

----- Original message -----

From: Danielle Schwabe <dschwabe@GorenCherof.com>

Date: 2/7/20 11:32 AM (GMT-05:00)

To: "Schwartz, Jay" <jschwartz@ppines.com>

Cc: "Jacob G. Horowitz" <JHorowitz@gorencherof.com>, "Samuel S. Goren" <SGoren@gorencherof.com>

Subject: RE: School Safety Law News

This sender is trusted.

Commissioner Schwartz,

I hope this email finds you well. My name is Danielle Schwabe. I recently joined the City Attorney's Office, it is a pleasure to make acquaintances with you via email.

In response to your inquiry about the Article titled "Hancock County School Resource Officers Issuing Tickets for Underage Vaping" (below), I have reviewed Florida Statutes and Attorney General Opinions and have determined the following:

Issue: Whether it is permitted or preempted by State law to issue vaping tickets to underage individuals caught vaping on school property.

Answer: It is permitted to ticket underage individuals caught vaping at school. Currently, State law provides 16 hours of community service or a \$25 fine as punishment for underage individuals that knowingly possess any nicotine product or nicotine dispensing device. § 877.112, Fla. Stat. (2019). The definition for "nicotine dispensing device" as defined by the State, includes nicotine dispensing vapes. § 386.203(15), Fla. Stat. (2019).

It is also permissible under State law for a City to adopt a municipal ordinance that is more restrictive than the above mentioned State law regulating the use of vapor dispensing devices by underage individuals. Additionally, is it also permissible to adopt a more restrictive ordinance regulating the use of such devices on school district property. § 386.209, Fla. Stat. (2019). Therefore, it is permissible for a City to adopt a vaping ordinance targeting underage vaping on school property and such regulation is not preempted by State law.

Please let us know if we can provide any further assistance on this matter or if you have any questions. Thank you for your time and consideration.

Sincerely,

Danielle Schwabe



3099 East Commercial Boulevard, Suite 200

Fort Lauderdale, Florida 33308

Telephone: (954) 771-4500 x 5016 | (561) 276-9400 x 5016 | Fax: (954) 771-4923

Email: dschwabe@GorenCherof.com | www.GorenCherof.com

Offices in Fort Lauderdale and Delray Beach, Florida.

FRAUD ALERT – WE DO NOT ACCEPT OR REQUEST CHANGES TO WIRING INSTRUCTIONS VIA EMAIL OR FAX. ALWAYS CALL OUR OFFICE TO VERIFY.

Disclaimer: This E-Mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. The information contained in this E-Mail is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this E-Mail in error, please notify the sender immediately at the phone number above and delete the information from your computer. Please do not copy or use it for any purpose nor disclose its contents to any other person.

From: Samuel S. Goren

Sent: Thursday, December 12, 2019 11:36 AM

To: 'Schwartz, Jay'; Dodge, Charles

Subject: RE: School Safety Law News

Commissioner:

Good morning.

WE will gladly do a little legal research here. The preemptive laws of FL which tends to hamstring local governments, including PP, are much more restrictive than in other states...more than likely Indiana. WE will look at some of the other states that Bill cites.

Thx for your review.

Samuel S. Goren



3099 East Commercial Boulevard, Suite 200

Fort Lauderdale, Florida 33308

Telephone: (954) 771-4500 x 5022 | (561) 276-9400 x 5022 | Fax: (954) 771-4923

Email: SGoren@gorencherof.com | www.GorenCherof.com

Offices in Fort Lauderdale and Delray Beach, Florida.

FRAUD ALERT – WE DO NOT ACCEPT OR REQUEST CHANGES TO WIRING INSTRUCTIONS VIA EMAIL OR FAX. ALWAYS CALL OUR OFFICE TO VERIFY.

Disclaimer: This E-Mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. The information contained in this E-Mail is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this E-Mail in error, please notify the sender immediately at the phone number above and delete the information from your computer. Please do not copy or use it for any purpose nor disclose its contents to any other person.

-----Original Message-----

From: Schwartz, Jay [<mailto:jschwartz@ppines.com>]

Sent: Thursday, December 12, 2019 11:33 AM

To: Samuel S. Goren; Dodge, Charles

Subject: FW: School Safety Law News

Sam

Weigh in when you can. Thanks.

