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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Galvano and Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Marjory Stoneman
Douglas High School Public Safety Act."

Section 2. The Legislature finds there is a need to
comprehensively address the crisis of gun violence, including
but not limited to, gun violence on school campuses. The
Legislature intends to address this crisis by providing law



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11 enforcement and the courts with the tools to enhance public
12 safety by temporarily restricting firearm possession by a person
13 who is undergoing a mental health crisis and when there is
14 evidence of a threat of violence, and by promoting school safety
15 and enhanced coordination between education and law enforcement
16 entities at the state and local level.

17 Section 3. Paragraph (j) is added to subsection (3) of
18 section 20.15, Florida Statutes, to read:

19 20.15 Department of Education.—There is created a
20 Department of Education.

21 (3) DIVISIONS.—The following divisions of the Department of
22 Education are established:

23 (j) The Office of Safe Schools.

24 Section 4. Paragraphs (c) and (d) of subsection (2) of
25 section 394.463, Florida Statutes, are amended to read:

26 394.463 Involuntary examination.—

27 (2) INVOLUNTARY EXAMINATION.—

28 (c) A law enforcement officer acting in accordance with an
29 ex parte order issued pursuant to this subsection may:

30 1. Serve and execute such order on any day of the week, at
31 any time of the day or night; and

32 2. Use such reasonable physical force as is necessary to
33 gain entry to the premises, and any dwellings, buildings, or
34 other structures located on the premises, and take custody of
35 the person who is the subject of the ex parte order.

36 (d) A law enforcement officer taking custody of a person
37 under this subsection may seize and hold a firearm or any
38 ammunition the person possesses at the time of taking him or her
39 into custody if the person poses a potential danger to himself



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40 or herself or others and has made a credible threat of violence
41 against another person.

42 1. If a law enforcement officer seizes a firearm or any
43 ammunition, the law enforcement officer's agency must hold the
44 seized firearm or ammunition for at least a 72-hour period or
45 until the person goes to the law enforcement agency to retrieve
46 the seized firearm or ammunition. Law enforcement agencies must
47 develop policies and procedures relating to the seizure,
48 storage, and return of such seized firearms or ammunition.

49 2. If the person has a firearm or any ammunition that was
50 not seized when he or she was taken into custody, a law
51 enforcement officer may petition the appropriate court for a
52 risk protection order against the person pursuant to s. 790.401.
53 ~~A law enforcement officer acting in accordance with an ex parte~~
54 ~~order issued pursuant to this subsection may use such reasonable~~
55 ~~physical force as is necessary to gain entry to the premises,~~
56 ~~and any dwellings, buildings, or other structures located on the~~
57 ~~premises, and to take custody of the person who is the subject~~
58 ~~of the ex parte order.~~

59 Section 5. Section 790.064, Florida Statutes, is created to
60 read:

61 790.064 Firearm possession and firearm ownership
62 disability.-

63 (1) A person who has been adjudicated mentally defective or
64 who has been committed to a mental institution, as those terms
65 are defined in s. 790.065(2), may not own a firearm or possess a
66 firearm until relief from the firearm possession and firearm
67 ownership disability is obtained.

68 (2) The firearm possession and firearm ownership disability



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69 runs concurrently with the firearm purchase disability provided
70 in s. 790.065(2).

71 (3) A person may petition the court that made the
72 adjudication or commitment, or that ordered that the record be
73 submitted to the Department of Law Enforcement pursuant to s.
74 790.065(2), for relief from the firearm possession and firearm
75 ownership disability.

76 (4) The person seeking relief must follow the procedures
77 set forth in s. 790.065(2) for obtaining relief from the firearm
78 purchase disability in seeking relief from the firearm
79 possession and firearm ownership disability.

80 (5) The person may seek relief from the firearm possession
81 and firearm ownership disability simultaneously with the relief
82 being sought from the firearm purchase disability, if such
83 relief is sought, pursuant to the procedure set forth in s.
84 790.065(2).

85 Section 6. Present subsection (13) of section 790.065,
86 Florida Statutes, is redesignated as subsection (14), a new
87 subsection (13) is added to that section, and subsection (1) is
88 amended, to read:

89 790.065 Sale and delivery of firearms.—

90 (1) (a) 1. A licensed importer, licensed manufacturer, or
91 licensed dealer may not sell or deliver from her or his
92 inventory at her or his licensed premises any firearm to another
93 person, ~~7~~ other than a licensed importer, licensed manufacturer,
94 licensed dealer, or licensed collector, who is under 21 years of
95 age, except that a licensed importer, licensed manufacturer, or
96 licensed dealer may sell or deliver a rifle or shotgun to a
97 person who is 18 years of age or older and is a law enforcement



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98 officer or correctional officer as defined in s. 943.10 or on
99 active duty in the Armed Forces of the United States or full-
100 time duty in the National Guard.

101 2. For a person 21 years of age or older, or 18 years of
102 age or older and meeting an exception under this paragraph, a
103 licensed importer, licensed manufacturer, or licensed dealer may
104 not sell or deliver from her or his inventory at her or his
105 licensed premises any firearm to another person, other than a
106 licensed importer, licensed manufacturer, licensed dealer or
107 licensed collector until she or he has:

108 a.1. Obtained a completed form from the potential buyer or
109 transferee, which form shall have been adopted ~~promulgated~~ by
110 the Department of Law Enforcement and provided by the licensed
111 importer, licensed manufacturer, or licensed dealer, which shall
112 include the name, date of birth, gender, race, and social
113 security number or other identification number of such potential
114 buyer or transferee and has inspected proper identification
115 including an identification containing a photograph of the
116 potential buyer or transferee.

117 b.2. Collected a fee from the potential buyer for
118 processing the criminal history check of the potential buyer.
119 The fee shall be established by the Department of Law
120 Enforcement and may not exceed \$8 per transaction. The
121 Department of Law Enforcement may reduce, or suspend collection
122 of, the fee to reflect payment received from the Federal
123 Government applied to the cost of maintaining the criminal
124 history check system established by this section as a means of
125 facilitating or supplementing the National Instant Criminal
126 Background Check System. The Department of Law Enforcement



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127 shall, by rule, establish procedures for the fees to be
128 transmitted by the licensee to the Department of Law
129 Enforcement. All such fees shall be deposited into the
130 Department of Law Enforcement Operating Trust Fund, but shall be
131 segregated from all other funds deposited into such trust fund
132 and must be accounted for separately. Such segregated funds must
133 not be used for any purpose other than the operation of the
134 criminal history checks required by this section. The Department
135 of Law Enforcement, each year prior to February 1, shall make a
136 full accounting of all receipts and expenditures of such funds
137 to the President of the Senate, the Speaker of the House of
138 Representatives, the majority and minority leaders of each house
139 of the Legislature, and the chairs of the appropriations
140 committees of each house of the Legislature. In the event that
141 the cumulative amount of funds collected exceeds the cumulative
142 amount of expenditures by more than \$2.5 million, excess funds
143 may be used for the purpose of purchasing soft body armor for
144 law enforcement officers.

145 ~~c.3.~~ Requested, by means of a toll-free telephone call, the
146 Department of Law Enforcement to conduct a check of the
147 information as reported and reflected in the Florida Crime
148 Information Center and National Crime Information Center systems
149 as of the date of the request.

150 ~~d.4.~~ Received a unique approval number for that inquiry
151 from the Department of Law Enforcement, and recorded the date
152 and such number on the consent form.

153 (13) A person younger than 21 years of age may not purchase
154 a firearm. The sale or transfer of a firearm to a person younger
155 than 21 years of age may not be made or facilitated by a



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156 licensed importer, licensed manufacturer, or licensed dealer. A
157 person who violates this subsection commits a felony of the
158 third degree, punishable as provided in s. 775.082, s. 775.083,
159 or s. 775.084. The prohibitions of this subsection do not apply
160 to the purchase of a rifle or shotgun by a law enforcement
161 officer or a correctional officer, as those terms are defined in
162 s. 943.10, or to a person on active duty in the Armed Forces of
163 the United States or full-time duty in the National Guard.

164 Section 7. Section 790.0655, Florida Statutes, is amended
165 to read:

166 790.0655 Purchase and delivery of firearms ~~handguns~~;
167 mandatory waiting period; exceptions; penalties.-

168 (1) (a) ~~There shall be~~ A mandatory ~~3-day~~ waiting period is
169 imposed between the purchase and delivery of a firearm. The
170 mandatory waiting period is, which shall be 3 days, excluding
171 weekends and legal holidays, or expires upon the completion of
172 the records checks required under s. 790.065, whichever occurs
173 later between the purchase and the delivery at retail of any
174 ~~handgun~~. "Purchase" means the transfer of money or other
175 valuable consideration to the retailer. "~~Handgun~~" means a
176 ~~firearm capable of being carried and used by one hand, such as a~~
177 ~~pistol or revolver~~. "Retailer" means and includes a licensed
178 importer, licensed manufacturer, or licensed dealer ~~every person~~
179 engaged in the business of making firearm sales at retail or for
180 distribution, or use, or consumption, or storage to be used or
181 consumed in this state, as defined in s. 212.02(13).

182 (b) Records of firearm ~~handgun~~ sales must be available for
183 inspection by any law enforcement agency, as defined in s.
184 934.02, during normal business hours.



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185 (2) The ~~3-day~~ waiting period does ~~shall~~ not apply in the
186 following circumstances:

187 (a) When a firearm handgun is being purchased by a holder
188 of a concealed weapons permit as defined in s. 790.06.

189 (b) To a trade-in of another firearm handgun.

190 (c) Upon successfully completing a hunter safety course,
191 which must be a minimum of 16 hours of instruction, and
192 possessing a hunter safety certification card issued under s.
193 379.3581. A person who is exempt from the hunter safety course
194 requirement under s. 379.3581 and continuously holds a valid
195 Florida hunting license without a lapse as of March 1, 2018, is
196 exempt from the 3-day waiting period under this section, unless
197 that person is purchasing a handgun.

198 (d) When a rifle or shotgun is being purchased by a law
199 enforcement officer or correctional officer, as defined in s.
200 943.10, or a person on active duty in the Armed Forces of the
201 United States or full-time duty in the National Guard.

202 (3) It is a felony of the third degree, punishable as
203 provided in s. 775.082, s. 775.083, or s. 775.084:

204 (a) For any retailer, or any employee or agent of a
205 retailer, to deliver a firearm handgun before the expiration of
206 the ~~3-day~~ waiting period, subject to the exceptions provided in
207 subsection (2).

208 (b) For a purchaser to obtain delivery of a firearm handgun
209 by fraud, false pretense, or false representation.

210 Section 8. Section 790.34, Florida Statutes, is created to
211 read:

212 790.34 Prohibited device for firearm.-

213 (1) DEFINITION.-As used in this section, the term "bump-



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214 fire stock” means a gun conversion kit, a tool, an accessory, or
215 a device used to alter the rate of fire of a firearm to mimic
216 automatic weapon fire or which is used to increase the rate of
217 fire of a semiautomatic firearm to a faster rate than is
218 possible for a person to fire such semiautomatic firearm
219 unassisted by a kit, a tool, an accessory, or a device.

220 (2) SALE OR TRANSFER.—A person may not import into this
221 state or, within this state, transfer, distribute, transport,
222 sell, keep for sale, offer or expose for sale, or give a bump-
223 fire stock to another person. A person who violates this
224 subsection commits a felony of the third degree, punishable as
225 provided in s. 775.082, s. 775.083, or s. 775.084.

