

## CHAPTER 2022-174

### Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 1421

An act relating to school safety; amending s. 943.082, F.S.; requiring the FortifyFL reporting tool to notify reporting parties that submitting false information may subject them to criminal penalties; providing that certain reports will remain anonymous; amending s. 943.687, F.S.; revising the duties of the Marjory Stoneman Douglas High School Public Safety Commission; extending the scheduled repeal of the commission; amending s. 1001.11, F.S.; requiring the Commissioner of Education to oversee and enforce compliance with requirements relating to school safety and security; amending s. 1001.212, F.S.; revising the duties of the Office of Safe Schools; amending s. 1006.07, F.S.; requiring certain law enforcement officers to be physically present and directly involved in active assailant emergency drills; requiring school districts to notify such law enforcement officers within a specified time period of such drills; requiring the State Board of Education to adopt rules; specifying the requirements for the rules; requiring district school boards and charter school governing boards, in coordination with specified entities, to adopt family reunification plans; providing for the update and review of such plan; requiring all members of threat assessment teams to be involved in certain processes and decisions; requiring the Department of Education to annually publish on its website specified data in certain format; requiring district school boards to adopt certain policies relating to suicide screening instruments; amending s. 1006.12, F.S.; making technical changes; authorizing school safety officers to make arrests on property owned or leased by a charter school under a charter contract; requiring district school superintendents, charter school administrators, or their designees, instead of school districts, to notify county sheriffs and the Office of Safe Schools of certain safe-school officer-related incidents; specifying training requirements for safe-school officers; amending s. 1006.1493, F.S.; requiring the Florida Safe Schools Assessment Tool to address policies and procedures to prepare for and respond to natural and manmade disasters; amending s. 1012.584, F.S.; requiring each school district to annually certify that a specified percentage of school personnel have received certain training by a specified date; providing effective dates.

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

Section 1. Effective October 1, 2022, paragraph (c) is added to subsection (2) of section 943.082, Florida Statutes, to read:

943.082 School Safety Awareness Program.—

(2) The reporting tool must notify the reporting party of the following information:

(c) That if, following an investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the Internet protocol (IP) address of the device on which the tip was submitted will be provided to law enforcement agencies for further investigation, and the reporting party may be subject to criminal penalties under s. 837.05. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report will remain anonymous.

Section 2. Subsections (3) and (9) of section 943.687, Florida Statutes, are amended to read:

943.687 Marjory Stoneman Douglas High School Public Safety Commission.—

~~(3) The commission shall monitor implementation of school safety legislation by investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in this state and develop recommendations for system improvements. At a minimum, the commission shall analyze information and evidence from the Marjory Stoneman Douglas High School shooting and other mass violence incidents in this state. At a minimum, the commission shall:~~

(a) Evaluating the activities of the Office of Safe Schools to provide guidance to school districts, identifying areas of noncompliance and mechanisms used to achieve compliance.

(b) Reviewing the findings of the Auditor General regarding school district school safety policies and procedures that need improvement to ensure and demonstrate compliance with state law.

(c) Reviewing school hardening grant expenditures and evaluating such expenditures based on the report of the School Hardening and Harm Mitigation Workgroup, recommendations of law enforcement agencies pursuant to s. 1006.07(8), and the return on investment analysis required by s. 1006.1493.

(d) Evaluating the utilization of the centralized integrated data repository by schools and its effectiveness in conducting threat assessments.

(e) Assessing efforts by local governments to improve communication and coordination among regional emergency communications systems  
~~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.~~

(f)(b) Investigating ~~Investigate~~ any failures in incident responses by local law enforcement agencies and school resource officers.

1. Identifying ~~Identify~~ existing policies and procedures for active assailant incidents on school premises and evaluating ~~evaluate~~ the

compliance with such policies and procedures in the execution of incident responses.

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

2.3. Evaluating Evaluate the extent to which any failures in policy, procedure, or execution may contribute contributed to an inability to prevent deaths and injuries.

3.4. Making Make specific recommendations for improving law enforcement and school resource officer responses to incidents incident response in the future.

~~5. Make specific recommendations for determining the appropriate ratio of school resource officers per school by school type. At a minimum, the methodology for determining the ratio should include the school location, student population, and school design.~~

(g)(e) Investigating Investigate any failures in interactions with perpetrators preceding incidents of mass violence incidents.

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

1.2. Evaluating Evaluate the extent to which any such failures contributed to an inability to prevent deaths and injuries.

2.3. Making Make specific recommendations for improving communication and coordination among entities with knowledge of indicators of risk or possible threats of mass violence ~~in the future.~~

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

(9) The commission shall submit an initial report on its findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2019, and may issue reports annually thereafter. The commission shall sunset July 1, 2026 2023, and this section is repealed on that date.

