202 Confidentiality of reports and records in cases of  
 22           child abuse or neglect.—

23           (2) Except as provided in subsection (4), access to such  
 24           records, excluding the name of the reporter which shall be  
 25           released only as provided in subsection (5), shall be granted  
 26           only to the following persons, officials, and agencies:

27 (q) An employee or agent of the Department of Education  
 28 who is responsible for the investigation or prosecution of  
 29 misconduct by a certified educator.

30 Section 2. Subsection (1) of section 1012.79, Florida  
 31 Statutes, is amended to read:

32 1012.79 Education Practices Commission; organization.—

33 (1) The Education Practices Commission is composed  
 34 ~~consists~~ of the following 27 25 members: 10, including 8  
 35 teachers; 5 administrators, at least one of whom represents  
 36 ~~shall represent~~ a private or virtual school; 6 7 lay citizens  
 37 who are, 5 of whom shall be parents of public school students  
 38 and who are unrelated to public school employees; and 2 of whom  
 39 ~~shall be~~ former charter governing board or district school board  
 40 members or former superintendents, assistant superintendents, or  
 41 deputy superintendents; and 4 5 sworn law enforcement officials,  
 42 appointed by the State Board of Education from nominations by  
 43 the Commissioner of Education and subject to Senate  
 44 confirmation. Prior to making nominations, the commissioner  
 45 shall consult with teaching associations, parent organizations,  
 46 law enforcement agencies, and other involved associations in the  
 47 state. In making nominations, the commissioner shall attempt to  
 48 achieve equal geographical representation, as closely as  
 49 possible.

50 (a) A teacher member, in order to be qualified for  
 51 appointment:

- 52 1. Must be certified to teach in the state.

- 53           2. Must be a resident of the state.  
 54           3. Must have practiced the profession in this state for at  
 55 least 5 years immediately preceding the appointment.

56           (b) A school administrator member, in order to be  
 57 qualified for appointment:

58           1. Must have an endorsement on the educator certificate in  
 59 the area of school administration or supervision.

60           2. Must be a resident of the state.

61           3. Must have practiced the profession as an administrator  
 62 for at least 5 years immediately preceding the appointment.

63           (c) All ~~The lay~~ members must be residents of the state.

64           (d) The law enforcement official members must have served  
 65 in the profession for at least 5 years immediately preceding  
 66 appointment and have background expertise in child safety.

67           (e) The Commissioner of Education, upon request or  
 68 recommendation from the commission, may also appoint up to 5  
 69 emeritus members from the commission's prior membership to serve  
 70 1-year terms. Notwithstanding any prior service on the  
 71 commission, an emeritus member may serve up to five 1-year  
 72 terms. An emeritus member serves as a voting member at a  
 73 discipline hearing and as a consulting but nonvoting member  
 74 during a business meeting.

75           Section 3. Subsection (3) of section 1012.796, Florida  
 76 Statutes, is amended to read:

77           1012.796 Complaints against teachers and administrators;  
 78 procedure; penalties.—

HB 587

2015

79 (3) The department staff shall advise the commissioner  
80 concerning the findings of the investigation. The department  
81 general counsel or members of that staff shall review the  
82 investigation and advise the commissioner concerning probable  
83 cause or lack thereof. The determination of probable cause shall  
84 be made by the commissioner. The commissioner shall provide an  
85 opportunity for a conference, if requested, prior to determining  
86 probable cause. The commissioner may enter into deferred  
87 prosecution agreements in lieu of finding probable cause if, in  
88 his or her judgment, such agreements are in the best interests  
89 of the department, the certificateholder, and the public. Such  
90 deferred prosecution agreements shall become effective when  
91 filed with the clerk of the Education Practices Commission.  
92 However, a deferred prosecution agreement may ~~shall~~ not be  
93 entered into if there is probable cause to believe that a felony  
94 or an act of moral turpitude, as defined by rule of the State  
95 Board of Education, has occurred. Upon finding no probable  
96 cause, the commissioner shall dismiss the complaint. In lieu of  
97 a finding of probable cause, the commissioner may also issue a  
98 letter of guidance to the educator.

99 Section 4. This act shall take effect July 1, 2015.

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 587 Educational Professional Practices  
**SPONSOR(S):** Spano  
**TIED BILLS:** IDEN./SIM. BILLS: SB 888

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Beagle <i>GB</i>	Fudge <i>[Signature]</i>
2) Education Appropriations Subcommittee			
3) Education Committee			

**SUMMARY ANALYSIS**

The Education Practices Commission (EPC) is a 25 member panel comprised of educators, parents, former school board members, and law enforcement officials that is responsible for adjudicating complaints of misconduct committed by certified educators. The EPC is authorized to suspend or revoke an educator's certificate and may impose other sanctions if the Department of Education (DOE) finds probable cause to prosecute a complaint. Law enforcement members of EPC are not required to be Florida residents. The law does not provide membership for public virtual school administrators, former charter school governing board members, and former district school superintendents.

DOE is required to investigate complaints of misconduct committed by certified educators. DOE employees who are responsible for investigating or prosecuting misconduct by certified educators are not currently authorized to access child abandonment, abuse, or neglect records held by the Department of Children and Families (DCF). Currently, the Commissioner of Education is authorized to enter into a deferred prosecution agreement with a certified educator who is accused of misconduct in lieu of finding probable cause if, in his or her judgment, the agreement is in the best interests of DOE, the educator, and the public, unless there is probable cause to believe that a felony or an act of moral turpitude has occurred. Upon finding no probable cause, the commissioner must dismiss the complaint.

Among other things, the bill revises the membership of the EPC to include membership opportunities for school administrators employed by virtual schools; former charter school governing board members; and former district school superintendents, assistant superintendents, or deputy superintendents. The bill also requires EPC members to be Florida residents and authorizes the appointment of emeritus members.