226 Section 9. (1) Section 790.401, Florida Statutes, is
227 intended to temporarily prevent individuals who are at high risk
228 of harming themselves or others from accessing firearms or
229 ammunition by allowing law enforcement officers to obtain a
230 court order when there is demonstrated evidence that a person
231 poses a significant danger to himself or herself or others,
232 including significant danger as a result of a mental health
233 crisis or violent behavior.

234 (2) The purpose and intent of s. 790.401, Florida Statutes,
235 is to reduce deaths and injuries as a result of certain
236 individuals’ use of firearms while respecting constitutional
237 rights by providing a judicial procedure for law enforcement
238 officers to obtain a court order temporarily restricting a
239 person’s access to firearms and ammunition. The process
240 established by s. 790.401, Florida Statutes, is intended to
241 apply only to situations in which the person poses a significant
242 danger of harming himself or herself or others by possessing a



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243 firearm or ammunition and to include standards and safeguards to
244 protect the rights of respondents and due process of law.

245 Section 10. Section 790.401, Florida Statutes, may be cited
246 as "The Risk Protection Order Act."

247 Section 11. Section 790.401, Florida Statutes, is created
248 to read:

249 790.401 Risk protection orders.-

250 (1) DEFINITIONS.-As used in this section, the term:

251 (a) "Petitioner" means a law enforcement officer or a law
252 enforcement agency that petitions a court for a risk protection
253 order under this section.

254 (b) "Respondent" means the individual who is identified as
255 the respondent in a petition filed under this section.

256 (c) "Risk protection order" means a temporary ex parte
257 order or a final order granted under this section.

258 (2) PETITION FOR A RISK PROTECTION ORDER.-There is created
259 an action known as a petition for a risk protection order.

260 (a) A petition for a risk protection order may be filed by
261 a law enforcement officer or law enforcement agency.

262 (b) An action under this section must be filed in the
263 county where the petitioner's law enforcement office is located
264 or the county where the respondent resides.

265 (c) Such petition for a risk protection order does not
266 require either party to be represented by an attorney.

267 (d) Notwithstanding any other law, attorney fees may not be
268 awarded in any proceeding under this section.

269 (e) A petition must:

270 1. Allege that the respondent poses a significant danger of
271 causing personal injury to himself or herself or others by



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272 having a firearm or any ammunition in his or her custody or
273 control or by purchasing, possessing, or receiving a firearm or
274 any ammunition, and must be accompanied by an affidavit made
275 under oath stating the specific statements, actions, or facts
276 that give rise to a reasonable fear of significant dangerous
277 acts by the respondent;

278 2. Identify the quantities, types, and locations of all
279 firearms and ammunition the petitioner believes to be in the
280 respondent's current ownership, possession, custody, or control;
281 and

282 3. Identify whether there is a known existing protection
283 order governing the respondent under s. 741.30, s. 784.046, or
284 s. 784.0485 or under any other applicable statute.

285 (f) The petitioner must make a good faith effort to provide
286 notice to a family or household member of the respondent and to
287 any known third party who may be at risk of violence. The notice
288 must state that the petitioner intends to petition the court for
289 a risk protection order or has already done so and must include
290 referrals to appropriate resources, including mental health,
291 domestic violence, and counseling resources. The petitioner must
292 attest in the petition to having provided such notice or must
293 attest to the steps that will be taken to provide such notice.

294 (g) The petitioner must list the address of record on the
295 petition as being where the appropriate law enforcement agency
296 is located.

297 (h) A court or a public agency may not charge fees for
298 filing or for service of process to a petitioner seeking relief
299 under this section and must provide the necessary number of
300 certified copies, forms, and instructional brochures free of



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301 charge.

302 (i) A person is not required to post a bond to obtain
303 relief in any proceeding under this section.

304 (j) The circuit courts of this state have jurisdiction over
305 proceedings under this section.

306 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

307 (a) Upon receipt of a petition, the court must order a
308 hearing to be held no later than 14 days after the date of the
309 order and must issue a notice of hearing to the respondent for
310 the same.

311 1. The clerk of the court shall cause a copy of the notice
312 of hearing and petition to be forwarded on or before the next
313 business day to the appropriate law enforcement agency for
314 service upon the respondent as provided in subsection (5).

315 2. The court may, as provided in subsection (4), issue a
316 temporary ex parte risk protection order pending the hearing
317 ordered under this subsection. Such temporary ex parte order
318 must be served concurrently with the notice of hearing and
319 petition as provided in subsection (5).

320 3. The court may conduct a hearing by telephone pursuant to
321 a local court rule to reasonably accommodate a disability or
322 exceptional circumstances. The court must receive assurances of
323 the petitioner's identity before conducting a telephonic
324 hearing.

325 (b) Upon notice and a hearing on the matter, if the court
326 finds by clear and convincing evidence that the respondent poses
327 a significant danger of causing personal injury to himself or
328 herself or others by having in his or her custody or control, or
329 by purchasing, possessing, or receiving, a firearm or any



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330 ammunition, the court must issue a risk protection order for a
331 period that it deems appropriate, up to and including but not
332 exceeding 12 months.

333 (c) In determining whether grounds for a risk protection
334 order exist, the court may consider any relevant evidence,
335 including, but not limited to, any of the following:

336 1. A recent act or threat of violence by the respondent
337 against himself or herself or others, whether or not such
338 violence or threat of violence involves a firearm.

339 2. An act or threat of violence by the respondent within
340 the past 12 months, including, but not limited to, acts or
341 threats of violence by the respondent against himself or herself
342 or others.

343 3. Evidence of the respondent being seriously mentally ill
344 or having recurring mental health issues.

345 4. A violation by the respondent of a risk protection order
346 or a no contact order issued under s. 741.30, s. 784.046, or s.
347 784.0485.

348 5. A previous or existing risk protection order issued
349 against the respondent.

350 6. A violation of a previous or existing risk protection
351 order issued against the respondent.

352 7. Whether the respondent, in this state or any other
353 state, has been convicted of, had adjudication withheld on, or
354 pled nolo contendere to a crime that constitutes domestic
355 violence as defined in s. 741.28.

356 8. The respondent's ownership of, access to, or intent to
357 possess firearms or ammunition.

358 9. The unlawful or reckless use, display, or brandishing of



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359 a firearm by the respondent.

360 10. The recurring use of, or threat to use, physical force
361 by the respondent against another person or the respondent
362 stalking another person.

363 11. Whether the respondent, in this state or any other
364 state, has been arrested for, convicted of, had adjudication
365 withheld on, or pled nolo contendere to a crime involving
366 violence or a threat of violence.

367 12. Corroborated evidence of the abuse of controlled
368 substances or alcohol by the respondent.

369 13. Evidence of recent acquisition of firearms or
370 ammunition by the respondent.

371 14. Any relevant information from family and household
372 members concerning the respondent.

373 (d) A person, including an officer of the court, who offers
374 evidence or recommendations relating to the cause of action
375 either must present the evidence or recommendations in writing
376 to the court with copies to each party and his or her attorney,
377 if one is retained, or must present the evidence under oath at a
378 hearing at which all parties are present.

379 (e) In a hearing under this section, the rules of evidence
380 apply to the same extent as in a domestic violence injunction
381 proceeding under s. 741.30.

382 (f) During the hearing, the court must consider whether a
383 mental health evaluation or chemical dependency evaluation is
384 appropriate and, if such determination is made, may order such
385 evaluations, if appropriate.

386 (g) A risk protection order must include all of the
387 following:



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- 388 1. A statement of the grounds supporting the issuance of
389 the order;
- 390 2. The date the order was issued;
- 391 3. The date the order ends;
- 392 4. Whether a mental health evaluation or chemical
393 dependency evaluation of the respondent is required;
- 394 5. The address of the court in which any responsive
395 pleading should be filed;
- 396 6. A description of the requirements for the surrender of
397 firearms and ammunition under subsection (7); and
- 398 7. The following statement:
- 399
- 400 "To the subject of this protection order: This order will last
401 until the date noted above. If you have not done so already, you
402 must surrender immediately to the (insert name of local law
403 enforcement agency) all firearms and ammunition in your custody,
404 control, or possession and any license to carry a concealed
405 weapon or firearm issued to you under s. 790.06, Florida
406 Statutes. You may not have in your custody or control, or
407 purchase, possess, receive, or attempt to purchase or receive, a
408 firearm or ammunition while this order is in effect. You have
409 the right to request one hearing to vacate this order, starting
410 after the date of the issuance of this order, and to request
411 another hearing after every extension of the order, if any. You
412 may seek the advice of an attorney as to any matter connected
413 with this order."
- 414
- 415 (h) If the court issues a risk protection order, the court
416 must inform the respondent that he or she is entitled to request



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417 a hearing to vacate the order in the manner provided by
418 subsection (6). The court shall provide the respondent with a
419 form to request a hearing to vacate.

420 (i) If the court denies the petitioner's request for a risk
421 protection order, the court must state the particular reasons
422 for the denial.

423 (4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.-

424 (a) A petitioner may request that a temporary ex parte risk
425 protection order be issued before a hearing for a risk
426 protection order, without notice to the respondent, by including
427 in the petition detailed allegations based on personal knowledge
428 that the respondent poses a significant danger of causing
429 personal injury to himself or herself or others in the near
430 future by having in his or her custody or control, or by
431 purchasing, possessing, or receiving, a firearm or ammunition.

432 (b) In considering whether to issue a temporary ex parte
433 risk protection order under this section, the court shall
434 consider all relevant evidence, including the evidence described
435 in paragraph (3) (c).

436 (c) If a court finds there is reasonable cause to believe
437 that the respondent poses a significant danger of causing
438 personal injury to himself or herself or others in the near
439 future by having in his or her custody or control, or by
440 purchasing, possessing, or receiving, a firearm or ammunition,
441 the court must issue a temporary ex parte risk protection order.

442 (d) The court must hold a temporary ex parte risk
443 protection order hearing in person or by telephone on the day
444 the petition is filed or on the business day immediately
445 following the day the petition is filed.



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446 (e) A temporary ex parte risk protection order must include
447 all of the following:

448 1. A statement of the grounds asserted for the order;

449 2. The date the order was issued;

450 3. The address of the court in which any responsive
451 pleading may be filed;

452 4. The date and time of the scheduled hearing;

453 5. A description of the requirements for surrender of
454 firearms and ammunition under subsection (7); and

455 6. The following statement:

456
457 "To the subject of this protection order: This order is valid
458 until the date noted above. You are required to surrender all
459 firearms and ammunition in your custody, control, or possession.
460 You may not have in your custody or control, or purchase,
461 possess, receive, or attempt to purchase or receive, a firearm
462 or ammunition while this order is in effect. You must surrender
463 immediately to the (insert name of local law enforcement agency)
464 all firearms and ammunition in your custody, control, or
465 possession and any license to carry a concealed weapon or
466 firearm issued to you under s. 790.06, Florida Statutes. A
467 hearing will be held on the date and at the time noted above to
468 determine if a risk protection order should be issued. Failure
469 to appear at that hearing may result in a court issuing an order
470 against you which is valid for 1 year. You may seek the advice
471 of an attorney as to any matter connected with this order."

472
473 (f) A temporary ex parte risk protection order ends upon
474 the hearing on the risk protection order.



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475 (g) A temporary ex parte risk protection order must be
476 served by a law enforcement officer in the same manner as
477 provided for in subsection (5) for service of the notice of
478 hearing and petition and must be served concurrently with the
479 notice of hearing and petition.

480 (h) If the court denies the petitioner's request for a
481 temporary ex parte risk protection order, the court must state
482 the particular reasons for the denial.

