

February 24, 2018

MEMORANDUM

TO: District School Superintendents

FROM: Joy Frank
Jonathan Rosso, Legislative Intern
Keenen Vernon, Legislative Intern

RE: Legislative Update – Week of February 19

General Information

The week was dominated by students, parents and citizens coming to Tallahassee for a rally and to talk to legislators regarding gun control and school safety issues in the wake of the tragedy at Marjory Stoneman Douglas High School. The students were outstanding.

Governor Scott held three roundtable discussions on Tuesday, February 20. Five superintendents participated in the education roundtable and included: Alberto Carvalho, Mike Grego, Desmond Blackburn, Tim Forson and Sam Himmel.

As I sent out on Friday, the Governor and Legislative Leadership held press conferences and unveiled their safe schools proposals. Shortly thereafter the Senate released three proposed bills - SPB 7022 by Rules relating to Firearm Safety; SPB 7024 by Rules relating to Public Records, and SPB 7026 by Rules relating to School Safety. The Senate bills to be considered in the Senate Rules Committee on Monday, February 26, and then again in the Senate Appropriations Committee on Tuesday, February 27. The House has not yet released proposed legislation, but it is expected shortly.

Attached is a chart summarizing the provisions in SPB 7026 relating to Schools Safety. The other two bills are summarized below. I just copied the summaries from the bill analyses. The bill analysis of SPB 7022 relating to Firearm Safety is attached for a more thorough review.

SPB 7024 by the Senate Rules Committee relates to Public Records. The bill creates a new public records exemption for the address of a victim or the immediate family member of a victim of a crime of mass violence that has taken place on a public or private K-12 school or postsecondary institution school grounds. Specifically, the bill makes confidential and exempt from public disclosure the address of a victim or an immediate family member of a victim listed in a report of a law enforcement agency.

SPB 7022 by the Senate Rules Committee relates to firearm safety. The bill provides 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.

The bill amends s. 394.463, F.S., to authorize 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 the person possesses if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person. The law enforcement officer's agency must hold any seized firearm or ammunition for at least 72 hours or until the person appears at the agency to retrieve the firearm or ammunition.

The bill provides that a person who has been adjudicated mentally defective or who has been committed to a mental institution 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.

The bill amends s. 790.065, F.S., to raise the age from 18 to 21 years of age for all firearm purchases from licensed firearm dealers, importers, and manufacturers. This prohibition does not apply to a member of the military or naval forces of this state or of the United States or to a law enforcement or correctional officer as defined in s. 943.10, F.S.

The three-day waiting period between the purchase of and the delivery of a handgun as provided in s. 790.0655, F.S., is amended by the bill to create a three-day waiting period for all firearms, not just handguns. Additionally, the bill extends the waiting period beyond three days if additional time is necessary to complete the firearm purchase background check.

The bill defines "bump-fire stock" and prohibits the importation, transfer, distribution, transport, sale, keeping for sale, offering or exposing for sale, or giving away of a bump-fire stock. A violation of the prohibition is a felony of the third degree.

The bill creates a process for a law enforcement officer or law enforcement agency to petition a court for a risk protection order. The intent of the process and court intervention is to temporarily prevent persons who are at high risk of harming themselves or others by accessing firearms 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.

If the court issues a risk protection order it may do so for a period that it deems appropriate, up to and including but not exceeding 12 months. The bill also provides for an ex parte temporary risk protection order, in necessary, before the hearing on a final risk protection order.

Within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the National Instant Criminal Background Check System.

The law enforcement officer serving a risk protection order, including a temporary ex parte risk protection order, must request that the respondent immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm. The bill provides a procedure for the respondent to petition to vacate the risk protection order.

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

If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition that has been surrendered or seized must return such surrendered firearm or ammunition requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition.

A respondent may elect to transfer all firearms and ammunition that have been surrendered to or seized by a local law enforcement agency to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency may allow such a transfer only if it is determined that the chosen recipient specified criteria.

HB 7055 – Education

HB 7055 by Bileca, House Education Committee – Education. The House bill passed the full House and was referred to The Senate Education and Senate Appropriations Committee. The bill was heard in the Senate Education Committee. There was a Delete All Amendment which was subsequently amended. A chart outlining the provisions is attached. It will be heard in the full Senate Appropriations Committee on Tuesday.

Reports through Sine Die

The Legislature has only two more weeks before sine die on Friday March 9. Budget conferees have not been named and school safety dominates the discussions. The latest indications are that the session will end on time. Therefore, the next several days will be fast and furious. Rather than providing a weekly report, we will do our best to send out pertinent information as it arises. As always, if you have any questions, please give me a call.