Best Regards,

Commissioner Jay D. Schwartz
City of Pembroke Pines, Commission District 2
Office: 954.450.1030 <<tel:954.450.1030>>

----- Original message -----

From: "Bucknam, William" <wbucknam@ppines.com>
Date: 12/11/19 6:46 AM (GMT-05:00)
To: "Schwartz, Jay" <jschwartz@ppines.com>
Subject: Fw: School Safety Law News

?Hey Sir,

I like the first post about vaping tickets at schools.....seems to help at least at school.

Bill

Officer William G. Bucknam
Pembroke Pines Police Department
9500 Pines Boulevard
Pembroke Pines, FL 33024
Charter HS SRO Desk 954-743-2250
wbucknam@ppines.com

From: Bernie James <news@schoolsafetylawblog.com>
Sent: Tuesday, December 10, 2019 11:22 PM
To: Bucknam, William
Subject: School Safety Law News

Display problems? Open this email in your web
[browser.<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=cli](https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=cli)

[ck&data=Wyi2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiNWZjZWY5MzY1YjBiIixmYWxzZV0>](https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyi2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiNWZjZWY5MzY1YjBiIixmYWxzZV0)

Safety Law News for December 10, 2019

* In Indiana, school resource officers in Hancock County are giving tickets to students caught

vaping<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyi2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiZmNlZmNmZDkzNTJmIixmYWxzZV0>.

The fine is more than \$130 and school administrators notify

parents<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyi2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiMTA5MmExYjAzOWYwIixmYWxzZV0> of the incident. School officials hope the policy will discourage students.

* In Georgia, officials in Marietta are creating two new positions called School Gang

Officers<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyi2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiODZlODFMDi2MGFkIixmYWxzZV0>

(SGOs) in the Marietta Police Department to "prevent and combat gang activity" in the Marietta city schools. The positions will be funded by the City of Marietta, the Marietta City School System (MCS) and the Department of Justice Community Oriented Policing Service (COPS).

* In Louisiana, the Lafayette Parish School System and the Lafayette Parish Sheriff's Office are launching an initiative to combat an increase in students directing threats at local

schools<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyi2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiNmQ0NzJmOGY5ZjAzIixmYWxzZV0>. S

chool resource officers will teach a series of classes on the crime of

terrorizing<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyi2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiYmQ2Mzk1ODNhNjNkIixmYWxzZV0>, what one can and cannot say that qualifies as terrorizing, and tips for safe social

media use. The goals is to help students understand that particular behaviors result in serious and harsh

consequences<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyi2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiOTk4Y2RkNTJjZWl4IixmYWxzZV0

[>."](#)

* Nationally, the National Council for Behavioral Health-Mental Aid First Aid USA is expanding its eight-hour Mental Health First Aid

[course<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiZjVhOTNlMGMwIixmYWxzZV0>.](https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiZjVhOTNlMGMwIixmYWxzZV0)

The training, first developed in Australia in 2001, is offered by universities, school districts, public safety departments, and public health agencies, usually for free or a nominal fee. It trains first responders, educators, school resource officers, mental health professionals and lay people on how to tell if somebody is experiencing a mental health crisis<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiZDNkZjlyNDRhNjdkIixmYWxzZV0>, and what steps can be taken to help.

More

[Posts<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiYmE4ZTU3Y2Q3ZDIzIixmYWxzZV0>](https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiYmE4ZTU3Y2Q3ZDIzIixmYWxzZV0)

[Unsubscribe<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiZDU0ZjBmZDFlZmMyIixmYWxzZV0>](https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiZDU0ZjBmZDFlZmMyIixmYWxzZV0) | [Manage your subscription<https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiYjI5NzA0N2UyYmVjIixmYWxzZV0>](https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=click&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IiwiYjI5NzA0N2UyYmVjIixmYWxzZV0)

Bernard James, JD
Professor of Constitutional and Education Law
Pepperdine University School of Law
24255 Pacific Coast Hwy. Malibu, CA 90263

[\[https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=open&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IixudWxsLGZhbHNlXQ\]](https://schoolsafetylawblog.com?mailpoet_router&endpoint=track&action=open&data=Wyl2ODI3IiwiOWQzMTY4IiwiMTQ5IixudWxsLGZhbHNlXQ)

The City of Pembroke Pines is a public entity subject to Chapter 119 of the Florida statutes concerning public records. Email messages are covered under Chapter 119 and are thus subject to public records disclosure. All email messages sent and received are captured by our server and retained as public records.