483 (5) SERVICE.—

484 (a) The clerk of the court shall furnish a copy of the
485 notice of hearing, petition, and temporary ex parte risk
486 protection order or risk protection order, as applicable, to the
487 sheriff of the county where the respondent resides or can be
488 found, who shall serve it upon the respondent as soon thereafter
489 as possible on any day of the week and at any time of the day or
490 night. When requested by the sheriff, the clerk of the court may
491 transmit a facsimile copy of a temporary ex parte risk
492 protection order or a risk protection order that has been
493 certified by the clerk of the court, and this facsimile copy may
494 be served in the same manner as a certified copy. Upon receiving
495 a facsimile copy, the sheriff must verify receipt with the
496 sender before attempting to serve it upon the respondent. The
497 clerk of the court shall be responsible for furnishing to the
498 sheriff information on the respondent's physical description and
499 location. Notwithstanding any other provision of law to the
500 contrary, the chief judge of each circuit, in consultation with
501 the appropriate sheriff, may authorize a law enforcement agency
502 within the jurisdiction to effect service. A law enforcement
503 agency effecting service pursuant to this section shall use



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504 service and verification procedures consistent with those of the
505 sheriff. Service under this section takes precedence over the
506 service of other documents, unless the other documents are of a
507 similar emergency nature.

508 (b) All orders issued, changed, continued, extended, or
509 vacated after the original service of documents specified in
510 paragraph (a) must be certified by the clerk of the court and
511 delivered to the parties at the time of the entry of the order.
512 The parties may acknowledge receipt of such order in writing on
513 the face of the original order. If a party fails or refuses to
514 acknowledge the receipt of a certified copy of an order, the
515 clerk shall note on the original order that service was
516 effected. If delivery at the hearing is not possible, the clerk
517 shall mail certified copies of the order to the parties at the
518 last known address of each party. Service by mail is complete
519 upon mailing. When an order is served pursuant to this
520 subsection, the clerk shall prepare a written certification to
521 be placed in the court file specifying the time, date, and
522 method of service and shall notify the sheriff.

523 (6) TERMINATION AND EXTENSION OF ORDERS.—

524 (a) The respondent may submit one written request for a
525 hearing to vacate a risk protection order issued under this
526 section, starting after the date of the issuance of the order,
527 and may request another hearing after every extension of the
528 order, if any.

529 1. Upon receipt of the request for a hearing to vacate a
530 risk protection order, the court shall set a date for a hearing.
531 Notice of the request must be served on the petitioner in
532 accordance with subsection (5). The hearing must occur no sooner



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533 than 14 days and no later than 30 days after the date of service
534 of the request upon the petitioner.

535 2. The respondent shall have the burden of proving by clear
536 and convincing evidence that the respondent does not pose a
537 significant danger of causing personal injury to himself or
538 herself or others by having in his or her custody or control,
539 purchasing, possessing, or receiving a firearm or ammunition.
540 The court may consider any relevant evidence, including evidence
541 of the considerations listed in paragraph (3) (c).

542 3. If the court finds after the hearing that the respondent
543 has met his or her burden of proof, the court must vacate the
544 order.

545 4. The law enforcement agency holding any firearm or
546 ammunition or license to carry a concealed weapon or firearm
547 that has been surrendered pursuant to this section shall be
548 notified of the court order to vacate the risk protection order.

549 (b) The court must notify the petitioner of the impending
550 end of a risk protection order. Notice must be received by the
551 petitioner at least 30 days before the date the order ends.

552 (c) The petitioner may, by motion, request an extension of
553 a risk protection order at any time within 30 days before the
554 end of the order.

555 1. Upon receipt of the motion to extend, the court shall
556 order that a hearing be held no later than 14 days after the
557 date the order is issued and shall schedule such hearing.

558 a. The court may schedule a hearing by telephone in the
559 manner provided by subparagraph (3) (a) 3.

560 b. The respondent must be personally served in the same
561 manner provided by subsection (5).



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562 2. In determining whether to extend a risk protection order
563 issued under this section, the court may consider all relevant
564 evidence, including evidence of the considerations listed in
565 paragraph (3)(c).

566 3. If the court finds by clear and convincing evidence that
567 the requirements for issuance of a risk protection order as
568 provided in subsection (3) continue to be met, the court must
569 extend the order. However, if, after notice, the motion for
570 extension is uncontested and no modification of the order is
571 sought, the order may be extended on the basis of a motion or
572 affidavit stating that there has been no material change in
573 relevant circumstances since entry of the order and stating the
574 reason for the requested extension.

575 4. The court may extend a risk protection order for a
576 period that it deems appropriate, up to and including but not
577 exceeding 12 months, subject to an order to vacate as provided
578 in paragraph (a) or to another extension order by the court.

579 (7) SURRENDER OF FIREARMS AND AMMUNITION.—

580 (a) Upon issuance of a risk protection order under this
581 section, including a temporary ex parte risk protection order,
582 the court shall order the respondent to surrender to the local
583 law enforcement agency all firearms and ammunition in the
584 respondent's custody, control, or possession except as provided
585 in subsection (9), and any license to carry a concealed weapon
586 or firearm issued under s. 790.06.

587 (b) The law enforcement officer serving a risk protection
588 order under this section, including a temporary ex parte risk
589 protection order, shall request that the respondent immediately
590 surrender all firearms and ammunition in his or her custody,



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591 control, or possession and any license to carry a concealed
592 weapon or firearm issued under s. 790.06, and shall conduct a
593 search authorized by law for such firearms and ammunition. The
594 law enforcement officer shall take possession of all firearms
595 and ammunition belonging to the respondent which are
596 surrendered, in plain sight, or discovered pursuant to a lawful
597 search. Alternatively, if personal service by a law enforcement
598 officer is not possible or is not required because the
599 respondent was present at the risk protection order hearing, the
600 respondent shall surrender the firearms and ammunition in a safe
601 manner to the control of the local law enforcement agency
602 immediately after being served with the order by service or
603 immediately after the hearing at which the respondent was
604 present.

605 (c) At the time of surrender, a law enforcement officer
606 taking possession of a firearm, any ammunition, or a license to
607 carry a concealed weapon or firearm shall issue a receipt
608 identifying all firearms and the quantity and type of ammunition
609 that have been surrendered and shall provide a copy of the
610 receipt to the respondent. Within 72 hours after service of the
611 order, the law enforcement officer serving the order shall file
612 the original receipt with the court and shall ensure that his or
613 her law enforcement agency retains a copy of the receipt.

614 (d) Notwithstanding ss. 933.02 and 933.18, upon the sworn
615 statement or testimony of any person alleging that the
616 respondent has failed to comply with the surrender of firearms
617 or ammunition as required by an order issued under this section,
618 the court shall determine whether probable cause exists to
619 believe that the respondent has failed to surrender all firearms



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620 or ammunition in his or her custody, control, or possession. If
621 the court finds that probable cause exists, the court must issue
622 a warrant describing the firearms or ammunition and authorizing
623 a search of the locations where the firearms or ammunition are
624 reasonably believed to be found and the seizure of any firearms
625 or ammunition discovered pursuant to such search.

626 (e) If a person other than the respondent claims title to
627 any firearms or ammunition surrendered pursuant to this section
628 and he or she is determined by the law enforcement agency to be
629 the lawful owner of the firearm or ammunition, the firearm or
630 ammunition shall be returned to him or her, if:

631 1. The lawful owner agrees to store the firearm or
632 ammunition in a manner such that the respondent does not have
633 access to or control of the firearm or ammunition.

634 2. The firearm or ammunition is not otherwise unlawfully
635 possessed by the owner.

636 (f) Upon the issuance of a risk protection order, the court
637 shall order a new hearing date and require the respondent to
638 appear no later than 3 business days after the issuance of the
639 order. The court shall require proof that the respondent has
640 surrendered any firearms or ammunition in his or her custody,
641 control, or possession. The court may cancel the hearing upon a
642 satisfactory showing that the respondent is in compliance with
643 the order.

644 (g) All law enforcement agencies must develop policies and
645 procedures by January 1, 2019, regarding the acceptance,
646 storage, and return of firearms, ammunition, or licenses
647 required to be surrendered under this section.

648 (8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—



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649 (a) If a risk protection order is vacated or ends without
650 extension, a law enforcement agency holding a firearm or any
651 ammunition that has been surrendered or seized pursuant to this
652 section must return such surrendered firearm or ammunition
653 requested by a respondent only after confirming through a
654 background check that the respondent is currently eligible to
655 own or possess firearms and ammunition under federal and state
656 law and after confirming with the court that the risk protection
657 order has been vacated or has ended without extension.

658 (b) If a risk protection order is vacated or ends without
659 extension, the Department of Agriculture and Consumer Services,
660 if it has suspended a license to carry a concealed weapon or
661 firearm pursuant to this section, must reinstate such license
662 only after confirming that the respondent is currently eligible
663 to have a license to carry a concealed weapon or firearm
664 pursuant to s. 790.06.

665 (c) A law enforcement agency must provide notice to any
666 family or household members of the respondent before the return
667 of any surrendered firearm and ammunition.

668 (d) Any firearm and ammunition surrendered by a respondent
669 pursuant to subsection (7) which remains unclaimed by the lawful
670 owner after an order to vacate the risk protection order shall
671 be disposed of in accordance with the law enforcement agency's
672 policies and procedures for the disposal of firearms in police
673 custody.

674 (9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may
675 elect to transfer all firearms and ammunition that have been
676 surrendered to or seized by a local law enforcement agency
677 pursuant to subsection (7) to another person who is willing to



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678 receive the respondent's firearms and ammunition. The law
679 enforcement agency may allow such a transfer only if it is
680 determined that the chosen recipient:

681 (a) Currently is eligible to own or possess a firearm and
682 ammunition under federal and state law after confirmation
683 through a background check;

684 (b) Attests to storing the firearms and ammunition in a
685 manner such that the respondent does not have access to or
686 control of the firearms and ammunition until the risk protection
687 order against the respondent is vacated or ends without
688 extension; and

689 (c) Attests not to transfer the firearms or ammunition back
690 to the respondent until the risk protection order against the
691 respondent is vacated or ends without extension.

692 (10) REPORTING OF ORDERS.—

693 (a) Within 24 hours after issuance, the clerk of the court
694 shall enter any risk protection order or temporary ex parte risk
695 protection order issued under this section into the uniform case
696 reporting system.

697 (b) Within 24 hours after issuance, the clerk of the court
698 shall forward a copy of an order issued under this section to
699 the appropriate law enforcement agency specified in the order.
700 Upon receipt of the copy of the order, the law enforcement
701 agency shall enter the order into the National Instant Criminal
702 Background Check System, any other federal or state computer-
703 based systems used by law enforcement agencies or others to
704 identify prohibited purchasers of firearms or ammunition, and
705 into any computer-based criminal intelligence information system
706 available in this state used by law enforcement agencies to list



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707 outstanding warrants. The order must remain in each system for
708 the period stated in the order, and the law enforcement agency
709 shall only remove orders from the systems that have ended or
710 been vacated. Entry into the Florida Crime Information Center
711 and National Crime Information Center constitutes notice to all
712 law enforcement agencies of the existence of the order. The
713 order is fully enforceable in any county in this state.

714 (c) The issuing court shall, within 3 business days after
715 issuance of a risk protection order or temporary ex parte risk
716 protection order, forward all available identifying information
717 concerning the respondent, along with the date of order
718 issuance, to the Department of Agriculture and Consumer
719 Services. Upon receipt of the information, the department shall
720 determine if the respondent has a license to carry a concealed
721 weapon or firearm. If the respondent does have a license to
722 carry a concealed weapon or firearm, the department must
723 immediately suspend the license.

