**SB 7026 (Public Safety) Analysis**

***(as of 3/5/18)***

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| Section 1  This act may be cited as the “Marjory Stoneman Douglas High School Public Safety Act |
| Section 2  Sets intent for bill |
| Section 3  Grants may be awarded to fund student crime watch programs pursuant to s. 1006.07(3). |
| Section 4  Creates the Office of Safe Schools within the FDOE |
| Section 5  Establish, if the sheriff so chooses, a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises. A school guardian has no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident on a school premises. Participation by the school district is voluntary. Excluded from participating in the Coach Aaron Feis Guardian Program are individuals who exclusively perform classroom duties as classroom teachers as defined in s. 1012.01(2)(a). This limitation does not apply to classroom teachers of a Junior Reserve Officers’ Training Corps program, a current servicemember, as defined in s. 250.01, or a current or former law enforcement officer, as defined in s. 943.10(1), (6), or (8). The sheriff who chooses to establish the program shall appoint as school guardians, without the power of arrest, school employees who volunteer and who:   * Hold a valid license under s. 790.06 * Complete 132 total hours of comprehensive firearm safety * 80 hours of firearms instruction * 16 hours of instruction in precision pistol * 8 hours of discretionary shooting instruction with a simulator * 8 hours of instruction active shooter or assailant scenarios * 8 hours of instruction in defensive tactics * 12 hours of instruction in legal issues * Pass a psychological evaluation * pass an initial drug test and subsequent random drug tests * Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis. * Successfully complete at least 12 hours of a certified nationally recognized diversity training program   The sheriff shall issue a school guardian certificate to individuals who meet the requirements. |
| Section 6  The Division of Law Revision and Information is instructed to change references from “school marshal program” to “Coach Aaron Feis Guardian Program” and references from “school marshal” to “school guardian” wherever those terms appear in this act. |
| Section 7  A retired law enforcement officer may be reemployed as a school resource officer by an employer that participates in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021, but may not receive both a salary from the employer and retirement benefits for 6 calendar months immediately subsequent to the date of retirement. The reemployed retired law enforcement officer may not renew membership in the Florida Retirement System, except as provided in s. 121.122. |
| Section 8  Involuntary Examination  A law enforcement officer taking custody of a person under this subsection may seize and hold a firearm or any ammunition the person possesses at the time of taking him or her into custody if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person. |
| Section 9  The department shall contract for community action treatment teams throughout the state with the managing entities. A community action treatment team shall:   1. Provide community-based behavioral health and support services to children from 11 to 13 years of age, adolescents, and young adults from 18 to 21 years of age with serious behavioral health conditions who are at risk of out-of-home placement.   Children younger than 11 years of age who otherwise meet the criteria in this paragraph may be candidates for such services if they demonstrate two or more of the characteristics listed in subparagraph 1.-5 |
| Section 10  Firearm possession and firearm ownership disability  A person who has been adjudicated mentally defective or who has been committed to a mental institution, as those terms are defined in s. 790.065(2), may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained. |
| Section 11  A person younger than 21 years of age may not purchase a firearm.  The prohibitions of this subsection do not apply to the purchase of a rifle or shotgun by a law enforcement officer or a correctional officer, or a servicemember. |
| Section 12  Mandatory 3 day waiting period when purchasing a firearm  Waiting period does not apply if:   * have concealed weapons permit * trading in another firearm * To a person who completes a minimum of a 16-hour hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or similar agency of another state, unless that person is purchasing a handgun |
| Section 13  Prohibits “bump fire stock” |
| Section 14  intended to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms or ammunition by allowing law enforcement officers to obtain a court order when there is demonstrated evidence that a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior. |
| Section 15  Section 790.401, Florida Statutes, may be cited as “The Risk Protection Order Act.” |
| Sections 16  Risk protection orders   * Upon receipt of a petition, the court must order a hearing to be held no later than 14 days after the date of the order and must issue a notice of hearing to the respondent for the same. * A petitioner may request that a temporary ex parte risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition |
