

THE BROWARD COUNTY LEAGUE OF CITIES'
SCHOOL AND COMMUNITY PUBLIC SAFETY
TASK FORCE

INITIAL REPORT AND RECOMMENDATIONS

June 4, 2018

Exhibit #2

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Rules

CS/SB 7026 — Public Safety

by Appropriations Committee and Rules Committee

The bill (Chapter 2018-3, L.O.F.) comprehensively addresses 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 enforcement and the courts with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence, and by promoting school safety and enhanced coordination between education and law enforcement entities at the state and local level.

In the area of mental health, the bill:

- Authorizes a law enforcement officer who is taking a person into custody for an involuntary examination under the Baker Act to seize and hold a firearm or ammunition in the person's possession and to seek the voluntary surrender of other firearms or ammunition kept in the residence.
- Provides that the firearms or ammunition seized or voluntarily surrendered must be available for return no longer than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged or discharged from any inpatient or involuntary outpatient treatment provided or ordered and does not have a risk protection order against them or is the subject of a firearm disability.
- Prohibits a person who has been adjudicated mentally defective or who has been committed to a mental institution from owning or possessing a firearm until a court orders otherwise.
- Creates a process for a law enforcement officer or law enforcement agency to petition a court for a risk protection order to temporarily prevent persons who are at high risk of harming themselves or others from possessing firearms or ammunition when 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.
- Allows a court to issue a risk protection order for up to 12 months and requires the surrender of all firearms and ammunition if a risk protection order is issued.
- Provides a process for a risk protection order to be vacated or extended by the court.

The bill provides the following in the area of gun safety:

- Requires a three-day waiting period between the purchase and delivery of a firearm or until the background check is completed, whichever is later.
- Provides exceptions of the three-day waiting period for concealed weapons permit holder, and for the purchase of firearms other than handguns, an exception for:
 - Individuals who have completed a 16-hour hunter safety course and possess a hunter safety certification card;
 - Persons who are exempt from the hunter safety course requirements and hold a valid Florida hunting license; or

- Law enforcement officers, correctional officers, and servicemembers.
- Prohibits a person under 21 years of age from purchasing a firearm and a licensed firearm dealer, importer, and manufacturer, from selling a firearm, except in the case of a member of the military, or a law enforcement or correctional officer when purchasing a rifle or shotgun.
- Prohibits a bump-fire stock from being imported, transferred, distributed, sold, keeping for sale, offering for sale, possessing, or giving away within the state beginning October 1, 2018.

The bill improves school safety through the following provisions:

- Establishes the Marjory Stoneman Douglas High School Public Safety Commission (commission) to investigate system failures in the Parkland school shooting and prior mass violence incidents, and develop recommendations for system improvements. An initial report from the commission is due to the Governor and the Legislature by January 1, 2019; and the commission is scheduled to repeal on July 1, 2023.
- Codifies the Office of Safe Schools within the Florida Department of Education (DOE) which will serve as a central repository for the best practices, training standards, and compliance regarding school safety and security.
- Permits a sheriff to establish a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises. The bill allows school districts to decide whether to participate in the school guardian program if it is available in their county. A school guardian must complete 132 hours of comprehensive firearm safety and proficiency training, 12 hours of diversity training, pass a psychological evaluation, and initial drug test and subsequent random drug tests. No teacher will be required to participate. In fact, the legislation provides that personnel that are strictly classroom teachers with no other responsibilities cannot participate, with specified exceptions.
- Requires each district school board and school district superintendent to cooperate with law enforcement agencies to assign one or more safe-school officers at each school facility.
- Requires each district school board to:
 - Designate a school administrator who completes the required training within the specified timeframe as the school safety specialist for the district to serve as the district's primary point of public contact for public school safety functions.
 - Designate a threat assessment team at each school, and requires the team to operate under the district school safety specialist's direction. The bill 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.
 - Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills for hostage and active shooter situations and incorporate procedures to address active shooter situations in the model emergency management and emergency preparedness procedures.