724 (d) If a risk protection order is vacated before its end
725 date, the clerk of the court shall, on the day of the order to
726 vacate, forward a copy of the order to the Department of
727 Agriculture and Consumer Services and the appropriate law
728 enforcement agency specified in the order to vacate. Upon
729 receipt of the order, the law enforcement agency shall promptly
730 remove the order from any computer-based system in which it was
731 entered pursuant to paragraph (b).

732 (11) PENALTIES.—

733 (a) A person who files a petition under this section
734 knowing the information in such petition is materially false, or
735 files with the intent to harass the respondent, commits a



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736 misdemeanor of the first degree, punishable as provided in s.
737 775.082 or s. 775.083.

738 (b) A person who has in his or her custody or control a
739 firearm or any ammunition or who purchases, possesses, or
740 receives a firearm or any ammunition with knowledge that he or
741 she is prohibited from doing so by an order issued under this
742 section commits a felony of the third degree, punishable as
743 provided in s. 775.082, s. 775.083, or s. 775.084.

744 (12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section
745 does not affect the ability of a law enforcement officer to
746 remove a firearm or ammunition or license to carry a concealed
747 weapon or concealed firearm from any person or to conduct any
748 search and seizure for firearms or ammunition pursuant to other
749 lawful authority.

750 (13) LIABILITY.—Except as provided in subsection (10) or
751 subsection (11), this section does not impose criminal or civil
752 liability on any person or entity for acts or omissions related
753 to obtaining a risk protection order or temporary ex parte risk
754 protection order, including, but not limited to, providing
755 notice to the petitioner, a family or household member of the
756 respondent, and any known third party who may be at risk of
757 violence or failure to provide such notice, or reporting,
758 declining to report, investigating, declining to investigate,
759 filing, or declining to file, a petition under this section.

760 (14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.—

761 (a) The Office of the State Courts Administrator shall
762 develop and prepare instructions and informational brochures,
763 standard petitions and risk protection order forms, and a court
764 staff handbook on the risk protection order process. The



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765 standard petition and order forms must be used after January 1,
766 2019, for all petitions filed and orders issued pursuant to this
767 section. The office shall determine the significant non-English-
768 speaking or limited English-speaking populations in the state
769 and prepare the instructions and informational brochures and
770 standard petitions and risk protection order forms in such
771 languages. The instructions, brochures, forms, and handbook must
772 be prepared in consultation with interested persons, including
773 representatives of gun violence prevention groups, judges, and
774 law enforcement personnel. Materials must be based on best
775 practices and must be available online to the public.

776 1. The instructions must be designed to assist petitioners
777 in completing the petition and must include a sample of a
778 standard petition and order for protection forms.

779 2. The instructions and standard petition must include a
780 means for the petitioner to identify, with only layman's
781 knowledge, the firearms or ammunition the respondent may own,
782 possess, receive, or have in his or her custody or control. The
783 instructions must provide pictures of types of firearms and
784 ammunition that the petitioner may choose from to identify the
785 relevant firearms or ammunition, or must provide an equivalent
786 means to allow petitioners to identify firearms or ammunition
787 without requiring specific or technical knowledge regarding the
788 firearms or ammunition.

789 3. The informational brochure must describe the use of and
790 the process for obtaining, extending, and vacating a risk
791 protection order under this section and must provide relevant
792 forms.

793 4. The risk protection order form must include, in a



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794 conspicuous location, notice of criminal penalties resulting
795 from violation of the order and the following statement: "You
796 have the sole responsibility to avoid or refrain from violating
797 this order's provisions. Only the court can change the order and
798 only upon written request."

799 5. The court staff handbook must allow for the addition of
800 a community resource list by the clerk of the court.

801 (b) Any clerk of court may create a community resource list
802 of crisis intervention, mental health, substance abuse,
803 interpreter, counseling, and other relevant resources serving
804 the county in which the court is located. The court may make the
805 community resource list available as part of or in addition to
806 the informational brochures described in paragraph (a).

807 (c) The Office of the State Courts Administrator shall
808 distribute a master copy of the petition and order forms,
809 instructions, and informational brochures to the clerks of
810 court. Distribution of all documents shall, at a minimum, be in
811 an electronic format or formats accessible to all courts and
812 clerks of court in the state.

813 (d) Within 90 days after receipt of the master copy from
814 the Office of the State Courts Administrator, the clerk of the
815 court shall make available the standardized forms, instructions,
816 and informational brochures required by this subsection.

817 (e) The Office of the State Courts Administrator shall
818 update the instructions, brochures, standard petition and risk
819 protection order forms, and court staff handbook as necessary,
820 including when changes in the law make an update necessary.

821 Section 12. Section 943.082, Florida Statutes, is created
822 to read:



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823 943.082 School Safety Awareness Program.—
824 (1) The department shall competitively procure a mobile
825 suspicious activity reporting tool that allows students and the
826 community to relay information anonymously concerning unsafe,
827 potentially harmful, dangerous, violent, or criminal activities
828 or the threat of such activities to appropriate public safety
829 agencies and school officials. At a minimum, the department must
830 receive reports electronically through a mobile suspicious
831 activity reporting tool that is available on widely used mobile
832 operating systems.
833 (2) The tool shall notify the reporting party of the
834 following information:
835 (a) That the reporting party may provide his or her report
836 anonymously.
837 (b) That if the reporting party chooses to disclose his or
838 her identity, such information shall be shared with the
839 appropriate law enforcement agency and school officials;
840 however, the law enforcement agency and school officials shall
841 be required to maintain such information as confidential.
842 (3) Information received by the tool must be promptly
843 forwarded to the appropriate law enforcement agency or school
844 official.
845 (4) Law enforcement dispatch centers, school districts,
846 schools, and other entities identified by the department shall
847 be made aware of the mobile suspicious activity reporting tool.
848 (5) The department, in collaboration with the Office of
849 Safe Schools within the Department of Education, shall develop
850 and provide a comprehensive training and awareness program on
851 the use of the mobile suspicious activity reporting tool.



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852 Section 13. Section 943.687, Florida Statutes, is created
853 to read:

854 943.687 Marjory Stoneman Douglas High School Public Safety
855 Commission.—

856 (1) There is created within the Florida Department of Law
857 Enforcement the Marjory Stoneman Douglas High School Public
858 Safety Commission, a commission as defined in s. 20.03.

859 (2) (a) The commission shall convene no later than June 1,
860 2018, and shall be composed of 15 members. Five members shall be
861 appointed by the President of the Senate, five members shall be
862 appointed by the Speaker of the House of Representatives, and
863 five members shall be appointed by the Governor. Appointments
864 must be made by April 30, 2018. The Secretary of Children and
865 Families, the Secretary of Juvenile Justice, the Secretary of
866 Health Care Administration, the Commissioner of Education, and
867 the executive director shall serve as ex officio, nonvoting
868 members of the commission. Members shall serve at the pleasure
869 of the officer who appointed the member. A vacancy on the task
870 force shall be filled in the same manner as the original
871 appointment.

872 (b) The Commissioner of the Florida Department of Law
873 Enforcement shall chair the commission.

874 (c) The General Counsel of the Florida Department of Law
875 Enforcement shall serve as the general counsel for the
876 commission.

877 (d) The Florida Department of Law Enforcement staff, as
878 assigned by the chair, shall assist the commission in performing
879 its duties.

880 (e) The commission shall meet as necessary to conduct its



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881 work at the call of the chair and at the time designated by him
882 or her at locations throughout the state. The commission may
883 conduct its meetings through teleconferences or other similar
884 means.

885 (f) Members of the task force are entitled to receive
886 reimbursement for per diem and travel expenses pursuant to s.
887 112.061.

888 (3) The commission shall investigate system failures in the
889 Marjory Stoneman Douglas High School shooting and prior mass
890 violence incidents in this state and develop recommendations for
891 system improvements. At a minimum, the commission shall analyze
892 information and evidence from the Marjory Stoneman Douglas High
893 School shooting and other mass violence incidents in this state.
894 At a minimum the commission shall:

895 (a) Develop a timeline of the incident, incident response,
896 and all relevant events preceding the incident, with particular
897 attention to all perpetrator contacts with local, state and
898 national government agencies and entities and any contract
899 providers of such agencies and entities.

900 (b) Investigate any failures in incident responses by local
901 law enforcement agencies and school resource officers.

902 1. Identify existing policies and procedures for active
903 assailant incidents on school premises and evaluate the
904 compliance with such policies and procedures in the execution of
905 incident responses.

906 2. Evaluate existing policies and procedures for active
907 assailant incidents on school premises in comparison with
908 national best practices.

909 3. Evaluate the extent to which any failures in policy,



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910 procedure, or execution contributed to an inability to prevent
911 deaths and injuries.

912 4. Make specific recommendations for improving law
913 enforcement and school resource officer incident response in the
914 future.

915 (c) Investigate any failures in interactions with
916 perpetrators preceding mass violence incidents.

917 1. Identify the history of interactions between
918 perpetrators and government entities such as schools, law
919 enforcement agencies, courts and social service agencies, and
920 identify any failures to adequately communicate or coordinate
921 regarding indicators of risk or possible threats.

922 2. Evaluate the extent to which any such failures
923 contributed to an inability to prevent deaths and injuries.

924 3. Make specific recommendations for improving
925 communication and coordination among entities with knowledge of
926 indicators of risk or possible threats of mass violence in the
927 future.

928 4. Identify available state and local tools and resources
929 for enhancing communication and coordination regarding
930 indicators of risk or possible threats, including but not
931 limited to, the Department of Law Enforcement Fusion Center or
932 Judicial Inquiry System, and make specific recommendations for
933 using such tools and resources more effectively in the future.

934 (4) The commission has the power to investigate. The
935 commission may delegate to its investigators the authority to
936 administer oaths and affirmations.

937 (5) The commission has standing to petition the court for a
938 subpoena to compel the attendance of witnesses to testify before



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939 the commission. The commission has standing to petition the
940 court to compel the production of any books, papers, records,
941 documentary evidence, and other items, including confidential
942 information, relevant to the performance of the duties of the
943 commission or to the exercise of its powers. The commission must
944 specify in the petition to the court for a subpoena the
945 relevancy of such information to the performance of the
946 commission duties or to the exercise of its powers. The chair or
947 any other member of the commission may administer all oaths and
948 affirmations in the manner prescribed by law to witnesses who
949 appear before the commission for the purpose of testifying in
950 any matter that concerning which the commission desires
951 evidence. In the case of a refusal to obey a subpoena issued by
952 the court to any person, the commission may make application to
953 any circuit court of this state which shall have jurisdiction to
954 order the witness to appear before the commission and to produce
955 evidence, if so ordered, or to give testimony touching on the
956 matter in question. Failure to obey the order may be punished by
957 the court as contempt.

958 (6) The commission may call upon appropriate agencies of
959 state government for such professional assistance as may be
960 needed in the discharge of its duties, and such agencies shall
961 provide such assistance in a timely manner.

962 (7) Notwithstanding any other law, the commission may
963 request and shall be provided with access to any information or
964 records, including confidential or exempt information or
965 records, that pertain to the Marjory Stoneman Douglas High
966 School shooting and prior mass violence incidents in Florida
967 being reviewed by the commission and that are necessary for the



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968 commission to carry out its duties. Information or records
969 obtained by the commission that are otherwise confidential or
970 exempt shall retain such confidential or exempt status and the
971 commission may not disclose any such information or records.