The bill authorizes DCF to disclose child abandonment, abuse, or neglect records to DOE employees who investigate or prosecute misconduct by certified educators.

Current law establishes criteria for when the commissioner may enter into a deferred prosecution agreement in lieu of finding probable cause. The bill authorizes the commissioner to also provide a letter of guidance in lieu of finding probable cause, but it does not provide criteria for when the letter will be provided. See Drafting Issues of Other Comments.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### **Education Practices Commission**

The Education Practices Commission (EPC) is a panel that is responsible for adjudicating complaints of misconduct committed by certified educators. The EPC is authorized to suspend or revoke an educator's certificate and may impose other sanctions.<sup>1</sup> The EPC consists of 25 members, including:

- Eight teachers;
- Five administrators, at least one of whom must represent a private school;
- Seven lay citizens, five of whom must be parents of public school students with no family relation to a public school employee and two of whom must be former district school board members; and
- Five sworn law enforcement officials.

EPC members are appointed by the State Board of Education based upon nominations by the Commissioner of Education and subject to Senate confirmation. Teacher, school administrator, and lay members of the EPC must be Florida residents. Residency is not required of law enforcement members.<sup>2</sup>

The Department of Education (DOE) is required to investigate complaints of misconduct committed by certified educators to determine if probable cause exists to refer the matter for prosecution by the EPC.<sup>3</sup> DOE investigative staff must advise the Commissioner for Education regarding the findings of the investigation. DOE's legal department must review the investigation and advise the commissioner as to whether probable cause exists to prosecute the complaint. Unless the complaint involves a felony or crime of moral turpitude, the commissioner may enter into a deferred prosecution agreement with the certified educator in lieu of finding probable cause. The commissioner must dismiss a complaint if probable cause does not exist to commence prosecution.<sup>4</sup>

Florida law provides that records held by the Department of Children and Families (DCF) regarding reports of child abandonment, abuse, or neglect are confidential and exempt from public records disclosure requirements. The law authorizes disclosure of these records to a limited list of individuals, e.g., state or local government, law enforcement, or court officials who investigate or adjudicate alleged child abuse or provide services to child abuse victims.<sup>5</sup> The law does not authorize disclosure of child abuse records to DOE employees who are responsible for investigating or prosecuting misconduct by certified educators.

##### **Effect of Proposed Changes**

The bill revises the membership of the EPC as follows:

- The total membership of the EPC is increased from 25 to 27 members.
- The number of teacher members is increased from eight to 10.

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<sup>1</sup> Section 1012.795(1), F.S.

<sup>2</sup> Section 1012.79(1)

<sup>3</sup> Section 1012.796(1), F.S.

<sup>4</sup> Section 1012.796(3), F.S.

<sup>5</sup> Section 39.202(1)-(2), F.S.



- The one school administrator slot currently reserved for a private school administrator may also be filled by a virtual school administrator.
- The total number of lay citizen members is reduced from seven to six, all of whom must be parents of public school students.
- The two membership slots currently reserved for former district school board members remain, but are no longer classified as “lay citizen” slots and may also be filled by a former charter school governing board member or former district school superintendent, assistant superintendent, or deputy superintendent.
- The number of sworn law enforcement officials is reduced from five to four.
- The Commissioner of Education, upon request or recommendation from the EPC, is authorized to appoint up to five emeritus members to serve one-year terms. Emeritus members may serve up to five one-year terms, are voting members for discipline hearings, and are nonvoting members for other matters.
- All members of the EPC must be Florida residents.

Additionally, the bill authorizes DCF to disclose child abandonment, abuse, or neglect records to DOE employees who investigate or prosecute misconduct by certified educators.

Current law establishes criteria for when the commissioner may enter into a deferred prosecution agreement in lieu of probable cause. The commissioner may enter into such an agreement if, in his or her judgment, it is in the best interests of DOE, the educator, and the public, unless there is probable cause to believe that a felony or an act of moral turpitude has occurred. The bill authorizes the commissioner to also provide a letter of guidance in lieu of probable cause, but it does not provide criteria for when the letter will be provided. See Drafting Issues of Other Comments.

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 39.202, F.S., relating to Confidentiality of reports and records in cases of child abuse or neglect.

**Section 2.** Amends s. 1012.79, F.S., relating to the Education Practices Commission.

**Section 3.** Amends s. 1012.796, F.S., relating to Complaints against teachers and administrators.

**Section 4.** Provides an effective date of July 1, 2015.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Current law establishes criteria for when the commissioner may enter into a deferred prosecution agreement in lieu of probable cause. The commissioner may enter into such an agreement if, in his or her judgment, it is in the best interests of DOE, the educator, and the public, unless there is probable cause to believe that a felony or an act of moral turpitude has occurred. The bill authorizes the commissioner to also provide a letter of guidance in lieu of probable cause, but it does not provide criteria for when the letter will be provided.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.