- Requires each school safety specialist to coordinate with appropriate public safety agencies that are designated as the first responders to a school's campus to tour such campus once every 3 years and provide recommendations related to school safety.
- Requires the DOE to contract for the development of a Florida Safe School Assessment Tool to be used by each school district and public school in conducting security assessments to identify threats and vulnerabilities.
- Requires the DOE to establish 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 experiencing or developing an emotional disturbance, mental health, or substance abuse problem.
- Creates the mental health assistance allocation within the Florida Education Finance Program to provide funding to assist school districts in establishing or expanding school-based mental health care.
- Clarifies that the cost per student station does not include specified costs related to improving school safety.

The bill also:

- Prohibits a person from making, posting, or transmitting a threat to conduct a mass shooting or an act of terrorism.
- Requires the Department of Children and Families (DCF) to contract for community action treatment teams to provide behavioral health and support services.
- Requires the Florida Department of Law Enforcement to procure a mobile app that would allow students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities or threats. The students of Marjory Stoneman Douglas High School recommended that the program be named "FortifyFL."

The bill includes, but is not limited to, the following appropriations for the proposals discussed above:

- Over \$69 million to the DOE to fund the mental health assistance allocation;
- \$1 million for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School.
- Over \$25 million for replacing building 12 at Marjory Stoneman Douglas High School.
- Over \$67 million for sheriff's offices who decide to establish a school guardian program.
- Over \$97 million to aid for the safe school allocation.
- Over \$98 million to implement a grant program for improving the physical security of school buildings.
- \$400,000 for the "FortifyFL" mobile app.
- \$18.3 million to the DCF for additional mobile crisis teams to ensure reasonable access among all counties.

These provisions were approved by the Governor and take effect on March 9, 2018, unless otherwise provided.

Vote: Senate 20-18; House 67-50

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As Passed by the Legislature

The b(1) "Marjory Stoneman Douglas HS Public Safety Act"
(2) Legislative Intent <ul style="list-style-type: none">Addresses the crisis of gun violence by providing law enforcement and courts with the tools to enhance public safety and promote school safety and enhanced coordination between education and law enforcement
(3) Crime Stoppers Trust Fund (Amends 16.555, F.S.) <ul style="list-style-type: none">Grants awards to student crime watch programs
(4) Office of Safe Schools (Amends 20.15, F.S.) <ul style="list-style-type: none">Creates Office of Safe Schools within Department of Education (DOE)
(5) School Guardian Program (Amends 30.15, F.S.) <p><i>Creates the Coach Aaron Feis Guardian Program, <u>a discretionary program that can provide armed coverage on campus by a school employee (other than some who is exclusively a teacher) with the approval of the sheriff and the school district board.</u></i></p> <ul style="list-style-type: none"><i>If the school board authorizes a program,</i> a sheriff may then appoint a school guardian without arrest powers with the following requirements:<ul style="list-style-type: none">Must hold a valid conceal carry licenseAll training must include 132 hours of comprehensive firearm safety and proficiency training by Criminal Justice Standards and Training Commission-certified instructorsPsychological evaluation (requires an FDLE designated psychologist)Initial drug test and random drug testsOngoing weapons training, at least annually12 hours of a certified and nationally recognized diversity trainingThose who are exclusively teachers as defined in s. 1012.02(2), F.S., are excluded from participating in the Coach Aaron Feis Guardian ProgramThis limitation does not apply to classroom teachers of a Junior Reserve Officers' Training Corps program, a current service member, or a current or former law enforcement officer
(6) Directs the Division of Law Revision and Information to change the references from "school marshal program" to "school guardian" throughout the bill
(7) FRS (Amends 121.091, F.S.) <ul style="list-style-type: none">Allows a retired law enforcement officer (LEO) to be reemployed as a School Resource Officer by an employer that participates in the Florida Retirement System (FRS) after 6 months of retirement and collect both a pension and salary.The reemployed officer may not renew membership in to the FRS, except as allowed by s. 121.122, F.S.
(8) Baker Act and Firearm Safety (Amends s. 394.463, F.S.) <ul style="list-style-type: none">Allows a LEO to use reasonable force to gain entry to the premises and take custody of a person who is the subject of a court issued ex parte Baker Act order.Authorizes a law enforcement officer who is taking a person into custody for an involuntary examination under the Baker Act to seize and hold firearms or ammunition the person possesses if the person poses a