972 (8) The commission shall submit an initial report on its
973 findings and recommendations to the Governor, President of the
974 Senate, and Speaker of the House of Representatives by January
975 1, 2019, and may issue reports annually thereafter. The
976 commission shall sunset July 1, 2023, and this section is
977 repealed on that date.

978 Section 14. Section 1000.051, Florida Statutes, is created
979 to read:

980 1000.051 School safety and security.-

981 (1) Pursuant to the authority granted under s. 1000.01, the
982 Legislature intends that the provisions of the Florida K-20
983 Education Code be liberally construed by the State Board of
984 Education, the Commissioner of Education, district school
985 boards, district superintendents, and law enforcement agencies
986 to the end that student discipline and school safety policy
987 objectives may be effective.

988 (2) It is the intent of the Legislature, notwithstanding
989 any other provision of the Florida K-20 Education Code and rules
990 adopted pursuant thereto, with the exception of applicable
991 public records exemption provisions authorized by law pertaining
992 to exempt, or confidential and exempt, information, that school
993 district and law enforcement personnel be authorized to take
994 necessary actions to ensure the fundamental protection and
995 safety of public school students, personnel, and visitors.

996 Section 15. Section 1001.217, Florida Statutes, is created



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997 to read:

998 1001.217 Office of Safe Schools.—There is created within
999 the Department of Education the Office of Safe Schools, as
1000 required under s. 20.15, which shall be administered by an
1001 executive director.

1002 (1) The office shall be fully accountable to the
1003 Commissioner of Education, but must cooperate and coordinate
1004 with the Board of Governors of the State University System,
1005 public and nonpublic postsecondary institutions, school
1006 districts, public and nonpublic schools, state and local
1007 agencies, community organizations, and other organizations and
1008 persons, as directed by the commissioner.

1009 (2) The purpose of the office is to serve as the state
1010 education agency's primary coordinating division assigned to
1011 promote and support safe learning environments by addressing
1012 issues of student safety and academic success at the state,
1013 district, and school levels. In performing these functions, the
1014 office shall, at a minimum:

1015 (a) Function as the state's primary contact for the
1016 coordination of activities, information, and reporting related
1017 to the implementation of the student discipline and school
1018 safety requirements of subpart I.C. of chapter 1006 pertaining
1019 to public K-12 education support for learning and student
1020 services, as well as other requirements of law pertaining to
1021 school safety partnerships and responsibilities, as assigned by
1022 the commissioner.

1023 (b) Function as the state contact and state education
1024 agency coordination office for school district safety
1025 specialists, as assigned pursuant to s. 1006.12, and primary



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1026 emergency operations contact staff assigned by Florida College
1027 System institutions, state universities, and other entities
1028 identified by the commissioner.

1029 (c) Coordinate with state and local agencies, school
1030 district personnel, and safety and security experts to establish
1031 safe school and security standards, review school safety and
1032 security plans, establish guidelines regarding school district
1033 appointments to and functions of public school threat assessment
1034 teams and district school safety specialists, and update risk
1035 assessment procedures, as appropriate.

1036 (d) Develop and implement a training program for district
1037 school safety specialists designated or appointed by a district
1038 school board pursuant to s. 1006.07(8). Training program
1039 elements must include, but need not be limited to, school safety
1040 specialist participation in active shooter situation training
1041 conducted pursuant to s. 1006.07(4)(b), campus tours performed
1042 pursuant to s. 1006.07(7), program activities of the Public
1043 School Emergency Response Learning System Program established
1044 pursuant to s. 1006.149, and training associated with the
1045 Florida Safe Schools Assessment Tool provided pursuant to s.
1046 1006.1493.

1047 Section 16. Subsection (3) is added to section 1002.221,
1048 Florida Statutes, to read:

1049 1002.221 K-12 education records; public records exemption.-

1050 (3) This section does not limit the application of
1051 exemptions from public records requirements for security system
1052 plans and public security systems, including security footage,
1053 or other information that would relate to or reveal the location
1054 or capabilities of such systems, provided under ss.



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1055 119.071(3)(a) and 281.301.

1056 Section 17. Subsection (4) is added to section 1002.225,
1057 Florida Statutes, to read:

1058 1002.225 Education records of students in public
1059 postsecondary educational institutions; penalty.—

1060 (4) This section does not limit the application of
1061 exemptions from public records requirements for security system
1062 plans and public security systems, including security footage,
1063 or other information that would relate to or reveal the location
1064 or capabilities of such systems, provided under ss.

1065 119.071(3)(a) and 281.301.

1066 Section 18. Section 1006.04, Florida Statutes, is amended
1067 to read:

1068 1006.04 Educational multiagency services for students with
1069 severe emotional disturbance.—

1070 (1)(a) The Legislature recognizes that an intensive,
1071 integrated educational program, † a continuum of mental health
1072 treatment services, † and, when needed, residential services are
1073 necessary to enable students with severe emotional disturbance
1074 to develop appropriate behaviors and demonstrate academic and
1075 career education skills. The small incidence of severe emotional
1076 disturbance in the total school population requires multiagency
1077 programs to provide access to appropriate services for all
1078 students with severe emotional disturbance. District school
1079 boards should provide educational programs, and state
1080 departments and agencies administering children's mental health
1081 funds should provide mental health treatment and residential
1082 services when needed, forming a multiagency network to provide
1083 support for students with severe emotional disturbance. To



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1084 facilitate solutions to these issues, the Multiagency Service
1085 Network for Students with Severe Emotional Disturbance (SEDNET)
1086 is established as a function of the department in partnership
1087 with other state, regional, and local partners as a statewide
1088 network of regional projects comprised of major child-serving
1089 agencies, community-based service providers, and students and
1090 their families.

1091 (2) Under the leadership and guidance of the department,
1092 the fundamental goal of SEDNET and its partners shall be to
1093 facilitate the process of cross system collaboration and
1094 inclusion of families as full partners. At a minimum, SEDNET
1095 shall:

1096 (a) Focus on developing interagency collaboration and
1097 sustaining partnerships among professionals and families in the
1098 education, mental health, substance abuse, child welfare, and
1099 juvenile justice systems serving children and youth with, and at
1100 risk of, emotional and behavioral disabilities.

1101 (b) Provide technical assistance and support in building
1102 service capacity within regional areas and collaborate in
1103 related state level activities impacting system of care.

1104 (c) Serve as a collaborative resource for school districts,
1105 agencies, and families working to promote positive educational
1106 and community-based outcomes for children.

1107 (3) ~~(b)~~ The program goals for each component of SEDNET ~~the~~
1108 multiagency network are to enable students with severe emotional
1109 disturbance to learn appropriate behaviors, reduce dependency,
1110 and fully participate in all aspects of school and community
1111 living; to develop individual programs for students with severe
1112 emotional disturbance, including necessary educational,



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1113 residential, and mental health treatment services; to provide
1114 programs and services as close as possible to the student's home
1115 in the least restrictive manner consistent with the student's
1116 needs; and to integrate a wide range of services necessary to
1117 support students with severe emotional disturbance and their
1118 families.

1119 (4)-(2) The Legislature may provide funding for the
1120 department ~~to may~~ award grants to district school boards for
1121 statewide planning and development of SEDNET ~~the multiagency~~
1122 ~~network~~ for students with severe emotional disturbance. The
1123 educational services shall be provided in a manner consistent
1124 with the requirements of ss. 402.22 and 1003.57.

1125 (5)-(3) State departments and agencies may use appropriate
1126 funds for SEDNET ~~the multiagency network~~ for students with
1127 severe emotional disturbance.

1128 Section 19. Section 1006.05, Florida Statutes, is created
1129 to read:

1130 1006.05 Mental health assistance allocation
1131 specifications.—Pursuant to s. 1011.62(17), the mental health
1132 assistance allocation is created to provide supplemental funding
1133 to assist school districts and charter schools in establishing
1134 or expanding comprehensive mental health programs that increase
1135 awareness of mental health issues among children and school-age
1136 youth; to train educators and other school staff in detecting
1137 and responding to mental health issues; and to connect children,
1138 youth, and families who may experience behavioral or mental
1139 health issues with appropriate services.

1140 (1) Funding provided pursuant to s. 1011.62(16) shall be
1141 allocated in accordance with the following:



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1142 (a) Before the distribution of the allocation:
1143 1. The district must annually develop and submit a detailed
1144 plan outlining the local program and planned expenditures to the
1145 district school board for approval.
1146 2. A charter school must annually develop and submit a
1147 detailed plan outlining the local program and planned
1148 expenditures of the funds in the plan to its governing body for
1149 approval. After the plan is approved by the governing body, it
1150 must be provided to its school district for submission to the
1151 commissioner.
1152 (b) The plans required under paragraph (a) must include, at
1153 a minimum, the elements in subparagraphs 1., 2., and 3., and the
1154 districts and charter schools are strongly encouraged to include
1155 in their respective plans the elements specified in
1156 subparagraphs 4., 5., and 6., as follows:
1157 1. A contract or a memorandum of understanding with at
1158 least one local nationally accredited community behavioral
1159 health provider or a provider of Community Action Team services
1160 to provide a behavioral health staff presence and services at
1161 district schools. Services may include, but are not limited to,
1162 mental health screenings and assessments, individual counseling,
1163 family counseling, group counseling, psychiatric or
1164 psychological services, trauma-informed care, mobile crisis
1165 services, and behavior modification. These behavioral health
1166 services may be provided on or off the school campus and may be
1167 supplemented by telehealth;
1168 2. Training opportunities in Mental Health First Aid or
1169 other similar nationally recognized evidence-based training
1170 programs for all school personnel who have contact with



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1171 students. The training must cover risk factors and warning signs
1172 for mental health and addiction concerns, strategies for
1173 providing assistance to individuals in both crisis and non-
1174 crisis situations, and the use of referral mechanisms that
1175 effectively link individuals to appropriate treatment and
1176 intervention services in the school and in the community. Topics
1177 covered should include depression and mood disorders, anxiety
1178 disorders, trauma, psychosis, substance use disorders, and
1179 suicide prevention;

1180 3. A mental health crisis intervention strategy that
1181 provides for prompt resolution of identified, immediate threats
1182 within district schools, including Baker Act referrals and
1183 notification of law enforcement personnel, as appropriate;

1184 4. Programs to assist students in dealing with anxiety,
1185 depression, bullying, trauma, and violence;

1186 5. Strategies or programs to reduce the likelihood of at-
1187 risk students developing social, emotional, or behavioral health
1188 problems; suicidal tendencies; or substance use disorders; and

1189 6. Strategies to improve the early identification of
1190 social, emotional, or behavioral problems or substance use
1191 disorders and to improve the provision of early intervention
1192 services.

1193 (c) The districts shall submit approved plans to the
1194 commissioner by August 1 of each year.

1195 (2) Beginning September 30, 2019, and by each September 30
1196 thereafter, each entity that receives an allocation under this
1197 section and s. 1011.62(16) shall submit to the commissioner, in
1198 a format prescribed by the department, a final report on its
1199 program outcomes and its expenditures for each element of the



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1200 program. At a minimum, the report must include the number of
1201 each of the following:

1202 (a) Students who receive screenings or assessments.

1203 (b) Students who are referred for services or assistance.

1204 (c) Students who receive services or assistance.

1205 (d) Parents or guardians notified.

1206 (e) School personnel who are trained to engage in the
1207 services, techniques, strategies, or programs identified in the
1208 plan required under this section.

