

Legislative **UPDATE** *By Lori Fayhee*

Lee County experienced a drastic increase of students arrested for making school threats in the early months of this year. The media outlets released the names and photographs of some minors as young as 12-years-old who were charged with a felony count of making a written threat to kill or injure. Many have questioned why the release of a minor's information is allowed following a child's arrest - not conviction - and the prudence of the media giving recognition to a child who may be acting out for attention. A felony arrest is an unredacted record and the media uses their prerogative to release information or not. This uptick in threats

coincides with the anniversary of the Parkland mass shooting. February 14th marked the one-year anniversary of the Marjory Stoneman Douglas High School massacre, where a troubled former student opened fire on the school killing 17 people and injuring 14, in 2018. At a press conference the following day, the FBI confirmed that they were alerted six months prior when the shooter posted a comment stating, "I'm going to be a professional school shooter" on his social media video site.

Less than a month following the shooting, SB 7026, was passed into Florida law in an effort to improve school safety and prevent future school shootings. This packed bill included tighter gun control laws; funds for mental health assistance in schools and for the hardening security of school buildings; as well protocols for school threat assessment teams and an amendment to Florida statute on what constitutes a threat to include: 'or 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, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.'

As a result, Lee County School District (LCSD), working with law enforcement, initiated the 'Fake Threats, Real Consequences' zero tolerance campaign. Stating on their website: 'Making a fake threat of violence is a criminal act that can land you in prison. It does not matter if you say it, text it, write it, snap it or post it on social media, students who make threats can face serious consequences. Even if it was meant to be a joke, calling in a fake threat of violence is a state crime in Florida, as well as a federal crime.'

'A violation of Florida Statutes section 790.163 or 790.164 is a second-degree felony which is punishable with up to 15 years in prison and a \$10,000 fine. Adjudication cannot be withheld for this crime, which means job hunting will become difficult. When you fill out job applications asking if you have ever been convicted of a crime, you will have to answer yes.'

During the February 12th LCSD Board of Education (BOE) briefing meeting, Head of security, Rick Parfitt, stated that Lee schools had received 20 threats since winter break, that had resulted in 5 arrests. He stated that when a written threat is found, they are required to have law enforcement look at it and investigate. Parfitt informed board members that the district is still finishing installing video buzzer system entrances on all the schools and hoped to have those finished this year.

At this same briefing meeting, the Board gave consensus to Board Attorney Dodig to officially request opinion of the Attorney General's office for opinion regarding law on armed off duty police, other than School Resource Officers (SRO), on school grounds. This concern was raised at an October briefing meeting when then Chair, Cathleen Morgan, asked for Board member Giovanelli's husband, a uniformed police officer, to be removed from the board room, claiming that school policy 'states only School Resource Officers can carry guns at meetings.'

SB 1804 (passed in 2018) goes into effect on July 1, 2019 and will require the Lee County School Board to fill the position of School Board Auditor. The internal auditor shall prepare audit reports of his/her findings and report directly to the district school board. This bill also requires that an individual school board member may request and

shall receive any proposed, tentative, and official budget documents, including all supporting and background information.

The School Board policy currently allows the board to hire three employees; Board Attorney, Superintendent, and Board Auditor, which has been vacant since 2007. According to SB 1804, the duties of the internal auditor will include oversight of every functional and program area of the school system and will perform ongoing financial verification of the financial records of the school district, a comprehensive risk assessment of all areas of the school system every 5 years, and other audits and reviews as the district school board directs for determining the adequacy of internal controls designed to prevent and detect fraud, waste, and abuse; compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices; the efficiency of operations; the reliability of financial records and reports; the safeguarding of assets; financial solvency; projected revenues and expenditures; and the rate of change in the general fund balance. A workshop on NEOLA and School Board Auditor are scheduled for 2pm, February 26, 2019, with Board Action meeting following at 6pm.

Following, are a sampling of a few of the bills currently sponsored or cosponsored by our local delegation:

HB 73 High School Graduation Requirements, by Fetterhoff and Fitzenhagen, revises requirements for Next Generation Sunshine State Standards to include financial literacy; revises required credits for standard high school diploma to include one-half credit of instruction in personal financial literacy & money management & seven & one-half, rather than eight, credits in electives.

HB 245 School Health Immunizations, by Heather Fitzenhagen, revises child immunization requirements to include vaccine for human papillomavirus (HPV). The CDC recommends children 11-12 years of age to receive 2 vaccinations for this sexually transmitted virus.

HB 3957 Cape Coral Public Safety Gun Range, Appropriations Project by Dane Eagle, provides an appropriation for the Cape Coral Public Safety Gun Range.

HB 6045, Low-income Affordable Tax Incentives, by Spencer Roach, removes provision requiring a specified number of units to be provided for affordable housing eligibility for ad valorem tax reduction.

HB 421, Proceedings Related to Children, by Spencer Roach, bill will expedite the process of getting eligible foster children into permanent families.

HB 407, Public Records, by Ray Rodrigues, ensures that government cannot sue an individual for filing a public records request.

HB 7015, Medical Use of Marijuana, General Bill by Health & Human Services Committee and Rodrigues, authorizes smoking as route of administration of medical marijuana for qualified patient, other than terminally ill patient, under certain circumstances; prohibits such route of administration for qualified patient under 18 years; requires certain medical marijuana treatment certs to comply with certain standards in production & packaging of marijuana in form for smoking; renames Coalition for Medical Marijuana Research & Education as Consortium for Medical Marijuana Clinical Outcomes Research; establishes consortium within UF consisting of public and private universities.

SB 258 Genetic Information Used for Insurance Purposes, General Bill by Bean, Co-introducer Benacquisto, prohibiting life insurers and long-term care insurers, except under certain circumstances, from canceling, limiting, or denying coverage, or establishing differentials in premium rates, based on genetic information; prohibiting such insurers from taking certain actions relating to genetic information for any insurance purpose, etc.

SB 72: Alligator Alley Toll Road, General Bill by Passidomo, requiring specified fees to be used indefinitely, instead of temporarily, to reimburse a local governmental entity for the direct actual costs of operating a specified fire station, etc.

SB 76: Use of Wireless Communications Devices While Driving, General Bill by Simpson ; (CO-INTRODUCERS) Passidomo ; Hooper ; Mayfield ; Book ; Rouson ; Berman ; Perry, creating the "Florida Ban on Wireless Communications Devices While Driving Law"; prohibiting a person from operating a motor vehicle while listening or talking on a wireless communications device for the purpose of voice interpersonal communication; deleting a provision requiring that enforcement of this section be accomplished only as a secondary action, etc.