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<p>potential danger to himself or herself or others and has made a credible threat of violence against another person</p> <ul style="list-style-type: none">• The law enforcement officer's agency may hold any seized or voluntarily surrendered firearms or ammunition for at 24 hours after the person can document he or she is no longer subject to involuntary examination, and has been released or discharged from inpatient or outpatient treatment unless a risk protection order was entered and directs a law enforcement agency to hold the items longer, or there is another legal basis that disqualifies the person from possessing firearms or ammunition.• The process for returning seized or voluntarily surrendered firearms or ammunition may not take longer than 7 days (this provision likely applies to situations where a court order is required to return the firearms).• LEA must develop policies and procedures relating to the seizure, storage, and return of firearms or ammunition
<p>(9) Child and Adolescent Mental Health System of Care (Amends 394.495, F.S.)</p> <ul style="list-style-type: none">• Department of Children and Families to contract Community Action Teams to provide community-based behavioral health and support to children 11 to 13, adolescents and young adults 18 to 21 years old.• Coordinate with family and other key entities throughout the treatment process.
<p>(10) Firearm Possession and Ownership Disability (Creates s. 790.064, F.S.)</p> <ul style="list-style-type: none">• A person who has been adjudicated mentally defective or who has been committed to a mental institution (voluntarily or involuntarily through Baker or Marchman Act) may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained• The bill provides a process to remove this disability which mirrors the process that currently exists in s. 790.065(2), F.S., as it relates to the firearm purchase disability• A person may seek relief from the court to obtain relief from the firearm possession and firearm ownership disability
<p>(11) Firearm Purchase Age Restriction (Amends s. 790.065, F.S.)</p> <ul style="list-style-type: none">• Raises the age from 18 to 21 years of age for all firearm purchases or transfers from licensed importers, licensed manufacturers, and licensed dealers• Violation of this section is a third degree felony penalty• Prohibition does not apply to rifles or shotguns purchased by a law enforcement or correctional officer as defined in s. 943.10 (1), (2), (3), (6), (7), (8), (9), F.S., or service members as defined in s. 250.01, F.S.
<p>(12) Three-Day Waiting Period (Amends s. 790.0655, F.S.)</p> <ul style="list-style-type: none">• Creates a three-day waiting period for all firearms, not just handguns from licensed importers, licensed manufacturers, and licensed dealers• The waiting period doesn't apply to a person:<ul style="list-style-type: none">○ Who is purchasing a firearm has a concealed carry weapons permit○ Trading-in another firearm○ Who is purchasing a rifle or shotgun and has a hunter safety certification card○ Who is purchasing a rifle or shotgun, is exempt from the hunter safety course, and holds a valid hunting license○ Who purchasing a rifle or shotgun and is a law enforcement or correctional officer as defined in s. 943.10 (1), (2), (3), (6), (7), (8), (9), F.S., or service members as defined in s. 250.01, F.S., the 3 day waiting period still applies to law enforcement officers purchasing handguns because that provision is in the Florida constitution and cannot be changed by the legislature.

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(13) Bump-fire Stocks Prohibited (Creates s. 790.34, F.S.)