1209 Section 20. Subsections (4) and (6) of section 1006.07,
1210 Florida Statutes, are amended, and subsections (7) and (8) are
1211 added to that section, to read:

1212 1006.07 District school board duties relating to student
1213 discipline and school safety.—The district school board shall
1214 provide for the proper accounting for all students, for the
1215 attendance and control of students at school, and for proper
1216 attention to health, safety, and other matters relating to the
1217 welfare of students, including:

1218 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

1219 (a) Formulate and prescribe policies and procedures for
1220 emergency drills and for actual emergencies, including, but not
1221 limited to, fires, natural disasters, hostage and active shooter
1222 situations, and bomb threats, for all the public schools of the
1223 district which comprise grades K-12. District school board
1224 policies shall include commonly used alarm system responses for
1225 specific types of emergencies and verification by each school
1226 that drills have been provided as required by law and fire
1227 protection codes. The emergency response agency that is
1228 responsible for notifying the school district for each type of



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1229 emergency must be listed in the district's emergency response
1230 policy.

1231 (b) Establish model emergency management and emergency
1232 preparedness procedures, including emergency notification
1233 procedures pursuant to paragraph (a), for the following life-
1234 threatening emergencies:

1235 1. Weapon-use, and hostage, and active shooter situations.
1236 The active shooter situation training for each school must
1237 engage the participation of the district school safety
1238 specialist, threat assessment team members, faculty, staff, and
1239 students and must be conducted by the law enforcement agency or
1240 agencies that are designated as first responders to the school's
1241 campus.

1242 2. Hazardous materials or toxic chemical spills.

1243 3. Weather emergencies, including hurricanes, tornadoes,
1244 and severe storms.

1245 4. Exposure as a result of a manmade emergency.

1246 (6) SAFETY AND SECURITY BEST PRACTICES.—Each school
1247 district shall: Use the Safety and Security Best Practices
1248 developed by the Office of Program Policy Analysis and
1249 Government Accountability to

1250 (a) Designate a threat assessment team, in accordance with
1251 guidelines established by the Office of Safe Schools, at each
1252 school in the district. The threat assessment team shall operate
1253 under the direction of the district school safety specialist.

1254 (b) Conduct security risk assessments in accordance with s.
1255 1006.1493 at each public school and conduct a self-assessment of
1256 the school district's districts' current safety and security
1257 practices using a format prescribed by the department. Based on



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1258 these ~~self-assessment~~ findings, the district school
1259 superintendent shall provide recommendations to the district
1260 school board which identify strategies and activities that the
1261 district school board should implement in order to improve
1262 school safety and security. Annually each district school board
1263 must receive such findings and the superintendent's
1264 recommendations ~~the self-assessment results~~ at a publicly
1265 noticed district school board meeting to provide the public an
1266 opportunity to hear the district school board members discuss
1267 and take action on the ~~report~~ findings and recommendations. Each
1268 district school superintendent shall report such findings ~~the~~
1269 ~~self-assessment results~~ and school board action to the
1270 commissioner within 30 days after the district school board
1271 meeting.

1272 (c) Develop a plan, in a format prescribed by the
1273 department, which includes a secure, single point of entry onto
1274 school grounds.

1275 (7) SAFETY IN CONSTRUCTION PLANNING.—A district school
1276 board must allow the law enforcement agency or agencies that are
1277 designated as first responders to the district's campus and
1278 school's campuses to tour such campuses once every 3 years. Any
1279 changes related to school safety and emergency issues
1280 recommended by a law enforcement agency based on a campus tour
1281 must be documented by the district school board.

1282 (8) DISTRICT SCHOOL SAFETY SPECIALIST.—A district school
1283 board shall designate or appoint a district school safety
1284 specialist to serve at the direction of the superintendent as
1285 the district's primary point of public contact regarding the
1286 district's coordination, communication, and implementation of



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1287 policies, procedures, responsibilities, and reporting related to
1288 district and public school safety functions. The school safety
1289 specialist shall do all of the following:

1290 (a) Coordinate with the Office of Safe Schools created
1291 pursuant to s. 1001.217.

1292 (b) Facilitate the collection and dissemination of
1293 information among and between the school district, school
1294 personnel, students and their families, state and local law
1295 enforcement agencies, community health entities, and other state
1296 and community partners.

1297 (c) Maintain records and reports and facilitate the
1298 implementation of policies regarding the respective duties and
1299 responsibilities of the school districts, superintendents, and
1300 principals and reporting regarding student discipline and school
1301 safety requirements.

1302 (d) Oversee and coordinate threat assessment teams and
1303 provide a coordinated approach to evaluating and responding to
1304 students who pose, or appear to pose, a credible potential
1305 threat of violence or harm to themselves or others.

1306 (e) Perform other responsibilities assigned by the
1307 superintendent and requested by the Office of Safe Schools to
1308 facilitate and coordinate the effective implementation of
1309 student discipline and school safety requirements.

1310 Section 21. Section 1006.12, Florida Statutes, is amended
1311 to read:

1312 1006.12 Safe-school resource officers at each public school
1313 and school safety officers. ~~For the protection and safety of~~
1314 school personnel, property, students, and visitors, each
1315 district school board and school district superintendent shall



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1316 cooperate with law enforcement agencies to establish or assign
1317 one or more safe-school officers at each school facility within
1318 the district, by implementing any combination of the following
1319 options:

1320 (1) ~~District school boards may~~ Establish school resource
1321 officer programs, through a cooperative agreement with law
1322 enforcement agencies ~~or in accordance with subsection (2).~~

1323 (a) School resource officers shall undergo criminal
1324 background checks, drug testing, and a psychological evaluation
1325 and be certified law enforcement officers, as defined in s.
1326 943.10(1), who are employed by a law enforcement agency as
1327 defined in s. 943.10(4). The powers and duties of a law
1328 enforcement officer shall continue throughout the employee's
1329 tenure as a school resource officer.

1330 (b) School resource officers shall abide by district school
1331 board policies and shall consult with and coordinate activities
1332 through the school principal, but shall be responsible to the
1333 law enforcement agency in all matters relating to employment,
1334 subject to agreements between a district school board and a law
1335 enforcement agency. Activities conducted by the school resource
1336 officer which are part of the regular instructional program of
1337 the school shall be under the direction of the school principal.

1338 (2) Commission one or more school safety officers for the
1339 protection and safety of school personnel, property, and
1340 students within the school district. The district school
1341 superintendent may recommend, and the district school board may
1342 appoint, one or more school safety officers.

1343 ~~(2)~~(a) School safety officers shall undergo criminal
1344 background checks, drug testing, and a psychological evaluation



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1345 and be law enforcement officers, as defined in s. 943.10(1),
1346 certified under the provisions of chapter 943 and employed by
1347 either a law enforcement agency or by the district school board.
1348 If the officer is employed by the district school board, the
1349 district school board is the employing agency for purposes of
1350 chapter 943, and must comply with the provisions of that
1351 chapter.

1352 ~~(b) A district school board may commission one or more~~
1353 ~~school safety officers for the protection and safety of school~~
1354 ~~personnel, property, and students within the school district.~~
1355 ~~The district school superintendent may recommend and the~~
1356 ~~district school board may appoint one or more school safety~~
1357 ~~officers.~~

1358 (b)(e) A school safety officer has and shall exercise the
1359 power to make arrests for violations of law on district school
1360 board property and to arrest persons, whether on or off such
1361 property, who violate any law on such property under the same
1362 conditions that deputy sheriffs are authorized to make arrests.
1363 A school safety officer has the authority to carry weapons when
1364 performing his or her official duties.

1365 (c)(d) A district school board may enter into mutual aid
1366 agreements with one or more law enforcement agencies as provided
1367 in chapter 23. A school safety officer's salary may be paid
1368 jointly by the district school board and the law enforcement
1369 agency, as mutually agreed to.

1370 (3) Participate in the Florida Sheriff's Marshal Program,
1371 established pursuant to s. 1006.1491. Upon a participant's
1372 completion of the program, the district school board shall
1373 designate a special deputy sheriff, as appointed by the sheriff



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1374 as a law enforcement officer certified under chapter 943,
1375 pursuant to s. 30.072(2).

1376 Section 22. Section 1006.149, Florida Statutes, is created
1377 to read:

1378 1006.149 Public School Emergency Response Learning System
1379 Program.—

1380 (1) The Public School Emergency Response Learning System
1381 Program is established to assist school personnel in preparing
1382 for and responding to active emergency situations and to
1383 implement local notification systems for all Florida public
1384 schools, with the ultimate goal of preventing tragedy and the
1385 loss of life through proactive strategies.

1386 (2) The program is created within the department and shall
1387 be administered by the Office of Safe Schools, created pursuant
1388 to s. 1001.217. Through the program, local law enforcement
1389 agencies shall partner with participating public preschools,
1390 public child care providers, or public school districts and
1391 schools. Training, notifications, and resources must be
1392 available for school personnel and students and their families
1393 through, at minimum, the following mechanisms:

1394 (a) Activities and direct training to mitigate risk and
1395 save lives in emergency situations, such as lockdown, bomb
1396 threat, active shooter, and other emergency situations.

1397 (b) Vital local notification systems implemented to alert
1398 schools of imminent danger.

1399 (c) Other resources provided in conjunction with the
1400 training, including, but not limited to, an emergency plan flip
1401 chart, communication cards, instructional resources, activity
1402 books for children and teachers, and certificates of training



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1403 and completion.

1404 (3) Each program participant must develop a preemptive plan
1405 of action that includes multiple options for addressing various
1406 situations based on the form of danger present and the unique
1407 needs and circumstances of each school and its faculty, staff,
1408 students, and visitors.

1409 (4) A school district must include in its emergency
1410 notification procedures established pursuant to s. 1006.07 any
1411 program participant who notifies the district of his or her
1412 desire to participate.

1413 (5) Funding for program activities may be provided by the
1414 Legislature to implement this section.

1415 Section 23. Section 1006.1491, Florida Statutes, is created
1416 to read:

1417 1006.1491 Florida Sheriff's Marshal Program.—The Florida
1418 Sheriff's Marshal Program is created within the department as a
1419 voluntary program to assist school districts and public schools
1420 in enhancing the safety and security of students, faculty,
1421 staff, and visitors to Florida's public schools and campuses.
1422 The program is administered by the Office of Safe Schools,
1423 created pursuant to s. 1001.217.

1424 (1) PURPOSE.—The purpose of the program is to provide
1425 comprehensive firearm safety and proficiency training for
1426 selected faculty and staff strategically focused on providing
1427 security on campus during an active assailant incident. Public
1428 school faculty and staff who voluntarily participate in and
1429 complete the program, as recommended by the school district, are
1430 designated as special deputy sheriffs with all rights,
1431 responsibilities, and obligations in carrying concealed firearms



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1432 on campus, as authorized pursuant to s. 30.09.

1433 (2) DEFINITIONS.—As used in this section, the term:

1434 (a) "Active assailant incident" means a situation in which
1435 an armed assailant is posing an immediate deadly threat to
1436 persons on the premises or campus of a public school.

1437 (b) "Campus" means a school, as defined in s. 1003.01(2),
1438 and facilities and school plants operated and controlled by a
1439 public school district in accordance with s. 1003.02.

1440 (c) "Partnership agreement" means a jointly approved
1441 contract between the sheriff operating the program and the
1442 superintendent of a participating school district sponsor.

1443 (d) "Program" means a Florida Sheriff's Marshal Program as
1444 established and administered by a sheriff in accordance with
1445 this section.

1446 (e) "Sheriff" means the county sheriff constitutional
1447 officer elected or appointed in accordance with chapter 30.