| Section 17  Adds the following to a list of items warranting a felony of the second degree:  Any person who makes, posts, or transmits a threat in a writing or other record, including an electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow another person to view the threat. |
| Section 18  Makes “conduct a mass shooting or an act of terrorism” a 2nd degree felony. |
| Section 19  School Safety Awareness Program  FDOE and Legal Affairs shall competitively procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously.  The Department of Legal Affairs, in collaboration with the Division of Victims Services within the Office of the Attorney General and the Office of Safe Schools within the Department of Education, shall develop and provide a comprehensive training and awareness program on the use of the mobile suspicious activity reporting tool. |
| Section 20  Marjory Stoneman Douglas High School Public Safety Commission   * 5 members appointed by Governor, 5 by Speaker, 5 by President * Secretary of Children and Families, the Secretary of Juvenile Justice, the Secretary of Health Care Administration, the Commissioner of Education, and the executive director shall serve as ex officio, nonvoting members of the commission * Duties:   + Develop a timeline of the incident, incident response, and all relevant events preceding the incident, with particular attention to all perpetrator contacts with local, state and national government agencies and entities and any contract providers of such agencies and entities.   + Investigate any failures in incident responses by local 1528 law enforcement agencies and school resource officers   + Investigate any failures in interactions with perpetrators preceding mass violence incidents. * Has the power to subpoena witnesses and information * Shall provide annual reports until July 2023 |
| Section 21  Creates the Office Safe Schools (detail) as part of the FDOE |
| Section 22  The methods and requirements of the following statutes 1687 shall be held in abeyance: 1006.12(2) ~~1006.12(1);~~ |
| Section 23  The **multiagency network for students** with emotional and behavioral disabilities works with education, mental health, child welfare, and juvenile justice professionals, along with other agencies and families, to provide children with mental illness or emotional and behavioral problems and their families with access to the services and supports they need to succeed.  (c) The multiagency network shall:  1. Support and represent the needs of students in each school district in joint planning with fiscal agents of children’s mental health funds, including the expansion of school-based mental health services, transition services, and integrated education and treatment programs.  2. Improve coordination of services for children with or at risk of emotional or behavioral disabilities and their families by assisting multi-agency collaborative initiatives to identify critical issues and barriers of mutual concern and develop local response systems that increase home and school connections and family engagement.  3. Increase parent and youth involvement and development with local systems of care.  4. Facilitate student and family access to effective services and programs for students with and at risk of emotional or behavioral disabilities that include necessary educational, residential, and mental health treatment services, enabling these students to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living. |
| Section 24   * Require each student at the time of initial registration for school in the school district to note previous referrals to mental health services. * The district school superintendent of the receiving school district may refer students to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate. * Codes of student conduct shall include Policies to be followed for the assignment of violent or disruptive students to an alternative educational program or referral of such students to mental health services identified by the school district pursuant to s. 1012.584(4). * Notice that any student who is determined to have brought a firearm or weapon must also be referred to mental health services identified by the school district pursuant to s. 1012.584(4). * Notice that any student who is determined to have made a threat or false report must be referred to mental health services identified by the school district pursuant to s. 1012.584(4) for evaluation or treatment, when appropriate.   **STUDENT CRIME WATCH --**  The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials  **EMERGENCY DRILLS; EMERGENCY PROCEDURES.—**   * Formulate and prescribe policies and procedures for all faculty and students, in consultation with the appropriate public safety agencies active shooter and hostage situations. Drills for active shooter and hostage situations shall be conducted at least as often as other emergency drills. * Emergency response policy shall identify the individuals responsible for contacting the primary emergency response agency. * Establish model emergency management and emergency preparedness procedures. 1. Weapon-use, and hostage, and active shooter situations. The active shooter situation training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school’s campus. * Establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of the school’s campus.   **SAFETY AND SECURITY BEST PRACTICES--**  Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.  (a) Each district school superintendent shall designate a school administrator as a school safety specialist for the district. The school safety specialist must earn a certificate of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment and is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district.  **THREAT ASSESSMENT TEAMS--**  Each district school board shall adopt policies for the establishment of threat assessment teams at each school whose duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Office of Safe Schools.  **SAFETY IN CONSTRUCTION PLANNING.—**  A district school board must allow the law enforcement agency or agencies that are designated as first responders to the district’s campus and school’s campuses to tour such campuses once every 3 years. |
| Section 25  The court shall, within 48 hours of the finding, notify the appropriate district school superintendent of the name and address of any student the court refers to mental health services. |
| Section 26  For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing any combination of the following options which best meets the needs of the school district:   * School Resource Officer (SRO) programs   + undergo criminal background checks, drug testing, and a psychological evaluation   + Complete mental health crisis intervention training * School safety officers   + undergo criminal background checks, drug testing, and a psychological evaluation * At the school district’s discretion, participate in the school marshal program |
| Section 27  Requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety. |
| Section 28  Florida Safe Schools Assessment Tool (FSSAT)  FDOE will contract with a security consulting firm to develop this software solution   * The FSSAT must be used by school officials at each school district and public school site in the state in conducting security assessments for use by school officials at each school district and public school site in the state. * The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise. |
| Section 29  **SAFE SCHOOLS ALLOCATION--**  Any additional funds appropriated to this allocation in the 2018- 2019 fiscal year to the school resource officer program established pursuant to s. 1006.12 shall be used exclusively for employing or contracting for school resource officers, which shall be in addition to the number of officers employed or contracted for in the 2017-2018 fiscal year.  **MENTAL HEALTH ASSISTANCE ALLOCATION.—**  The mental health assistance allocation is created to provide funding to assist school districts in establishing or expanding school-based mental health care.   * Allocated annually, each school district shall receive a minimum of $100,000 with the remaining balance allocated based on each school district’s proportionate share of the state’s total unweighted full-time equivalent student enrollment. Eligible charter schools are entitled to a proportionate share of district funding. At least 90 percent of a district’s allocation must be expended on the elements specified in subparagraphs (b)1 and 2. |
| Section 30  Continuing education and inservice training for youth mental health awareness and assistance--   1. Beginning with the 2018-2019 school year, the Department of Education shall establish an evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem. 2. The Department of Education shall select a national authority on youth mental health awareness and assistance to facilitate providing youth mental health awareness and assistance training, using a trainer certification model, to all school personnel in elementary, middle, and high schools. Each school safety specialist shall earn, or designate one or more individuals to earn, certification as a youth mental health awareness and assistance trainer. The school safety specialist shall ensure that all school personnel within his or her school district receive youth mental health awareness and assistance training. |
| Section 31  **Cost per student station** also does not include the cost for securing entries, checkpoint construction, lighting specifically designed for entry point security, security cameras, automatic locks and locking devices, electronic security systems, fencing designed to prevent intruder entry into a building, bullet-proof glass, or other capital construction items approved by the school safety specialist to ensure building security for new educational, auxiliary, or ancillary facilities; costs for these items must be below 2 percent per student station. |
| Section 32  NA |
| Section 33  NA |
| Section 34  NA |
| Section 35  NA |
| Section 36  $69,237,286 in recurring funds  From GR to the Department of Education in the Aid to Local Governments Grants and Aids – FEFP  to fund the mental health assistance allocation |
| Section 37  **$**500,000 in recurring funds  $6,200,000 in nonrecurring funds  From GR to the Department of Education  to implement the youth mental health awareness and assistance training. |
| Section 38  $1 million in nonrecurring funds  From GR to the Department of Education  for the design and construction of a memorial at Marjory Stoneman Douglas High School in Broward County. |