- Defines “bump-fire stock”
- Prohibits bump-fire stock from being imported, transferred, distributed, sold, kept for sale, offered for sale, possessed, or given to another person
- Violation of this section is a third degree felony penalty

(14) Legislative Intent Risk Protection Order

- Creation of 790.401 is to reduce deaths and injuries as a result of certain individuals’ use of firearms while respecting constitutional rights by providing a judicial procedure for law enforcement officers to obtain a court order temporarily restricting a person’s access to firearms and ammunition
- Only applies in situations where a person poses a significant danger of harming himself or herself or others by possessing a firearm or ammunition

(15) Names 790.401 the Risk Protection Order Act

(16) Risk Protection Order (Creates s. 790.401, F.S.) Lines 755 to 1348

- Creates a process for a law enforcement officer or law enforcement agency to petition a court for a temporary and/or long term risk protection order (RPO). The long term RPO will prohibit (for up to 12 months) the person from having in their custody or control any firearm or ammunition when the person is found to be a significant danger of harming himself or herself or others by possessing a firearm or ammunition
- Provides for an ex parte temporary risk protection order, if necessary and the temporary RPO expires upon the hearing on the long term petition. The court must hear the petition the day the petition is filed or the business day immediately following the petition filing
- The petition must allege the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition
- The court must hold a hearing on the long term RPO petition no later than 14 days after the date of the order setting the hearing on the long-term RPO and the court must issue a notice of hearing to the respondent. The temporary ex parte order must be served concurrently with the notice of hearing and petition on the long term RPO
- The court will use clear and convincing evidence to determine if the respondent poses a significant danger and if found to be a danger, issue a risk protection order for up to 12 months
- The bill provides examples the court can consider that would determine if the person poses a significant danger
- The respondent can request only one hearing to vacate the order and has the burden of proving by clear and convincing evidence that he or she does not pose a significant danger
- The court must notify the petitioner 30 days before the expiration of the order and may extend the order up to another 12 months
- The court shall order (through the risk protection order or the ex parte order) the respondent to surrender to local law enforcement all firearms and ammunition owned by the respondent in the respondent’s custody, control, or possession, and any license to carry a concealed weapon or firearm held by the respondent
- Law enforcement may seek a search warrant to conduct a search for firearms or ammunition owned by the respondent in the respondent’s custody, control, or possession which have not been surrendered
- Law enforcement must issue the respondent a receipt of items surrendered and file the receipt with the court within 72 hours

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- The court must hold a hearing within 3 days after issuing the long term RPO to establish that the person surrendered all guns and ammunition.
- Any firearm or ammunition surrendered that is unclaimed up to 1 year after an order to vacate the risk protection order will be disposed of according to that agency's policies and procedures
- A respondent may elect to transfer any firearm or ammunition to another person who is currently eligible to own or possess the items, and attests to storing the items in a manner that the respondent will not have access to, and attests to not transfer the firearms or ammunition back to the respondent
- The bill provides how the order will be reported by the clerk of court and entered into the uniform case reporting system, FCIC, NCIC, and the Department of Agriculture and Consumer Services
- The bill creates the following penalties:
 - Any person who makes a false statement while under oath in regard to any material matter commits a third degree felony
 - Any person who in his or her possession, purchases, or receives a firearm or ammunition when he or she is prohibited by an order under this section commits a third degree felony
- This section does not affect law enforcement's authority to remove a firearm or ammunition from any person to conduct any search or seizure for firearms or ammunition pursuant to any other lawful authority
- This section, except where otherwise stated, does not impose civil or criminal liability on any person or entity for acts or omissions related to obtaining a risk protection order or temporary ex parte risk protection order
- The Office of the State Courts Administrator shall develop and prepare instructions and informational brochures, standard petitions and risk protection order forms, and a court staff handbook on the risk protection order process by January 2019.

(17) Written Threats to Kill or Do Bodily Harm or Conduct a Mass Shooting or an Act of Terrorism
(Amends 836.10, F.S.)

- Creates a second degree felony penalty for any person who makes, posts, transmits a threat in writing or other record, including electronic record, to conduct a mass shooting or an act of terrorism, in any manner that would allow a person to view the threat

(18) Criminal Punishment Code (Amends 921.0022, F.S.)

- Adds the offense created in the above section to the criminal punishment code to rank the second degree felony

(19) School Safety Awareness Program (Creates 943.082, F.S.)