1 A bill to be entitled  
2 An act relating to school safety; providing  
3 legislative intent; amending s. 790.115, F.S.;  
4 permitting a school superintendent, with approval of  
5 the school board, to authorize a school safety  
6 designee to carry a concealed weapon or firearm on  
7 school property; providing requirements for school  
8 safety designees; providing exceptions to the  
9 prohibition on possession of firearms or other  
10 specified devices on school property; providing for  
11 fingerprint processing and retention; requiring that  
12 fees shall be borne by the school safety designee or  
13 school; requiring the Criminal Justice Standards and  
14 Training Commission to develop a school safety  
15 program; amending s. 1006.07, F.S.; requiring school  
16 boards to formulate policies and procedures for  
17 managing active-shooter and hostage situations;  
18 requiring that active-shooter procedures for each  
19 school be developed in consultation with local law  
20 enforcement agencies; requiring that district school  
21 boards and private schools allow campus tours by local  
22 law enforcement agencies for specified purposes;  
23 requiring that all recommendations be documented;  
24 amending s. 1006.12, F.S.; permitting district school  
25 boards to commission one or more school safety  
26 officers on each school campus; amending ss. 435.04,

27 790.251, 921.0022, and 1012.315, F.S.; conforming  
 28 cross-references; providing an appropriation;  
 29 providing an effective date.  
 30

31 Be It Enacted by the Legislature of the State of Florida:  
 32

33 Section 1. It is the intent of the Legislature to prevent  
 34 violent crimes from occurring on school grounds. The Legislature  
 35 acknowledges that the safekeeping of our students, teachers, and  
 36 campuses is imperative. In addition, the Legislature's intent is  
 37 not to mandate that a school have one or more school safety  
 38 designees as described in the amendments made by this act to s.  
 39 790.115, Florida Statutes; rather, the intent of the amendments  
 40 is to allow a district school board to develop policies  
 41 consistent with chapter 790, Florida Statutes.

42 Section 2. Section 790.115, Florida Statutes, is amended  
 43 to read:

44 790.115 Possessing or discharging weapons or firearms at a  
 45 school-sponsored event or on school property prohibited;  
 46 penalties; exceptions.—

47 (1) As used in this section, the term "school" means a  
 48 preschool, elementary school, middle school, junior high school,  
 49 secondary school, adult education facility, career center, or  
 50 postsecondary school, whether public or nonpublic, or a facility  
 51 that combines any of these facilities.

52 (2) ~~(1)~~ A person who exhibits any sword, sword cane,

53 | firearm, electric weapon or device, destructive device, or other  
 54 | weapon as defined in s. 790.001(13), including a razor blade,  
 55 | box cutter, or common pocketknife, except as authorized in  
 56 | support of school-sanctioned activities, in the presence of one  
 57 | or more persons in a rude, careless, angry, or threatening  
 58 | manner and not in lawful self-defense, at a school-sponsored  
 59 | event or on the grounds or facilities of any school, school bus,  
 60 | or school bus stop, or within 1,000 feet of the real property  
 61 | that comprises a public or private elementary school, middle  
 62 | school, or secondary school, during school hours or during the  
 63 | time of a sanctioned school activity, commits a felony of the  
 64 | third degree, punishable as provided in s. 775.082, s. 775.083,  
 65 | or s. 775.084. This subsection does not apply to the exhibition  
 66 | of a firearm or weapon on private real property within 1,000  
 67 | feet of a school by the owner of such property or by a person  
 68 | whose presence on such property has been authorized, licensed,  
 69 | or invited by the owner.

70 |       (3)(a) A school superintendent, with approval of the  
 71 | school board, may authorize a school safety designee to carry a  
 72 | concealed weapon or firearm on school property. For purposes of  
 73 | this subsection, a school safety designee is an individual who  
 74 | is a school district employee or volunteer who is licensed to  
 75 | carry a concealed weapon or firearm pursuant to s. 790.06 and  
 76 | who is:

77 |       1. A military veteran who was honorably discharged and who  
 78 | has not been found to have committed a firearms-related

79 disciplinary infraction during his or her service;

80 2. An active duty member of the military, the National  
 81 Guard, or military reserves who has not been found to have  
 82 committed a firearms-related disciplinary infraction during his  
 83 or her service; or

84 3. An active law enforcement officer in good standing or a  
 85 law enforcement officer who retired or terminated employment in  
 86 good standing and did not retire or terminate employment during  
 87 the course of an internal affairs investigation.

88 (b) A school safety designee authorized to carry a  
 89 concealed weapon or firearm on school property under this  
 90 subsection may only carry such weapon or firearm in a concealed  
 91 manner. The weapon or firearm must be carried on the school  
 92 safety designee's person at all times while the school safety  
 93 designee is performing his or her official school duties or, if  
 94 the school safety designee is a volunteer, while performing his  
 95 or her official school duties under this program.

96 (c) A school board that approves the use of a school  
 97 safety designee shall develop policies consistent with this  
 98 section to incorporate in its overall school safety plan. A  
 99 school principal may recommend school safety designees to the  
 100 school superintendent under this subsection. The school  
 101 superintendent may designate individuals to serve as school  
 102 safety designees who agree to accept the designation. If a  
 103 superintendent designates one or more individuals pursuant to  
 104 this section, the school district shall coordinate with each

105 local law enforcement agency that may potentially respond to an  
 106 emergency at a school in which a school safety designee is  
 107 employed or volunteers to develop best practices and to allow  
 108 the responding law enforcement agency to easily identify a  
 109 school safety designee in a case of emergency. In the case of an  
 110 emergency, a school safety designee shall be under the direction  
 111 of the assigned school resource officer, if any. Upon the  
 112 arrival of the local responding law enforcement agency, the  
 113 school safety designee shall be under the direction of the  
 114 responding law enforcement agency.

115 (d) Each school safety designee must submit to the school  
 116 superintendent proof of completion of a school safety program.  
 117 The school safety program shall be created and defined by the  
 118 Criminal Justice Standards and Training Commission and may  
 119 include, but is not limited to, active shooter training, firearm  
 120 proficiency, school resource officer training, crisis  
 121 intervention training, weapons retention training, and  
 122 continuing education and training. The school safety program  
 123 shall be developed and created by January 1, 2016. The school  
 124 safety program shall be administered by criminal justice  
 125 training centers operated by the State of Florida. Each state-  
 126 operated criminal justice training center that administers the  
 127 school safety program must certify and provide proof of  
 128 completion of the program in a manner prescribed by the Criminal  
 129 Justice Standards and Training Commission.