1448 (f) "Sheriff's marshal" means a faculty or staff member who
1449 is recommended and sponsored by a school district and has been
1450 successfully screened and approved by the sheriff to participate
1451 in a program.

1452 (g) "Special deputy sheriff" means a program participant
1453 who has successfully completed the program and who is appointed
1454 as a law enforcement officer in the same manner as a deputy
1455 sheriff as provided in s. 30.072(2) and certified under chapter
1456 943.

1457 (3) PROGRAM ELIGIBILITY.—At a minimum, program eligibility
1458 and participation requirements must include:

1459 (a) A school district may sponsor and recommend to the
1460 sheriff public school faculty and staff members as candidates



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1461 for voluntary participation in the program. The sheriff shall
1462 establish timelines and requirements for participation through a
1463 partnership agreement with the sponsoring school district
1464 superintendent. To be eligible for consideration and
1465 recommendation, a candidate must be licensed in accordance with
1466 s. 790.06.

1467 (b) After screening a candidate, including performing
1468 criminal background checks, drug testing, and a psychological
1469 evaluation, the sheriff may approve a candidate to participate
1470 in the program as a sheriff's marshal.

1471 (c) Upon successful completion of the program, a sheriff's
1472 marshal may be appointed by the sheriff as a special deputy
1473 sheriff for the limited purpose of responding to an active
1474 assailant incident on a campus of his or her school district
1475 during an active assailant incident.

1476 (4) SPECIAL DEPUTY SHERIFF.-

1477 (a) At a minimum, the partnership agreement must provide
1478 that a special deputy sheriff:

1479 1. Must participate in and complete the program's
1480 professional training requirements as a precondition to meeting
1481 the legal requirements of chapter 30 to be eligible to carry a
1482 concealed firearm on a campus of his or her sponsoring school
1483 district.

1484 2. May not act in any law enforcement capacity outside of
1485 an active assailant incident on a school district campus and
1486 does not have any authority in a law enforcement capacity off
1487 campus in any way, except as otherwise expressly authorized by
1488 law.

1489 3. May carry concealed, approved firearms on campus. The



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1490 firearms must be specifically purchased and issued for the sole
1491 purpose of the program. Only concealed carry safety holsters and
1492 firearms approved by the sheriff may be used under the program.

1493 4. Must successfully complete training with the sheriff's
1494 office before his or her appointment as a special deputy
1495 sheriff, including meeting the requirements of this section.

1496 (b) The appointment of a person as a special deputy sheriff
1497 does not entitle the person to the special risk category that
1498 applies to law enforcement officers pursuant to s. 121.0515.

1499 (5) TRAINING AND INSTRUCTION.—All training must be
1500 conducted by Criminal Justice Standards Training Commission
1501 (CJSTC)-certified instructors.

1502 (a) Required instruction must include 132 total hours of
1503 comprehensive firearm safety and proficiency training in the
1504 following topics:

1505 1. Firearms: 80-hour block of instruction. The firearms
1506 instruction must be based on the CJSTC Law Enforcement Academy
1507 training model and must be enhanced to include 10 percent to 20
1508 percent more rounds fired by each program participant beyond the
1509 minimum average of approximately 1,000 training rounds
1510 associated with academy training. Program participants must
1511 achieve an 85 percent pass rate on the firearms training.

1512 2. Firearms precision pistol: 16-hour block of instruction.

1513 3. Firearms discretionary shooting: 4-hour block of
1514 instruction using state-of-the-art simulator exercises.

1515 4. Active shooter or assailant: 8-hour block of
1516 instruction.

1517 5. Defensive tactics: 4-hour block of instruction.

1518 6. Legal or high liability: 20-hour block of instruction.



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1519 (b) Program participants may complete an optional, 16-hour
1520 precision pistol course as additional training.

1521 (c) Ongoing and annual proficiency retraining must be
1522 conducted by the sheriff, as specified in the agreement.

1523 (6) PARTICIPATION DENIAL OR TERMINATION.—The sheriff or the
1524 district superintendent may deny or terminate a sheriff's
1525 marshal or special deputy sheriff's participation in the program
1526 for any reason, including, but not limited to, any of the
1527 following circumstances:

1528 (a) An arrest or filing of criminal charges against a
1529 program participant by a law enforcement agency.

1530 (b) The service of process on the program participant as
1531 the respondent of an injunction for protection.

1532 (c) The involuntary placement of the program participant in
1533 a treatment facility for a mental health examination under The
1534 Baker Act.

1535 (d) A violation of sheriff office policies, orders, or
1536 requirements by the program participant.

1537 (e) A violation of the school district's code of conduct or
1538 employee handbook or policy by the program participant.

1539 (7) IMPLEMENTATION.—

1540 (a) The sheriff shall maintain documentation of weapon and
1541 equipment inspections, as well as the training, certification,
1542 inspection, and qualification records of each program
1543 participant.

1544 (b) Each program participant must be distinctly and
1545 visually identifiable to responding law enforcement officers,
1546 faculty, staff, and students, in the case of any active
1547 assailant incident on a sponsoring school district's campus.



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1548 (c) Each sheriff's marshal must execute a volunteer
1549 agreement with the sheriff's office outlining duties and
1550 responsibilities.

1551 (d) A sponsoring school district must conduct awareness
1552 training about the program for all school district faculty and
1553 staff members.

1554 (e) Specific implementation requirements, responsibilities,
1555 and other aspects of implementation must be specified in a
1556 partnership agreement.

1557 (8) FUNDING.—The costs of program participation must be
1558 established in the partnership agreement. Funding may be
1559 provided by the Legislature to support school district and
1560 sheriff office administration, sponsorship, participation, and
1561 implementation of this section.

1562 Section 24. Section 1006.1493, Florida Statutes, is created
1563 to read:

1564 1006.1493 Florida Safe Schools Assessment Tool.—

1565 (1) The department shall contract with a security
1566 consulting firm that specializes in the development of risk
1567 assessment software solutions and has experience in conducting
1568 security assessments of public facilities to develop, update,
1569 and implement a risk assessment tool, which shall be known as
1570 the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must
1571 be used by school officials at each school district and public
1572 school site in the state in conducting security assessments for
1573 use by school officials at each school district and public
1574 school site in the state.

1575 (2) The FSSAT must help school officials identify threats,
1576 vulnerabilities, and appropriate safety controls for the schools



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1577 that they supervise, pursuant to the security risk assessment
1578 requirements of s. 1006.07(6).

1579 (a) At a minimum, the FSSAT must address all of the
1580 following components:

1581 1. School emergency and crisis preparedness planning;

1582 2. Security, crime, and violence prevention policies and
1583 procedures;

1584 3. Physical security measures;

1585 4. Professional development training needs;

1586 5. An examination of support service roles in school
1587 safety, security, and emergency planning;

1588 6. School security and school police staffing, operational
1589 practices, and related services;

1590 7. School and community collaboration on school safety; and

1591 8. A return on investment analysis of the recommended
1592 physical security controls.

1593 (b) The department shall require by contract that the
1594 security consulting firm:

1595 1. Generate written automated reports on assessment
1596 findings for review by the department and school and district
1597 officials;

1598 2. Provide training to the department and school officials
1599 in the use of the FSSAT and other areas of importance identified
1600 by the department; and

1601 3. Advise in the development and implementation of
1602 templates, formats, guidance, and other resources necessary to
1603 facilitate the implementation of this section at state,
1604 district, school, and local levels.

1605 (3) By December 1, 2018, and annually by that date



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1606 thereafter, the department must report to the Governor, the
1607 President of the Senate, and the Speaker of the House of
1608 Representatives on the status of implementation across school
1609 districts and schools. The report must include a summary of the
1610 positive school safety measures in place at the time of the
1611 assessment and any recommendations for policy changes or funding
1612 needed to facilitate continued school safety planning,
1613 improvement, and response at the state, district, or school
1614 levels.

1615 (4) In accordance with ss. 119.071(3)(a) and 281.301, data
1616 and information related to security risk assessments
1617 administered pursuant to this section and s. 1006.07(6) and the
1618 security information contained in the annual report required
1619 pursuant to subsection (3) are confidential and exempt from
1620 public records requirements.

1621 Section 25. Present subsections (16) and (17) of section
1622 1011.62, Florida Statutes, are redesignated as subsections (17)
1623 and (18), respectively, subsections (14) and (15) of that
1624 section are amended, and a new subsection (16) is added to that
1625 section, to read:

1626 1011.62 Funds for operation of schools.—If the annual
1627 allocation from the Florida Education Finance Program to each
1628 district for operation of schools is not determined in the
1629 annual appropriations act or the substantive bill implementing
1630 the annual appropriations act, it shall be determined as
1631 follows:

1632 (14) QUALITY ASSURANCE GUARANTEE.—The Legislature may
1633 annually in the General Appropriations Act determine a
1634 percentage increase in funds per K-12 unweighted FTE as a



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1635 minimum guarantee to each school district. The guarantee shall
1636 be calculated from prior year base funding per unweighted FTE
1637 student which shall include the adjusted FTE dollars as provided
1638 in subsection (17) ~~(16)~~, quality guarantee funds, and actual
1639 nonvoted discretionary local effort from taxes. From the base
1640 funding per unweighted FTE, the increase shall be calculated for
1641 the current year. The current year funds from which the
1642 guarantee shall be determined shall include the adjusted FTE
1643 dollars as provided in subsection (17) ~~(16)~~ and potential
1644 nonvoted discretionary local effort from taxes. A comparison of
1645 current year funds per unweighted FTE to prior year funds per
1646 unweighted FTE shall be computed. For those school districts
1647 which have less than the legislatively assigned percentage
1648 increase, funds shall be provided to guarantee the assigned
1649 percentage increase in funds per unweighted FTE student. Should
1650 appropriated funds be less than the sum of this calculated
1651 amount for all districts, the commissioner shall prorate each
1652 district's allocation. This provision shall be implemented to
1653 the extent specifically funded.

1654 (15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is
1655 created to provide funding to assist school districts in their
1656 compliance with subpart I.C. of chapter 1006 ~~ss. 1006.07-~~
1657 ~~1006.148~~, with priority given to satisfying the requirement of
1658 establishing or assigning at least one safe-school officer at
1659 each school facility within the district ~~a school resource~~
1660 ~~officer program~~ pursuant to s. 1006.12. Each school district
1661 shall receive a minimum safe schools allocation in an amount
1662 provided in the General Appropriations Act. Of the remaining
1663 balance of the safe schools allocation, two-thirds shall be



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1664 allocated to school districts based on the most recent official
1665 Florida Crime Index provided by the Department of Law
1666 Enforcement and one-third shall be allocated based on each
1667 school district's proportionate share of the state's total
1668 unweighted full-time equivalent student enrollment.

1669 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
1670 assistance allocation is created to provide funding to assist
1671 school districts and charter schools in their compliance with
1672 the requirements and specifications established in s. 1006.05.
1673 These funds must be allocated annually in the General
1674 Appropriations Act to each eligible school district and
1675 developmental research school based on each entity's
1676 proportionate share of Florida Education Finance Program base
1677 funding, in accordance with s. 1006.05. The district funding
1678 allocation must include a minimum amount, as provided in the
1679 General Appropriations Act. Eligible charter schools are
1680 entitled to a proportionate share of district funding for the
1681 program. The allocated funds may not supplant funds that are
1682 provided for this purpose from other operating funds and may not
1683 be used to increase salaries or provide bonuses, except for
1684 personnel hired to implement the plans required by s. 1006.05.
1685 School districts and schools must maximize third-party funding
1686 from Medicaid and private insurance when appropriate.