- Requires FDLE and DLA to competitively procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials
- FortifyFL, named by MSDHS students
- Provides anonymity for reporting parties or identity kept confidential if disclosed to law enforcement
- FDLE will make law enforcement dispatch centers and school districts aware of the reporting tool
- Requires FDLE, DLA, and DOE to provide training and awareness program related to the tool

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(20) Marjory Stoneman Douglas HS Public Safety Commission (Creates 943.687, F.S.)

- 16 member Commission created within FDLE
- Requires Commission to investigate the system failures in the Marjory Stoneman Douglas HS shooting and make recommendations by January 1, 2019
- Allows Commissioner of FDLE to use subpoena power to compel attendance of witnesses to testify before the Commission
- Requires that the Commission be provided with any information or records, including those that are exempt or confidential which pertain to the MSDHS shooting and prior mass violence incidents in Florida

(21) Office of Safe Schools (Creates 1001.212, F.S.)

- Specifies purpose for the Office is to 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
- Requires the establishment of a school security risk assessment tool for school districts and charter schools
- Requires the development and implementation of the School Safety Specialist Training Program based on national and state best practices on school safety and security, including active shooter training
- Requires the Office to review and provide recommendations on security risk assessments by contracting with security personnel, consulting engineers, etc.
- Requires the Office to coordinate with FDLE to create a centralized integrated data repository and data analytics resources to include the following data sources:
 - Social media, DCF, FDLE, DJJ, local law enforcement

(22) Developmental Research (Laboratory) Schools (Amends 1002.32, F.S.)

- Fixes a cross reference

(23) Multiagency Network Services (Amends 1006.04, F.S.)

- Provides coordination of services through the multiagency network for children with emotional or behavioral disabilities by developing local systems, facilitate student and family access to services and supports

(24) District School Board Duties (Amends 1006.07, F.S.)

- Requires students to disclose at initial registration any referrals to mental health services
- Allows the school board to refer students to mental health services
- Requires each school district to designate a threat assessment team, in accordance with guidelines established by the Office of Safe Schools, at each school in the district
- Describes the student crime watch program to allow students and the community to anonymously relay information to appropriate public safety agencies and school officials
- Requires that emergency drill policies and procedures are done in consultation with the appropriate public safety agencies, including active shooter and hostage situation training for all students and faculty
- Requires a district school board to designate a district school safety specialist as the district's primary point of public contact regarding the district's coordination, communication, and implementation of policies, procedures, responsibilities, and reporting related to district and public school safety functions

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- Requires the district school board to adopt policies to establish threat assessment teams to coordinate resources and assess and intervene with individuals whose behaviors may pose a threat to school safety
 - The team must include persons with expertise in counseling, instruction, school administration, and law enforcement
- Provides that any other provision of law, all state and local agencies and programs that provide services to students experiencing or at risk for an emotional disturbance or mental illness to share records or information that is confidential or exempt from disclosure under ch. 119 if the records are reasonably necessary to ensure the safety of the student or others
 - This includes the school districts, school personnel, state and local law enforcement agencies, DJJ, DCF, DOH, AHCA, APD, DOE, the Statewide Guardian Ad Litem Office, and any service or support provider contracting with such agencies
- Requires law enforcement to tour the campus every 3 years to review safety and emergency issues

(25) District School Superintendent Duties (Amends 1006.08, F.S.)

- Notification to the Superintendent of the name and address of any student who is referred to mental health services by the court

(26) Safe-school Officers at Each Public School (Amends 1006.12, F.S.)

- Requires each district school board and school district superintendent to cooperate with law enforcement to establish or assign one or more safe-school officers at each school facility within the district
 - Provides that the school district may implement a school resource officer program (sheriff's deputies or city police officers), commission one or more school safety officers (school board police officers), the school guardian program, or a combination of these options to fulfill this obligation
 - Modifies the requirements for school resource officers to require a criminal background checks, drug testing, and a psychological evaluation and requires the SRO to undergo mental health crisis intervention training
 - Modifies the requirements for school safety officers to require a criminal background checks, drug testing, and a psychological evaluation

(27) Policy of Zero Tolerance for Crime and Victimization (Amends 1006.13, F.S.)

