

1 A bill to be entitled
2 An act relating to involuntary examinations of minors;
3 amending s. 381.0056, F.S.; revising parent, guardian,
4 or caregiver notification requirements that must be
5 met before an involuntary examination of a minor;
6 amending s. 394.463, F.S.; revising data reporting
7 requirements for the Department of Children and
8 Families; amending s. 1001.212, F.S.; revising data
9 reporting requirements for the Office of Safe Schools;
10 amending s. 1002.20, F.S.; revising parent and
11 guardian notification requirements that must be met
12 before conducting an involuntary examination of a
13 minor who is removed from school, school
14 transportation, or a school-sponsored activity;
15 providing an exception; amending s. 1002.33, F.S.;
16 revising parent and guardian notification requirements
17 that must be met before an involuntary examination of
18 a minor who is removed from a charter school, charter
19 school transportation, or a charter school-sponsored
20 activity; providing an exception; amending s. 1006.07,
21 F.S.; creating reporting requirements for schools
22 relating to involuntary examinations of minors;
23 amending s. 1006.12, F.S.; revising training
24 requirements for school safety officers; amending s.
25 1011.62, F.S.; requiring that certain plans include

26 | procedures to assist certain mental and behavioral
27 | health providers in attempts to verbally deescalate
28 | certain crisis situations before initiating an
29 | involuntary examination; requiring the procedures to
30 | include certain strategies; creating requirements for
31 | memoranda of understanding between schools and local
32 | mobile crisis response services; providing an
33 | effective date.

34 |
35 | Be It Enacted by the Legislature of the State of Florida:

36 |
37 | Section 1. Paragraph (a) of subsection (4) of section
38 | 381.0056, Florida Statutes, is amended to read:

39 | 381.0056 School health services program.—

40 | (4) (a) Each county health department shall develop,
41 | jointly with the district school board and the local school
42 | health advisory committee, a school health services plan. The
43 | plan must include, at a minimum, provisions for all of the
44 | following:

- 45 | 1. Health appraisal;
- 46 | 2. Records review;
- 47 | 3. Nurse assessment;
- 48 | 4. Nutrition assessment;
- 49 | 5. A preventive dental program;
- 50 | 6. Vision screening;

- 51 7. Hearing screening;
- 52 8. Scoliosis screening;
- 53 9. Growth and development screening;
- 54 10. Health counseling;
- 55 11. Referral and followup of suspected or confirmed health
- 56 problems by the local county health department;
- 57 12. Meeting emergency health needs in each school;
- 58 13. County health department personnel to assist school
- 59 personnel in health education curriculum development;
- 60 14. Referral of students to appropriate health treatment,
- 61 in cooperation with the private health community whenever
- 62 possible;
- 63 15. Consultation with a student's parent or guardian
- 64 regarding the need for health attention by the family physician,
- 65 dentist, or other specialist when definitive diagnosis or
- 66 treatment is indicated;
- 67 16. Maintenance of records on incidents of health
- 68 problems, corrective measures taken, and such other information
- 69 as may be needed to plan and evaluate health programs; except,
- 70 however, that provisions in the plan for maintenance of health
- 71 records of individual students must be in accordance with s.
- 72 1002.22;
- 73 17. Health information which will be provided by the
- 74 school health nurses, when necessary, regarding the placement of
- 75 students in exceptional student programs and the reevaluation at

76 | periodic intervals of students placed in such programs;

77 | 18. Notification to the local nonpublic schools of the
78 | school health services program and the opportunity for
79 | representatives of the local nonpublic schools to participate in
80 | the development of the cooperative health services plan; and

81 | 19. ~~Immediate~~ Notification to a student's parent,
82 | guardian, or caregiver before ~~if~~ the student is removed from
83 | school, school transportation, or a school-sponsored activity to
84 | be ~~and~~ taken to a receiving facility for an involuntary
85 | examination pursuant to s. 394.463, including and subject to the
86 | requirements and exceptions established under ss. 1002.20(3) and
87 | 1002.33(9), as applicable.

88 | Section 2. Subsection (4) of section 394.463, Florida
89 | Statutes, is amended to read:

90 | 394.463 Involuntary examination.—

91 | (4) DATA ANALYSIS.—Using data collected under paragraph
92 | (2)(a), the department shall, at a minimum, analyze data on both
93 | the initiation of involuntary examinations of children and the
94 | initiation of involuntary examinations of students who are
95 | removed from a school, identify any patterns or trends and cases
96 | in which involuntary examinations are repeatedly initiated on
97 | the same child or student, study root causes for such patterns,
98 | trends, or repeated involuntary examinations, and make
99 | recommendations to encourage the use of ~~for encouraging~~
100 | alternatives to eliminate ~~and eliminating~~ inappropriate

101 | initiations of such examinations. The department shall submit a
 102 | report on its findings and recommendations to the Governor, the
 103 | President of the Senate, and the Speaker of the House of
 104 | Representatives by November 1 of each odd-numbered ~~odd-numbered~~
 105 | year.