1687 Section 26. For the purpose of incorporating the amendment
1688 made by this act to section 790.065, Florida Statutes, in a
1689 reference thereto, subsection (2) of section 397.6760, Florida
1690 Statutes, is reenacted to read:

1691 397.6760 Court records; confidentiality.—

1692 (2) This section does not preclude the clerk of the court



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1693 from submitting the information required by s. 790.065 to the
1694 Department of Law Enforcement.

1695 Section 27. For the purpose of incorporating the amendment
1696 made by this act to section 790.065, Florida Statutes, in a
1697 reference thereto, paragraph (e) of subsection (3) of section
1698 790.335, Florida Statutes, is reenacted to read:

1699 790.335 Prohibition of registration of firearms; electronic
1700 records.—

1701 (3) EXCEPTIONS.—The provisions of this section shall not
1702 apply to:

1703 (e)1. Records kept pursuant to the recordkeeping provisions
1704 of s. 790.065; however, nothing in this section shall be
1705 construed to authorize the public release or inspection of
1706 records that are made confidential and exempt from the
1707 provisions of s. 119.07(1) by s. 790.065(4)(a).

1708 2. Nothing in this paragraph shall be construed to allow
1709 the maintaining of records containing the names of purchasers or
1710 transferees who receive unique approval numbers or the
1711 maintaining of records of firearm transactions.

1712 Section 28. This act shall take effect upon becoming a law.

1713
1714 ===== T I T L E A M E N D M E N T =====

1715 And the title is amended as follows:

1716 Delete everything before the enacting clause
1717 and insert:

1718 A bill to be entitled
1719 An act relating to public safety; providing a short
1720 title; amending s. 20.15, F.S.; establishing the
1721 Office of Safe Schools within the Department of



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1722 Education; amending s. 394.463, F.S.; authorizing a
1723 law enforcement officer to seize and hold firearms and
1724 ammunition if taking custody of a person who poses a
1725 potential danger to himself or herself or others and
1726 who has made a credible threat against another person;
1727 requiring the law enforcement officer's agency to hold
1728 seized firearms and ammunition under certain
1729 circumstances; requiring law enforcement agencies to
1730 develop certain policies and procedures; authorizing a
1731 law enforcement officer to petition a court for a risk
1732 protection order under certain circumstances; creating
1733 s. 790.064, F.S.; prohibiting a person who has been
1734 adjudicated mentally defective or been committed to a
1735 mental institution from owning or possessing a firearm
1736 until certain relief is obtained; specifying that the
1737 firearm possession and ownership disability runs
1738 concurrently with the firearm purchase disability
1739 under certain provisions; authorizing a person to
1740 petition for relief from the firearm possession and
1741 ownership disability; requiring that petitions for
1742 relief follow certain procedures; authorizing such
1743 person to petition for simultaneous relief; amending
1744 s. 790.065, F.S.; prohibiting a licensed importer,
1745 manufacturer, or dealer from selling or delivering a
1746 firearm to a person who is under 21 years of age;
1747 providing exceptions; prohibiting a person younger
1748 than a certain age from purchasing a firearm;
1749 prohibiting the sale or transfer, or facilitation of a
1750 sale or transfer, of a firearm to a person younger



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1751 than a certain age by a licensed importer, licensed
1752 manufacturer, or licensed dealer; providing criminal
1753 penalties; providing exceptions; amending s. 790.0655,
1754 F.S.; revising the mandatory waiting period to the
1755 later of either 3 days, excluding weekends and legal
1756 holidays, or upon the completion of certain records
1757 checks; revising and redefining terms; requiring that
1758 records of firearm sales be available for inspection
1759 by any law enforcement agency during normal business
1760 hours; revising applicability of the waiting period;
1761 conforming provisions to changes made by the act;
1762 creating s. 790.34, F.S.; defining the term "bump-fire
1763 stock"; prohibiting the importation, transfer,
1764 distribution, transport, sale, or giving of a bump-
1765 fire stock in this state; providing criminal
1766 penalties; providing legislative intent; providing a
1767 short title; creating s. 790.401, F.S.; defining
1768 terms; creating an action known as a petition for a
1769 risk protection order to prevent persons who are at
1770 high risk of harming themselves or others from
1771 accessing firearms or ammunition; providing
1772 requirements for petitions for such orders; providing
1773 duties for courts and clerks of court; prohibiting
1774 fees for the filing of or service of process of such
1775 petitions; providing for jurisdiction for such
1776 petitions; requiring hearings on petitions within a
1777 specified period; providing service requirements;
1778 providing grounds that may be considered in
1779 determining whether to grant such a petition;



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1780 providing requirements for proceedings; providing
1781 requirements for risk protection orders; requiring the
1782 court to inform a respondent of his or her right to
1783 request a certain hearing; authorizing temporary ex
1784 parte orders under certain circumstances; providing
1785 requirements for petitions for such ex parte orders;
1786 providing for service of orders; providing for the
1787 termination or extension of an order; providing for
1788 the surrender and storage of firearms and ammunition
1789 after issuance of a risk protection order; requiring
1790 law enforcement agencies to develop certain policies
1791 and procedures by a certain date; providing for return
1792 of firearms and ammunition upon the vacating or end
1793 without the extension of an order under certain
1794 circumstances; authorizing a respondent to elect to
1795 transfer all firearms and ammunition surrendered or
1796 seized by a law enforcement agency to another person
1797 under certain circumstances; requiring an issuing
1798 court to forward specified information concerning a
1799 respondent to the Department of Agriculture and
1800 Consumer Services; requiring the department to suspend
1801 a license to carry a concealed weapon or firearm which
1802 is held by a person subject to such an order;
1803 prohibiting a person from knowingly filing a petition
1804 for such an order which contains materially false or
1805 misleading information; providing criminal penalties;
1806 prohibiting violations of such an order; providing
1807 criminal penalties; providing construction; providing
1808 that the risk protection order provisions do not



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1809 create liability for certain acts or omissions;
1810 requiring the Office of the State Courts Administrator
1811 to develop and distribute certain instructional and
1812 informational material; creating s. 943.082, F.S.;
1813 requiring the Department of Law Enforcement to
1814 competitively procure a mobile suspicious activity
1815 reporting tool; requiring the system to notify certain
1816 parties of specified information; requiring
1817 information received by the system to be reported to
1818 the appropriate agencies and school officials;
1819 requiring certain entities to be made aware of the
1820 system; requiring certain materials be provided to
1821 participating schools and school districts; creating
1822 s. 943.687, F.S.; creating the Marjory Stoneman
1823 Douglas High School Public Safety Commission within
1824 the Florida Department of Law Enforcement; requiring
1825 the commission to convene by a certain date;
1826 specifying the composition of the commission;
1827 specifying meeting requirements; requiring Florida
1828 Department of Law Enforcement staff to assist the
1829 commission; authorizing reimbursement for per diem and
1830 travel expenses; providing the duties and authority of
1831 the commission; requiring the commission to submit an
1832 initial report to the Governor and the Legislature
1833 within a specified time; providing for the expiration
1834 of the commission; creating s. 1000.051, F.S.;
1835 providing legislative intent regarding school safety
1836 and security; creating s. 1001.217, F.S.; creating the
1837 Office of Safe Schools; providing the purpose and



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1838 duties of the office; amending ss. 1002.221 and
1839 1002.225, F.S.; providing for construction regarding
1840 the applicability of public records exemptions for
1841 security system plans and security systems; amending
1842 s. 1006.04, F.S.; establishing the Multiagency Service
1843 Network for Students with Severe Emotional
1844 Disturbance; specifying the goals and duties of the
1845 program; authorizing the Legislature to provide
1846 funding to the department to award grants; creating s.
1847 1006.05, F.S.; providing a purpose of the mental
1848 health assistance allocation; requiring that school
1849 districts and charter schools annually develop and
1850 submit certain detailed plans; requiring that approved
1851 charter school plans be provided to the district for
1852 submission to the Commissioner of Education; providing
1853 that required plans must include certain elements;
1854 requiring school districts to annually submit approved
1855 plans to the commissioner by a specified date;
1856 requiring that entities receiving such allocations
1857 annually submit a final report on program outcomes and
1858 specific expenditures to the commissioner by a
1859 specified date; amending s. 1006.07, F.S.; requiring
1860 district school boards to formulate and prescribe
1861 policies and procedures for active shooter situations;
1862 requiring that active shooter situation training for
1863 each school be conducted by the law enforcement agency
1864 or agencies that are designated as first responders to
1865 the school's campus; requiring each school district to
1866 designate a threat assessment team; requiring each



1867 school district to conduct certain assessments in a
1868 specified format; requiring a district school
1869 superintendent to provide specified entities with
1870 certain findings and certain strategy and activity
1871 recommendations to improve school safety and security;
1872 requiring that district school boards allow campus
1873 tours by such law enforcement agency or agencies at
1874 specified times and for specified purposes; requiring
1875 that certain recommendations be documented by such
1876 board or principal; requiring each district school
1877 board to designate or appoint a district school safety
1878 specialist; providing duties of the school safety
1879 specialist; amending s. 1006.12, F.S.; requiring
1880 district school boards to establish or assign safe-
1881 school officers at each district school facility
1882 within the district; requiring school resource
1883 officers and school safety officers to undergo
1884 specified evaluations; specifying that participation
1885 in the Florida Sheriff's Marshal Program meets the
1886 requirement; creating s. 1006.149, F.S.; establishing
1887 the Public School Emergency Response Learning System
1888 Program within the department; establishing the
1889 program as a partnership between local law enforcement
1890 agencies and public education entities; specifying
1891 activities, training, notification systems, and
1892 resources provided through the program; specifying the
1893 creation of a preemptive plan of action; authorizing
1894 funding provided by the Legislature to implement the
1895 program; creating s. 1006.1491, F.S.; creating the



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1896 Florida Sheriff's Marshal Program within the
1897 department; specifying a purpose; defining terms;
1898 establishing program eligibility requirements;
1899 authorizing special deputy sheriffs to perform certain
1900 duties, under specified circumstances; specifying
1901 training and instructional requirements; specifying
1902 grounds for termination and denial of participants;
1903 specifying implementation requirements; authorizing
1904 funding as provided by the Legislature; creating s.
1905 1006.1493, F.S.; requiring the department to contract
1906 with a security consulting firm to develop, update,
1907 and implement a risk assessment tool; providing
1908 requirements for the Florida Safe Schools Assessment
1909 Tool; requiring reports, training, and advice in the
1910 security consulting firm contract; requiring a
1911 specified annual report to the Governor and
1912 Legislature by a specified date; providing for
1913 construction regarding the applicability of public
1914 records exemptions for certain security data and
1915 information; amending s. 1011.62, F.S.; expanding the
1916 safe schools allocation to provide funding for
1917 specified school safety provisions; creating the
1918 mental health assistance allocation; providing the
1919 purpose of the allocation; requiring that funds be
1920 allocated annually in the General Appropriations Act;
1921 providing for the annual allocation of such funds on a
1922 specified basis; providing that eligible charter
1923 schools are entitled to a proportionate share;
1924 prohibiting the use of allocated funds to supplant



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1925 funds provided from other operating funds, to increase
1926 salaries, or to provide bonuses, except in certain
1927 circumstances; requiring that school districts and
1928 schools maximize certain third-party funding;
1929 reenacting ss. 397.6760(2) and 790.335(3)(e), F.S.,
1930 relating to the confidentiality of court records and
1931 exceptions to the prohibition of registration of
1932 firearms, respectively, to incorporate the amendment
1933 made to s. 790.065, F.S., in references thereto;
1934 providing an effective date.