130 (e) School property at which a school safety designee may



131 carry a concealed weapon or firearm under this subsection may be  
 132 indicated with signage that reads: "Authorized Armed Defense  
 133 Present and Permitted."

134 (f) Subsection (4) does not apply to school safety  
 135 designees who are working or volunteering at the school to which  
 136 they are assigned as school safety designees. A school safety  
 137 designee who stores or leaves a weapon or firearm within the  
 138 reach or easy access of a minor who obtains the firearm commits  
 139 a misdemeanor of the second degree, punishable as provided in s.  
 140 775.082 or s. 775.083.

141 (g)1. If the school safety designee has not previously  
 142 undergone level 2 background screening pursuant to s. 435.04 by  
 143 the school board, the school superintendent must require the  
 144 school safety designee to undergo the level 2 background  
 145 screening pursuant to s. 435.04 at least once every 5 years. The  
 146 school superintendent may require additional screenings at any  
 147 time.

148 2. If the school safety designee is screened pursuant to  
 149 subparagraph 1., the school safety designee's fingerprints must  
 150 be submitted by the school or an entity or vendor as authorized  
 151 by s. 943.053(13). The fingerprints shall be forwarded to the  
 152 Department of Law Enforcement for state processing, and the  
 153 Department of Law Enforcement shall forward the fingerprints to  
 154 the Federal Bureau of Investigation for national processing.

155 3. All fingerprints submitted to the Department of Law  
 156 Enforcement as required under this subsection shall be retained

157 | by the Department of Law Enforcement as provided under s.  
 158 | 943.05(2)(g) and (h) and enrolled in the Federal Bureau of  
 159 | Investigation's national retained print arrest notification  
 160 | program. Fingerprints shall be enrolled in the national retained  
 161 | print arrest notification program when the Department of Law  
 162 | Enforcement begins participation with the Federal Bureau of  
 163 | Investigation. Arrest fingerprints shall be searched against the  
 164 | retained prints by the Department of Law Enforcement and the  
 165 | Federal Bureau of Investigation, and any arrest record that is  
 166 | identified shall be reported to the school by the Department of  
 167 | Law Enforcement.

168 | 4. The fees for state and national fingerprint processing,  
 169 | along with the fingerprint retention fees, shall be borne by the  
 170 | school safety designee or school. The state shall pay the cost  
 171 | for fingerprint processing as authorized in s. 943.053(3)(b) for  
 172 | records provided to persons or entities other than those  
 173 | specified as exceptions therein.

174 | 5. A school superintendent shall notify the Department of  
 175 | Law Enforcement regarding any person whose fingerprints have  
 176 | been retained but who is no longer a school safety designee.

177 | (4)(2)(a) A person shall not possess any firearm, electric  
 178 | weapon or device, destructive device, or other weapon as defined  
 179 | in s. 790.001(13), including a razor blade or box cutter, except  
 180 | as authorized in support of school-sanctioned activities, at a  
 181 | school-sponsored event or on the property of any school, school  
 182 | bus, or school bus stop; however, a person may carry a firearm:

183           1. In a case to a firearms program, class or function  
 184 which has been approved in advance by the principal or chief  
 185 administrative officer of the school as a program or class to  
 186 which firearms could be carried;

187           2. In a case to a career center having a firearms training  
 188 range; or

189           3. In a vehicle pursuant to s. 790.25(5); except that  
 190 school districts may adopt written and published policies that  
 191 waive the exception in this subparagraph for purposes of student  
 192 and campus parking privileges.

193  
 194 For the purposes of this section, "school" means any preschool,  
 195 elementary school, middle school, junior high school, secondary  
 196 school, career center, or postsecondary school, whether public  
 197 or nonpublic.

198           (b) A person who willfully and knowingly possesses any  
 199 electric weapon or device, destructive device, or other weapon  
 200 as defined in s. 790.001(13), including a razor blade or box  
 201 cutter, except as authorized in support of school-sanctioned  
 202 activities, in violation of this subsection commits a felony of  
 203 the third degree, punishable as provided in s. 775.082, s.  
 204 775.083, or s. 775.084.

205           (c)1. A person who willfully and knowingly possesses any  
 206 firearm in violation of this subsection commits a felony of the  
 207 third degree, punishable as provided in s. 775.082, s. 775.083,  
 208 or s. 775.084.

209           2. A person who stores or leaves a loaded firearm within  
 210 the reach or easy access of a minor who obtains the firearm and  
 211 commits a violation of subparagraph 1. commits a misdemeanor of  
 212 the second degree, punishable as provided in s. 775.082 or s.  
 213 775.083; except that this does not apply if the firearm was  
 214 stored or left in a securely locked box or container or in a  
 215 location which a reasonable person would have believed to be  
 216 secure, or was securely locked with a firearm-mounted push-  
 217 button combination lock or a trigger lock; if the minor obtains  
 218 the firearm as a result of an unlawful entry by any person; or  
 219 to members of the Armed Forces, National Guard, or State  
 220 Militia, or to police or other law enforcement officers, with  
 221 respect to firearm possession by a minor which occurs during or  
 222 incidental to the performance of their official duties.

223           (d) A person who discharges any weapon or firearm while in  
 224 violation of paragraph (a), unless discharged for lawful defense  
 225 of himself or herself or another or for a lawful purpose,  
 226 commits a felony of the second degree, punishable as provided in  
 227 s. 775.082, s. 775.083, or s. 775.084.

228           (e) The penalties of this subsection shall not apply to  
 229 persons licensed under s. 790.06. Persons licensed under s.  
 230 790.06 shall be punished as provided in s. 790.06(12), except  
 231 that a licenseholder who unlawfully discharges a weapon or  
 232 firearm on school property as prohibited by this subsection  
 233 commits a felony of the second degree, punishable as provided in  
 234 s. 775.082, s. 775.083, or s. 775.084.