| Section 39  $25,262,714 in nonrecurring funds  From GR to the Department of Education  for the purpose of replacing Building 12, as listed in the Florida Inventory of School Houses, at Marjory Stoneman Douglas High School in Broward County. |
| Section 40  $500,000 in recurring funds  $67 million in nonrecurring funds  From GR to the Department of Education  to allocate to sheriffs’ offices who establish a school marshal program pursuant to s. 30.15, Florida Statutes.  The funds shall be used for screening-related and training-related costs and providing a one-time stipend of $500 to school marshals who participate in the school marshal program. |
| Section 41  $344,393 in recurring funds  from GR to the Department of Education  for three full-time equivalent positions, with associated salary rate of 150,000, are authorized, to fund the Office of Safe Schools (FDOE) |
| Section 42  $97,500,000 in recurring funds  From GR to the Department of Education in the Aid to Local Governments Grants and Aids – FEFP  for the safe schools allocation  These funds are in addition to the safe schools allocation funds appropriated in the Florida Education Finance Program in the Fiscal Year 2018- 2019 General Appropriations Act. From these funds, $187,340 shall be distributed to each school district and developmental research school to increase each school districts’ minimum amount to $250,000 when combined with the minimum amount appropriated in the 2018-2019 General Appropriations Act. |
| Section 43  $100,000 in recurring funds  From GR to the Department of Education  to competitively procure the active shooter training component of the school safety specialist training program. |
| Section 44  $98,962,286 in nonrecurring funds  From GR to the Department of Education  to implement a grant program that will provide awards to schools to fund, in whole or in part, the fixed capital outlay costs associated with improving the physical security of school buildings as identified by a security risk assessment completed before August 1, 2018, by a school district or charter school.  By August 31, 2018, the department shall submit the grant guidelines, which must include an application submission deadline of no later than December 1, 2018, and the specific evaluation criteria, to all school districts and charter schools. The department shall award grants no later than January 15, 2019, based upon the evaluation criteria set forth in the application guidelines. |
| Section 45  $300,000 in nonrecurring funds  $100,000 in recurring funds  From GR to the Department of Law Enforcement  to competitively procure proposals for the development or acquisition of the mobile suspicious activity reporting tool. |
| Section 46  five full-time equivalent positions, with associated salary rate of $345,000  $600,000 in recurring  $50,000 in nonrecurring  From GR to the Department of Law Enforcement  to fund the operations of the Marjory Stoneman Douglas High School Public Safety Commission. |
| Section 47  $9,800,000 in recurring funds  From GR to the Department of Children and Families  to competitively procure for additional community action treatment teams to ensure reasonable access among all counties. |
| Section 48  $18,300,000 in recurring funds  From GR to the Department of Children and Families  to competitively procure proposals for additional mobile crisis teams to ensure reasonable access among all counties |
| Section 49  $18,321 in recurring funds  $225,000 in nonrecurring funds  From GR to the Department of Education in the Special Categories – Teacher and School Administrator Death Benefits category  to provide for the benefits awarded to the three Marjory Stoneman Douglas High School staff members who lost their lives on February 14, 2018 |
| Section 50  $3 2821 million in recurring funds  From GR to the Department of Education  to competitively procure for the development or acquisition of the centralized data repository and analytics resources pursuant to s. 1001.212, Florida Statutes.  The department shall collaborate with the Department of Law Enforcement and school districts to identify the requirements and functionality of the data repository and analytics resources and shall make such resources available to the school districts no later than December 1, 2018. |
| Section 51  $1 million in nonrecurring funds  From GR to the Department of Education  to competitively procure a contract with a third-party security consultant with experience in conducting security risk assessments of public schools.   * Contract funds shall be used to review and analyze the department’s current security risk assessment tool known as the Florida Safe Schools Assessment Tool (FSSAT) and a sample of self-assessments conducted by school districts using the FSSAT to determine the effectiveness of the recommendations produced based upon the FSSAT. * The review shall include any recommended updates and enhancements with associated costs for their implementation to aid districts in developing recommendations to address safety and security issues discovered by the FSSAT. * The department shall submit the completed review to the State Board of Education, the Executive Office of the Governor’s Office of Policy and Budget, the chair of the Senate Committee on Appropriations, and the House of Representatives Appropriations Committee no later than January 1, 2019. |
| Section 52  Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law. |