106 | Section 3. Subsection (7) of section 1001.212, Florida
 107 | Statutes, is amended to read:

108 | 1001.212 Office of Safe Schools.—There is created in the
 109 | Department of Education the Office of Safe Schools. The office
 110 | is fully accountable to the Commissioner of Education. The
 111 | office shall serve as a central repository for best practices,
 112 | training standards, and compliance oversight in all matters
 113 | regarding school safety and security, including prevention
 114 | efforts, intervention efforts, and emergency preparedness
 115 | planning. The office shall:

116 | (7) Provide data to support the evaluation of mental
 117 | health services pursuant to s. 1004.44. Such data must include,
 118 | for each school, the number of involuntary examinations as
 119 | defined in s. 394.455 which are initiated at the school, on
 120 | school transportation, or at a school-sponsored activity and the
 121 | number of children for whom an examination is initiated.

122 | Section 4. Paragraph (1) of subsection (3) of section
 123 | 1002.20, Florida Statutes, is amended to read:

124 | 1002.20 K-12 student and parent rights.—Parents of public
 125 | school students must receive accurate and timely information

126 regarding their child's academic progress and must be informed
127 of ways they can help their child to succeed in school. K-12
128 students and their parents are afforded numerous statutory
129 rights including, but not limited to, the following:

130 (3) HEALTH ISSUES.—

131 (1) *Notification of involuntary examinations.*—

132 1. Except as provided in subparagraph 2., the public
133 school principal or the principal's designee shall ~~immediately~~
134 notify the parent of a student before the student ~~who~~ is removed
135 from school, school transportation, or a school-sponsored
136 activity to be ~~and~~ taken to a receiving facility for an
137 involuntary examination pursuant to s. 394.463.

138 2. The principal or the principal's designee may delay the
139 required notification for no more than 24 hours after the
140 student is removed if:

141 a. The principal or the principal's designee deems the
142 delay to be in the student's best interest and ~~if~~ a report has
143 been submitted to the central abuse hotline, pursuant to s.
144 39.201, based upon knowledge or suspicion of abuse, abandonment,
145 or neglect; or

146 b. The principal or principal's designee reasonably
147 believes that such delay is necessary to avoid jeopardizing the
148 health and safety of the student.

149 3. Before a principal or his or her designee contacts a
150 law enforcement officer, he or she must verify that deescalation

151 ~~de-escalation~~ strategies have been utilized and outreach to a
152 mobile response team has been initiated unless the principal or
153 the principal's designee reasonably believes that any delay in
154 removing the student will increase the likelihood of harm to the
155 student or others. This requirement does not supersede the
156 authority of a law enforcement officer to act under s. 394.463.

157
158 Each district school board shall develop a policy and procedures
159 for notification under this paragraph.

160 Section 5. Paragraph (q) of subsection (9) of section
161 1002.33, Florida Statutes, is amended to read:

162 1002.33 Charter schools.—

163 (9) CHARTER SCHOOL REQUIREMENTS.—

164 (q)1. The charter school principal or the principal's
165 designee shall ~~immediately~~ notify the parent of a student before
166 the student ~~who~~ is removed from school, school transportation,
167 or a school-sponsored activity to be ~~and~~ taken to a receiving
168 facility for an involuntary examination pursuant to s. 394.463.

169 2. The principal or the principal's designee may delay
170 notification for no more than 24 hours after the student is
171 removed if:

172 a. The principal or the principal's designee deems the
173 delay to be in the student's best interest and ~~if~~ a report has
174 been submitted to the central abuse hotline, pursuant to s.
175 39.201, based upon knowledge or suspicion of abuse, abandonment,

176 or neglect; or

177 b. The principal or principal's designee reasonably
178 believes that such delay is necessary to avoid jeopardizing the
179 health and safety of the student.

180 3. Before a principal or his or her designee contacts a
181 law enforcement officer, he or she must verify that deescalation
182 ~~de-escalation~~ strategies have been utilized and outreach to a
183 mobile response team has been initiated unless the principal or
184 the principal's designee reasonably believes that any delay in
185 removing the student will increase the likelihood of harm to the
186 student or others. This requirement does not supersede the
187 authority of a law enforcement officer to act under s. 394.463.