235 (5)~~(3)~~ This section does not apply to any law enforcement  
 236 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),  
 237 (8), (9), or (14).

238 (6)~~(4)~~ Notwithstanding s. 985.24, s. 985.245, or s.  
 239 985.25(1), any minor under 18 years of age who is charged under  
 240 this section with possessing or discharging a firearm on school  
 241 property shall be detained in secure detention, unless the state  
 242 attorney authorizes the release of the minor, and shall be given  
 243 a probable cause hearing within 24 hours after being taken into  
 244 custody. At the hearing, the court may order that the minor  
 245 continue to be held in secure detention for a period of 21 days,  
 246 during which time the minor shall receive medical, psychiatric,  
 247 psychological, or substance abuse examinations pursuant to s.  
 248 985.18, and a written report shall be completed.

249 Section 3. Subsections (4) and (6) of section 1006.07,  
 250 Florida Statutes, are amended and subsection (7) is added to  
 251 that section to read:

252 1006.07 District school board duties relating to student  
 253 discipline and school safety.—The district school board shall  
 254 provide for the proper accounting for all students, for the  
 255 attendance and control of students at school, and for proper  
 256 attention to health, safety, and other matters relating to the  
 257 welfare of students, including:

258 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

259 (a) Formulate and prescribe policies and procedures for  
 260 emergency drills and for actual emergencies, including, but not

261 | limited to, fires, natural disasters, active shooters, hostage  
 262 | situations, and bomb threats, for all the public schools of the  
 263 | district which comprise grades K-12. District school board  
 264 | policies shall include commonly used alarm system responses for  
 265 | specific types of emergencies and verification by each school  
 266 | that drills have been provided as required by law and fire  
 267 | protection codes. The emergency response agency that is  
 268 | responsible for notifying the school district for each type of  
 269 | emergency must be listed in the district's emergency response  
 270 | policy.

271 | (b) Establish model emergency management and emergency  
 272 | preparedness procedures, including emergency notification  
 273 | procedures pursuant to paragraph (a), for the following life-  
 274 | threatening emergencies:

275 | 1. Weapon-use, ~~and~~ hostage, and active-shooter situations.  
 276 | The active-shooter situation procedures for each school shall be  
 277 | developed in consultation with a local law enforcement agency.

278 | 2. Hazardous materials or toxic chemical spills.

279 | 3. Weather emergencies, including hurricanes, tornadoes,  
 280 | and severe storms.

281 | 4. Exposure as a result of a manmade emergency.

282 | (6) SAFETY AND SECURITY BEST PRACTICES.—Use the Safety and  
 283 | Security Best Practices developed by the Office of Program  
 284 | Policy Analysis and Government Accountability to conduct a self-  
 285 | assessment of the school districts' current safety and security  
 286 | practices. Based on these self-assessment findings, the district

287 school superintendent shall provide recommendations to the  
 288 district school board and local law enforcement agencies that  
 289 are first responders to the district campuses which identify  
 290 strategies and activities that the district school board should  
 291 implement in order to improve school safety and security.  
 292 Annually each district school board must receive the self-  
 293 assessment results at a publicly noticed district school board  
 294 meeting to provide the public an opportunity to hear the  
 295 district school board members discuss and take action on the  
 296 report findings. Each district school superintendent shall  
 297 report the self-assessment results and school board action to  
 298 the commissioner within 30 days after the district school board  
 299 meeting.

300 (7) SAFETY IN CONSTRUCTION AND PLANNING.—A district school  
 301 board or private school principal or governing board must allow  
 302 local law enforcement agencies that are first responders to the  
 303 schools to tour the school campuses at least once every 3 years.  
 304 Any changes related to school safety and emergency issues  
 305 recommended by a law enforcement agency based on a campus tour  
 306 must be documented by the district school board or the private  
 307 school principal or governing board.

308 Section 4. Paragraph (b) of subsection (2) of section  
 309 1006.12, Florida Statutes, is amended to read:

310 1006.12 School resource officers and school safety  
 311 officers.—

312 (2)

313 (b) A district school board may commission one or more  
 314 school safety officers for the protection and safety of school  
 315 personnel, property, and students on each school campus within  
 316 the school district. The district school superintendent may  
 317 recommend and the district school board may appoint the ~~one or~~  
 318 ~~more~~ school safety officers.

319 Section 5. Paragraphs (q) and (r) of subsection (2) of  
 320 section 435.04, Florida Statutes, are amended to read:

321 435.04 Level 2 screening standards.—

322 (2) The security background investigations under this  
 323 section must ensure that no persons subject to the provisions of  
 324 this section have been arrested for and are awaiting final  
 325 disposition of, have been found guilty of, regardless of  
 326 adjudication, or entered a plea of nolo contendere or guilty to,  
 327 or have been adjudicated delinquent and the record has not been  
 328 sealed or expunged for, any offense prohibited under any of the  
 329 following provisions of state law or similar law of another  
 330 jurisdiction:

331 (q) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting  
 332 firearms or weapons within 1,000 feet of a school.

333 (r) Section 790.115(4)(b) ~~790.115(2)(b)~~, relating to  
 334 possessing an electric weapon or device, destructive device, or  
 335 other weapon on school property.

336 Section 6. Paragraph (a) of subsection (7) of section  
 337 790.251, Florida Statutes, is amended to read:

338 790.251 Protection of the right to keep and bear arms in



339 motor vehicles for self-defense and other lawful purposes;  
340 prohibited acts; duty of public and private employers; immunity  
341 from liability; enforcement.-

342 (7) EXCEPTIONS.-The prohibitions in subsection (4) do not  
343 apply to:

344 (a) Any school property as defined in s. 790.115(1) and  
345 regulated under that section ~~s. 790.115~~.