Section 3. Subsection (9) of section 1001.11, Florida Statutes, is amended to read:

1001.11 Commissioner of Education; other duties.—

(9) The commissioner shall oversee and enforce compliance with the requirements relating to school safety and security requirements of the Marjory Stoneman Douglas High School Public Safety Act, chapter 2018-3, Laws of Florida, by school districts; district school superintendents; and public schools, including charter schools. The commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend to the State Board of Education, the Governor, or the Legislature enforcement and sanctioning actions pursuant to s. 1008.32 and other authority granted under law.

Section 4. Present subsections (14) and (15) of section 1001.212, Florida Statutes, are redesignated as subsections (15) and (16), respectively, a new subsection (14) and subsection (17) are added to that section, and subsections (2), (6), and (10) of that section are amended, to read:

1001.212 Office of Safe Schools.—There is created in the Department of Education the Office of Safe Schools. The office is fully accountable to the Commissioner of Education. The office shall serve as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The office shall:

(2) Provide ongoing professional development opportunities to school district and charter school personnel.

(6) Coordinate with the Department of Law Enforcement to provide a unified search tool, known as the Florida School Safety Portal, centralized integrated data repository and data analytics resources to improve access to timely, complete, and accurate information integrating data from, at a minimum, but not limited to, the following data sources by August 1, 2019:

- (a) Social media Internet posts;
- (b) The Department of Children and Families;
- (c) The Department of Law Enforcement;
- (d) The Department of Juvenile Justice;
- (e) The mobile suspicious activity reporting tool known as FortifyFL;
- (f) School environmental safety incident reports collected under subsection (8); and
- (g) Local law enforcement.

Data that is exempt or confidential and exempt from public records requirements retains its exempt or confidential and exempt status when incorporated into the centralized integrated data repository. To maintain the confidentiality requirements attached to the information provided to the centralized integrated data repository by the various state and local

agencies, data governance and security shall ensure compliance with all applicable state and federal data privacy requirements through the use of user authorization and role-based security, data anonymization and aggregation and auditing capabilities. To maintain the confidentiality requirements attached to the information provided to the centralized integrated data repository by the various state and local agencies, each source agency providing data to the repository shall be the sole custodian of the data for the purpose of any request for inspection or copies thereof under chapter 119. The department shall only allow access to data from the source agencies in accordance with rules adopted by the respective source agencies and the requirements of the Federal Bureau of Investigation Criminal Justice Information Services security policy, where applicable.

(10) Disseminate, in consultation with the Department of Law Enforcement, to participating schools awareness and education materials on the proper use of the School Safety Awareness Program developed pursuant to s. 943.082, including the consequences of knowingly submitting false information.

(14) Develop, in coordination with the Division of Emergency Management; other federal, state, and local law enforcement agencies; fire and rescue agencies; and first responder agencies, a model family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary educational institutions that are closed or unexpectedly evacuated due to a natural or manmade disaster. This model plan shall consider the integration of student information and notification systems to facilitate reunification after a natural or manmade disaster. This model plan shall be reviewed annually and updated, as applicable.

(17) Maintain a current directory of public school-based diversion programs and cooperate with each judicial circuit and the Department of Juvenile Justice to facilitate their efforts to monitor and enforce each governing body's compliance with s. 985.12.

Section 5. Paragraph (a) of subsection (4), paragraph (a) of subsection (7), and subsection (9) of section 1006.07, Florida Statutes, are amended, paragraph (d) is added to subsection (6), and subsection (11) is added to that section, to read:

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

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters,

active assailant and hostage situations, and bomb threats, for all students and faculty at all public schools of the district ~~composed~~ comprised of grades K-12, pursuant to State Board of Education rules. Drills for active assailant and hostage situations must ~~shall~~ be conducted in accordance with developmentally appropriate and age-appropriate procedures, as specified in State Board of Education rules at least as often as other emergency drills. Law enforcement officers responsible for responding to the school in the event of an active assailant emergency, as determined necessary by the sheriff in coordination with the district's school safety specialist, must be physically present on campus and directly involved in the execution of active assailant emergency drills. School districts must notify law enforcement officers at least 24 hours before conducting an active assailant emergency drill at which such law enforcement officers are expected to attend. District school board policies must ~~shall~~ include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law, State Board of Education rules, and fire protection codes and may provide accommodations for drills conducted by exceptional student education centers. District school boards shall establish emergency response and emergency preparedness policies and procedures that include, but are not limited to, identifying the individuals responsible for contacting the primary emergency response agency and the emergency response agency ~~that is~~ responsible for notifying the school district for each type of emergency. The State Board of Education shall refer to recommendations provided in reports published pursuant to s. 943.687 for guidance and, by August 1, 2023, consult with state and local constituencies to adopt rules applicable to the requirements of this subsection which, at a minimum, define the terms "emergency drill," "active threat," and "after-action report" and establish minimum emergency drill policies and procedures related to the timing, frequency, participation, training, notification, accommodations, and responses to threat situations by incident type, school level, school type, and student and school characteristics. The rules must require all types of emergency drills to be conducted no less frequently than on an annual school year basis.