- Limits the use of alternatives to expulsion or referral to law enforcement to instances where the student receives mental health services
- Requires that the threat assessment team consult with law enforcement when a student poses a threat to school safety and if the student commits more than one misdemeanor

(28) Florida Safe School Assessment Tool (FSSAT) (Creates 1006.1493, F.S.)

- Requires DOE to contract with a security consulting firm that specializes in the development of risk assessment software solutions and implement a risk assessment tool FSSAT
- FSSAT must take into account school emergency and crisis preparedness, physical security, etc.
- Requires DOE to annually report to the Governor and Legislature the status of implementation across districts and schools

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(29) Funds for Operation of Schools (Amends 1011.62, F.S.)

- Any additional funds to the Safe Schools Allocation shall be used exclusively for Student Resource Officers
- Adds Mental Health Assistance Allocation to provide funding to assist school districts in establishing or expanding school-based mental health care
- Requires school districts to annually report to DOE on the MHA allocation expenditures

(30) Continuing Education and In-service Training for Youth Mental Health First Aid (Creates 1012.584, F.S.)

- Requires DOE to establish an evidence-based youth mental health awareness and assistance program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance abuse
- Requires the use of a national authority to provide training, using a trainer certification model, to all school personnel in elementary, middle, and high schools

(31) Funds for Comprehensive Educational Plant Needs; Construction Cost Maximums for School District Capital Projects (Amends s. 1013.64, F.S.)

- Specifying that the cost per student stations does not include improvements related to enhancing safety and security

(32) Statute Reenactment - 397.6760

(33) Statute Reenactment - 790.335

(34) Statute Reenactment - 794.056

(35) Statute Reenactment - 938.085

Fiscal Appropriations

- 36)** \$69,237,286 recurring to DOE for Mental Health Assistance Allocation (1011.62(16))
- 37)** \$500,000 recurring and \$6,200,000 nonrecurring to DOE to implement youth mental health awareness and assistance training
- 38)** \$1,000,000 nonrecurring to DOE for MSDHS memorial
- 39)** \$25,262,714 nonrecurring to DOE to rebuild MSDHS Building 12
- 40)** \$500,000 recurring and \$67,000,000 nonrecurring to DOE reimbursing screening and training-related costs and providing a one-time stipend of \$500 to school guardians who participate in the program
- 41)** \$344,393 recurring and 3 \$150,000 salaries to the DOE for the Office of Safe Schools
- 42)** \$97,500,000 recurring to DOE for Safe Schools allocation, to use exclusively to hire or contract school resource officers
- 43)** \$100,000 recurring to DOE for active shooter training component for the school safety specialist
- 44)** \$98,962,286 nonrecurring to DOE for a grant program for school site hardening
- 45)** \$300,000 non-recurring and \$100,000 recurring to FDLE for mobile suspicious activity reporting tool
- 46)** 5 full-time equivalent positions, with associated salary rate of \$345,000 and \$600,000 recurring and \$50,000 nonrecurring to FDLE for the Marjory Stoneman Douglas HS Public Safety Commission
- 47)** \$9,800,000 recurring to DCF for additional community action teams to ensure statewide coverage
- 48)** \$18,300,000 recurring to DCF for additional mobile crisis teams to ensure statewide coverage
- 49)** \$18,321 recurring and \$225,000 nonrecurring to DOE for death benefits for three staff members who died at MSDHS

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| <p>50) \$3,000,000 recurring to DOE for the development of data analytic resources (1001.212)</p> <p>51) \$1,000,000 nonrecurring to DOE to contract with a third party security consultant to conduct risk assessments of public schools and review and analyze DOE's current security risk assessment tool, the Florida Safe Schools Assessment Tool (FSSAT)</p> |
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<p>(52) Except otherwise provided, effective upon becoming a law</p>