346 Section 7. Paragraphs (d) and (f) of subsection (3) of  
347 section 921.0022, Florida Statutes, are amended to read:

348 921.0022 Criminal Punishment Code; offense severity  
349 ranking chart.-

350 (3) OFFENSE SEVERITY RANKING CHART

351 (d) LEVEL 4

352

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver

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			pedigree papers.
355			
	499.0051(2)	3rd	Failure to authenticate pedigree papers.
356			
	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
357			
	517.07(1)	3rd	Failure to register securities.
358			
	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
359			
	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
360			
	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
361			
	784.075	3rd	Battery on detention or commitment facility staff.
362			
	784.078	3rd	Battery of facility employee by

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			throwing, tossing, or expelling certain fluids or materials.
363	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
364	784.081(3)	3rd	Battery on specified official or employee.
365	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
366	784.083(3)	3rd	Battery on code inspector.
367	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
368	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
369	787.04(2)	3rd	Take, entice, or remove child beyond state limits with

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370	787.04 (3)	3rd	criminal intent pending custody proceedings.
371	787.07	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
372	<u>790.115 (2)</u> <del>790.115 (1)</del>	3rd	Human smuggling.
373	<u>790.115 (4) (b)</u> <del>790.115 (2) (b)</del>	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
374	<u>790.115 (4) (c)</u> <del>790.115 (2) (e)</del>	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
375	800.04 (7) (c)	3rd	Possessing firearm on school property.
376			Lewd or lascivious exhibition; offender less than 18 years.

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377	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
378	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
379	810.06	3rd	Burglary; possession of tools.
380	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
381	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
382	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property

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383			stolen \$300 or more.
	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
384			
	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
385			
	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
386			
	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
387			
	837.02(1)	3rd	Perjury in official proceedings.
388			
	837.021(1)	3rd	Make contradictory statements in official proceedings.
389			
	838.022	3rd	Official misconduct.
390			

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391	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
392	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
393	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
394	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
395	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
396	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.

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397	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
398	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
399	914.14(2)	3rd	Witnesses accepting bribes.
400	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
401	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
402	918.12	3rd	Tampering with jurors.
403	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
404	(f) LEVEL 6		
405			



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	Florida Statute	Felony Degree	Description
406	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
407	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
408	499.0051(3)	2nd	Knowing forgery of pedigree papers.
409	499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
410	499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
411	775.0875(1)	3rd	Taking firearm from law enforcement officer.
412	784.021(1)(a)	3rd	Aggravated assault; deadly

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			weapon without intent to kill.
413	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
414	784.041	3rd	Felony battery; domestic battery by strangulation.
415	784.048(3)	3rd	Aggravated stalking; credible threat.
416	784.048(5)	3rd	Aggravated stalking of person under 16.
417	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
418	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
419	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
420	784.081(2)	2nd	Aggravated assault on specified

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421			official or employee.
422	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
423	784.083(2)	2nd	Aggravated assault on code inspector.
424	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
425	<u>790.115(4)(d)</u> <del>790.115(2)(d)</del>	2nd	Discharging firearm or weapon on school property.
426	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
427	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

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428	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
429	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
430	794.05(1)	2nd	Unlawful sexual activity with specified minor.
431	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
432	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
433	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
	810.02(3)(c)	2nd	Burglary of occupied structure;

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434	810.145(8)(b)	2nd	unarmed; no assault or battery.
435	812.014(2)(b)1.	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
436	812.014(6)	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
437	812.015(9)(a)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
438	812.015(9)(b)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
439	812.13(2)(c)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
440			Robbery, no firearm or other weapon (strong-arm robbery).

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441	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
442	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
443	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
444	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
445	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
446	827.03(2)(c)	3rd	Abuse of a child.
447	827.03(2)(d)	3rd	Neglect of a child.
448	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.

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449	836.05	2nd	Threats; extortion.
450	836.10	2nd	Written threats to kill or do bodily injury.
451	843.12	3rd	Aids or assists person to escape.
452	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
453	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
454	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
455	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.

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456 944.35(3)(a)2. 3rd Committing malicious battery  
upon or inflicting cruel or  
inhuman treatment on an inmate  
or offender on community  
supervision, resulting in great  
bodily harm.

457 944.40 2nd Escapes.

458 944.46 3rd Harboring, concealing, aiding  
escaped prisoners.

459 944.47(1)(a)5. 2nd Introduction of contraband  
(firearm, weapon, or explosive)  
into correctional facility.

460 951.22(1) 3rd Intoxicating drug, firearm, or  
weapon introduced into county  
facility.

461 Section 8. Paragraphs (n) and (o) of subsection (1) of  
462 section 1012.315, Florida Statutes, are amended to read:

463 1012.315 Disqualification from employment.—A person is  
464 ineligible for educator certification, and instructional  
465 personnel and school administrators, as defined in s. 1012.01,  
466 are ineligible for employment in any position that requires



467 | direct contact with students in a district school system,  
 468 | charter school, or private school that accepts scholarship  
 469 | students under s. 1002.39 or s. 1002.395, if the person,  
 470 | instructional personnel, or school administrator has been  
 471 | convicted of:

472 |       (1) Any felony offense prohibited under any of the  
 473 | following statutes:

474 |       (n) Section 790.115(2) ~~790.115(1)~~, relating to exhibiting  
 475 | firearms or weapons at a school-sponsored event, on school  
 476 | property, or within 1,000 feet of a school.