(6) 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.

(d) Each district school board and charter school governing board shall adopt, in coordination with local law enforcement agencies and local governments, a family reunification plan to reunite students and employees with their families in the event that a school is closed or unexpectedly evacuated due to a natural or manmade disaster. This reunification plan must be reviewed annually and updated, as applicable.

(7) 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. Such policies must include procedures for referrals to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, and procedures for behavioral threat assessments in compliance with the instrument developed pursuant to s. 1001.212(12).

(a) A threat assessment team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. All members of the threat assessment team must be involved in the threat assessment process and final decisionmaking. The threat assessment teams shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self. Upon the availability of the behavioral threat assessment instrument developed pursuant to s. 1001.212(12), the threat assessment team shall use that instrument.

(9) SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING. Each district school board shall adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline. The district school superintendent is responsible for school environmental safety incident reporting. A district school superintendent who fails to comply with this subsection is subject to the penalties specified in law, including, but not limited to, s. 1001.42(13)(b) or s. 1001.51(12)(b), as applicable. The State Board of Education shall adopt rules establishing the requirements for the school environmental safety incident report. Annually, the department shall publish on its website the most recently available school environmental safety incident data along with other school accountability and performance data in a uniform, statewide format that is easy to read and understand.

(11) SUICIDE SCREENING INSTRUMENT.—Each district school board shall adopt policies to ensure that district schools and local mobile response teams use the same suicide screening instrument approved by the department pursuant to s. 1012.583.

Section 6. Present subsection (6) of section 1006.12, Florida Statutes, is redesignated as subsection (8), a new subsection (6) and subsection (7) are added to that section, and paragraph (c) of subsection (1), paragraphs (a) and (b) of subsection (2), and subsection (5) of that section are amended, to read:

1006.12 Safe-school officers at each public school.—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 or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any

combination of the options in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(1) SCHOOL RESOURCE OFFICER.—A school district may establish school resource officer programs through a cooperative agreement with law enforcement agencies.

~~(c) Complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.~~

(2) SCHOOL SAFETY OFFICER.—A school district may commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.

(a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under ~~the provisions of~~ chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with ~~the provisions of that chapter.~~

(b) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property or on property owned or leased by a charter school under a charter contract, as applicable, and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.

(5) NOTIFICATION.—~~The district school superintendent or charter school administrator, or a respective designee, school district shall notify the county sheriff and the Office of Safe Schools immediately after, but no later than 72 hours after:~~

(a) A safe-school officer is dismissed for misconduct or is otherwise disciplined.

(b) A safe-school officer discharges his or her firearm in the exercise of the safe-school officer's duties, other than for training purposes.

(6) CRISIS INTERVENTION TRAINING.—

(a) Each safe-school officer who is also a sworn law enforcement officer shall complete mental health crisis intervention training using a curriculum

developed by a national organization with expertise in mental health crisis intervention. The training must improve the officer's knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(b) Each safe-school officer who is not a sworn law enforcement officer shall receive training to improve the officer's knowledge and skills necessary to respond to and de-escalate incidents on school premises.

(7) LIMITATIONS.—An individual must satisfy the background screening, psychological evaluation, and drug test requirements and be approved by the sheriff before participating in any training required by s. 30.15(1)(k), which may be conducted only by a sheriff.

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource officer or school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(13) and shall be retained by the school district.

Section 7. Paragraph (a) of subsection (2) of section 1006.1493, Florida Statutes, is amended to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

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

1. School emergency and crisis preparedness planning;
2. Security, crime, and violence prevention policies and procedures;
3. Physical security measures;
4. Professional development training needs;
5. An examination of support service roles in school safety, security, and emergency planning;
6. School security and school police staffing, operational practices, and related services;
7. School and community collaboration on school safety; and

8. Policies and procedures for school officials to prepare for and respond to natural and manmade disasters, including family reunification plans to reunite students and employees with their families after a school is closed or unexpectedly evacuated due to such disasters; and

9. A return on investment analysis of the recommended physical security controls.

Section 8. Subsection (5) is added to section 1012.584, Florida Statutes, to read:

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(5) No later than July 1, 2023, and annually thereafter by July 1, each school district shall certify to the department, in a format determined by the department, that at least 80 percent of school personnel in elementary, middle, and high schools have received the training required under this section.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2022.

Approved by the Governor June 7, 2022.

Filed in Office Secretary of State June 7, 2022.