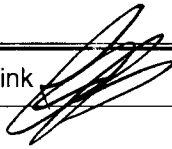
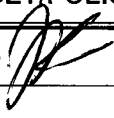
477 |       (o) Section 790.115(4)(b) ~~790.115(2)(b)~~, relating to  
 478 | possessing an electric weapon or device, destructive device, or  
 479 | other weapon at a school-sponsored event or on school property.

480 |       Section 9. For the 2015-2016 fiscal year, the sum of  
 481 | \$157,927 in nonrecurring funds is appropriated from the General  
 482 | Revenue Fund to the Department of Law Enforcement for the  
 483 | Criminal Justice Standards and Training Commission to develop  
 484 | the training curriculum as required by this act.

485 |       Section 10. This act shall take effect July 1, 2015.

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 19 School Safety  
**SPONSOR(S):** Steube and others  
**TIED BILLS:** IDEN./SIM. BILLS: SB 180

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee		Brink 	Fudge 
2) Appropriations Committee			
3) Judiciary Committee			

### SUMMARY ANALYSIS

The bill allows school superintendents, upon approval of the district school board, to create a school safety designee program through which the school superintendent may designate one or more individuals to carry a concealed weapon or firearm on school property. Weapons or firearms may only be carried in a concealed manner and must be on the individual's person at all times while performing official school duties. The bill requires school safety designees to possess a concealed weapon license.

The bill establishes criteria and training requirements which school safety designees must meet. The bill also requires a level 2 background screening for school safety designees who have not already had a level 2 background screening by the school board and authorizes each school superintendent to require additional background screenings for all school safety designees.

The bill requires district school board policies and procedures for emergencies and emergency drills to include active shooters and hostage situations. Active-shooter situation procedures for each school must be developed in consultation with a local law enforcement agency.

The bill requires each district school superintendent to provide recommendations to improve school safety and security to the first responding local law enforcement agencies.

The bill requires school districts and private schools to allow first-responding law enforcement agencies to tour the school campuses once every three years. Any recommendations relating to school safety and emergency issues based on a campus tour must be documented by the district or private school.

The bill specifies that a district school board may commission one or more school safety officers on each school campus.

The bill specifies that the required training will be created and defined by the Criminal Justice Standards and Training Commission which is administered by the Florida Department of Law Enforcement (FDLE). According to FDLE, the cost to develop and implement the training required by this bill would be \$157,927. This bill provides an appropriation of \$157,927 nonrecurring general revenue funds.

The bill provides an effective date of July 1, 2015.

## Florida Law

Florida law prohibits, with exceptions, the possession or discharge of weapons or firearms at a preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.<sup>6</sup> The law prohibits:

- Exhibition of a weapon<sup>7</sup> or firearm in the presence of another in a rude, careless, angry, or threatening manner on school property or a school bus, at a school bus stop or school-sponsored event, or within 1,000 feet<sup>8</sup> of a K-12 public or private school, during school hours or at the time of a school activity.<sup>9</sup> Such exhibition is a third degree felony,<sup>10</sup> unless it is made in lawful self-defense.<sup>11</sup>
- Possession of a weapon<sup>12</sup> or firearm, “except as authorized in support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop.”<sup>13</sup> Penalties for such possession vary, as follows:
  - A person who willfully and knowingly possesses a firearm unlawfully on school property or a school bus or at a school bus stop or school-sponsored activity or event commits a third degree felony.<sup>14</sup>
  - A person who fails to securely store a firearm, enabling a minor to access it who then unlawfully possesses it on school property or a school bus or at a school bus stop or school-sponsored activity or event, commits a second degree misdemeanor.<sup>15</sup>
  - A person who discharges a firearm while unlawfully possessing it on school property or a school bus or at a school bus stop or school-sponsored activity or event, commits a second degree felony,<sup>16</sup> unless discharged for lawful defense of self or others or for a lawful purpose.<sup>17</sup>

The penalties for unlawful exhibition or possession of a firearm or weapon differ for licensed concealed weapons permit holders. Violations by such individuals constitute a second degree misdemeanor.<sup>18</sup>

The law provides several exceptions allowing individuals to carry a firearm on school property or a school bus or at a school bus stop or school-sponsored activity or event without express approval by school officials. A firearm may be carried:

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<sup>6</sup> Section 790.115(2)(a), F.S.

<sup>7</sup> “Weapon” means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife. Section 790.001(13), F.S. Exhibiting a sword, sword cane, electric weapon or device, destructive device, razor blade, box cutter, or common pocketknife is also prohibited. Section 790.115(1), F.S.

<sup>8</sup> The prohibition on exhibition of a firearm or weapon on private real property within 1,000 feet of a school does not apply to the property owner or those whose presence is authorized by the owner. Section 790.115(1), F.S.

<sup>9</sup> Section 790.115(1), F.S.

<sup>10</sup> A third degree felony is punishable by term of imprisonment not exceeding five years and a fine not exceeding \$5,000. Sections 775.082(3)(d) and 775.083(1)(c), F.S.

<sup>11</sup> Section 790.115(1), F.S.

<sup>12</sup> In addition to firearms and items defined as weapons, this provision also applies to possession of an electric weapon or device, destructive device, and a razor blade or box cutter. Section 790.115(2)(a), F.S.

<sup>13</sup> Section 790.115(2)(a), F.S.

<sup>14</sup> Section 790.115(2)(c)1, F.S. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

<sup>15</sup> Section 790.115(2)(c)2, F.S. This does not apply if the firearm was securely stored and the minor obtains the firearm as a result of an unlawful entry by any person or to members of the Armed Forces, National Guard, State Militia, or law enforcement officers, with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties. A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Sections 775.082 and 775.083, F.S.

<sup>16</sup> A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine not exceeding \$10,000. Sections 775.082 and 775.083, F.S.

<sup>17</sup> Section 790.115(2)(d), F.S.

<sup>18</sup> Sections 790.115(2)(e) and 790.06(12)(a) and (d), F.S.

## School Safety Officers

School safety officers are certified law enforcement officers who are employed by either a law enforcement agency or a district school board. A school safety officer has the authority to carry firearms or other weapons when performing official duties.<sup>25</sup> School boards are authorized, but not required, to commission and assign to schools school safety officers for the protection of school personnel, property, and students within the school district. School boards may enter into mutual aid agreements with one or more law enforcement agencies. A school safety officer's salary may be paid jointly by the school board and the law enforcement agency, if mutually agreed to.<sup>26</sup>

## Background Screening

Florida law requires school district employees to undergo a fingerprint-based background screening as a condition of employment.<sup>27</sup> Instructional and noninstructional personnel<sup>28</sup> and noninstructional school district employees and contracted personnel<sup>29</sup> must undergo Level 2 background screening.<sup>30</sup> Level 2 background screening requires individuals to be screened against a statutorily prescribed list of 51 criminal offenses.<sup>31</sup> Such employees must be rescreened every five years.<sup>32</sup>

## **Available Firearms and Security Training**

Individuals seeking a Class "D" license as a private security officer must complete at least 40 hours of professional training by a provider licensed by DACS.<sup>33</sup> The training addresses legal liability issues and court procedures; personal security; traffic and crowd control; fire detection and life safety; crime and accident prevention; terrorism awareness; first aid; emergency response procedures; ethics; and patrol, communication, observation, report writing, and interviewing techniques.<sup>34</sup>

Individuals holding a Class "G" statewide firearm license must annually complete four hours of firearms recertification training taught by a licensed firearms instructor as a condition of license renewal.<sup>35</sup> Such training includes a review of legal aspects of firearms use and when to use a gun, operational firearms safety and mechanical training, and range-based firearms requalification.<sup>36</sup> In lieu of proof of statewide firearms recertification training, such individuals may submit:

- Proof of current certification as a law enforcement officer or correctional officer and completion of law enforcement firearms requalification training annually during the previous two years of the licensure period;

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<sup>25</sup> Section 1006.12(2)(a) and (c), F.S.

<sup>26</sup> Section 1006.12(2)(b) and (d), F.S.

<sup>27</sup> Sections 1012.32, 1012.465, and 1012.467, F.S. Private schools participating in educational choice scholarship programs must also submit fingerprints of employees and contracted personnel with direct student contact to the Florida Department of Law Enforcement. *See ss. 943.0542 and 1002.421(2)(i), F.S.*

<sup>28</sup> Instructional and non-instructional personnel are individuals who are hired or contracted to fill positions that require direct contact with students in any public school. Section 1012.32(2), F.S.

<sup>29</sup> Non-instructional school district employees and contracted personnel are individuals who are permitted access to school grounds when students are present; who have direct contact with students; or who have access to, or control of, school funds. Section 1012.465(1), F.S.

<sup>30</sup> Sections 1012.32(1)-(2), 1012.465(2), and 1012.56(10), F.S.

<sup>31</sup> *See ss. 435.04, 1012.32(2), 1012.465(1), and 1012.56(10), F.S.*

<sup>32</sup> Sections 1012.465(2) and 1012.56(10)(b), F.S.

<sup>33</sup> Section 493.6303(4)(a), F.S.

<sup>34</sup> Florida Department of Agriculture and Consumer Services, *Security Officer Training Curriculum Guide* (July 2010)(on file with House Judiciary Committee)[hereinafter *Security Officer Training*].

<sup>35</sup> Section 493.6113(b), F.S.

<sup>36</sup> *Security Officer Training, supra* note 34.

The bill exempts school safety designees from criminal penalties for possessing a firearm on school property and discharging a weapon or firearm on school property. However, the bill makes it a second degree misdemeanor to store or leave a weapon or firearm within reach of a minor who obtains the firearm.<sup>39</sup>

The bill requires district school board policies and procedures for emergencies and emergency drills to include active shooters and hostage situations. The bill requires each district school board to address active-shooter situations in the board's model emergency management and emergency preparedness procedures. The procedure for each school must be conducted in consultation with a local law enforcement agency.

The bill requires each district school superintendent to provide recommendations to improve school safety and security to the local law enforcement agencies that are first responders to the district's school campuses. Currently, these recommendations are only provided to the district school board.<sup>40</sup>

In addition, each district school board or private school principal or governing board must allow first-responding law enforcement agencies to tour the school campuses once every three years. Any recommendations relating to school safety and emergency issues based on a campus tour must be documented by the district or private school.

The bill specifies that a district school board may commission one or more school safety officers for the protection and safety of school personnel, property, and students on each school campus, instead of simply within the district.

## B. SECTION DIRECTORY:

Section 1. Provides a statement of legislative intent.

Section 2. Amends s. 790.115, F.S., relating to possessing or discharging weapons at a school-sponsored event or on school property prohibited; penalties; exceptions.

Section 3. Amends s. 1006.07, F.S., relating to district school board duties relating to student discipline and school safety.

Section 4. Amends s. 1006.12, F.S., relating to school resource officers and school safety officers.

Section 5. Amends s. 435.04, F.S., relating to Level 2 screening standards.

Section 6. Amends s. 790.251, F.S., relating to protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes.

Section 7. Amends s. 921.0022, F.S., relating to Criminal Punishment Code.

Section 8. Amends s. 1012.315, F.S., relating to disqualification from employment.

Section 9. Provides an appropriation.

Section 10. Provides an effective date of July 1, 2015.

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<sup>39</sup> A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Sections 775.082 and 775.083, F.S.

<sup>40</sup> Section 1006.07(6), F.S.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not Applicable. This bill does not appear to affect county or municipal governments.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

Not applicable.