188
189 Each charter school governing board shall develop a policy and
190 procedures for notification under this paragraph.

191 Section 6. Subsection (10) is added to section 1006.07,
192 Florida Statutes, to read:

193 1006.07 District school board duties relating to student
194 discipline and school safety.—The district school board shall
195 provide for the proper accounting for all students, for the
196 attendance and control of students at school, and for proper
197 attention to health, safety, and other matters relating to the
198 welfare of students, including:

199 (10) REPORTING OF INVOLUNTARY EXAMINATIONS.—Each district
200 school board shall adopt a policy to require the district

201 superintendent to annually report to the department the number
202 of involuntary examinations, as defined in s. 394.455, which are
203 initiated at a school, on school transportation, or at a school-
204 sponsored activity.

205 Section 7. Present paragraph (c) of subsection (2) of
206 section 1006.12, Florida Statutes, is redesignated as paragraph
207 (d), and a new paragraph (c) is added to that subsection, to
208 read:

209 1006.12 Safe-school officers at each public school.—For
210 the protection and safety of school personnel, property,
211 students, and visitors, each district school board and school
212 district superintendent shall partner with law enforcement
213 agencies or security agencies to establish or assign one or more
214 safe-school officers at each school facility within the
215 district, including charter schools. A district school board
216 must collaborate with charter school governing boards to
217 facilitate charter school access to all safe-school officer
218 options available under this section. The school district may
219 implement any combination of the options in subsections (1)-(4)
220 to best meet the needs of the school district and charter
221 schools.

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

226 recommend, and the district school board may appoint, one or
227 more school safety officers.

228 (c) School safety officers must complete mental health
229 crisis intervention training using a curriculum developed by a
230 national organization with expertise in mental health crisis
231 intervention. The training shall improve officers' knowledge and
232 skills as first responders to incidents involving students with
233 emotional disturbance or mental illness, including deescalation
234 skills to ensure student and officer safety.

235

236 If a district school board, through its adopted policies,
237 procedures, or actions, denies a charter school access to any
238 safe-school officer options pursuant to this section, the school
239 district must assign a school resource officer or school safety
240 officer to the charter school. Under such circumstances, the
241 charter school's share of the costs of the school resource
242 officer or school safety officer may not exceed the safe school
243 allocation funds provided to the charter school pursuant to s.
244 1011.62(15) and shall be retained by the school district.

245 Section 8. Paragraph (b) of subsection (16) of section
246 1011.62, Florida Statutes, is amended to read:

247 1011.62 Funds for operation of schools.—If the annual
248 allocation from the Florida Education Finance Program to each
249 district for operation of schools is not determined in the
250 annual appropriations act or the substantive bill implementing

251 the annual appropriations act, it shall be determined as
252 follows:

253 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental
254 health assistance allocation is created to provide funding to
255 assist school districts in establishing or expanding school-
256 based mental health care; train educators and other school staff
257 in detecting and responding to mental health issues; and connect
258 children, youth, and families who may experience behavioral
259 health issues with appropriate services. These funds shall be
260 allocated annually in the General Appropriations Act or other
261 law to each eligible school district. Each school district shall
262 receive a minimum of \$100,000, with the remaining balance
263 allocated based on each school district's proportionate share of
264 the state's total unweighted full-time equivalent student
265 enrollment. Charter schools that submit a plan separate from the
266 school district are entitled to a proportionate share of
267 district funding. The allocated funds may not supplant funds
268 that are provided for this purpose from other operating funds
269 and may not be used to increase salaries or provide bonuses.
270 School districts are encouraged to maximize third-party health
271 insurance benefits and Medicaid claiming for services, where
272 appropriate.

273 (b) The plans required under paragraph (a) must be focused
274 on a multitiered system of supports to deliver evidence-based
275 mental health care assessment, diagnosis, intervention,

276 treatment, and recovery services to students with one or more
277 mental health or co-occurring substance abuse diagnoses and to
278 students at high risk of such diagnoses. The provision of these
279 services must be coordinated with a student's primary mental
280 health care provider and with other mental health providers
281 involved in the student's care. At a minimum, the plans must
282 include the following elements:

283 1. Direct employment of school-based mental health
284 services providers to expand and enhance school-based student
285 services and to reduce the ratio of students to staff in order
286 to better align with nationally recommended ratio models. These
287 providers include, but are not limited to, certified school
288 counselors, school psychologists, school social workers, and
289 other licensed mental health professionals. The plan also must
290 identify strategies to increase the amount of time that school-
291 based student services personnel spend providing direct services
292 to students, which may include the review and revision of
293 district staffing resource allocations based on school or
294 student mental health assistance needs.

295 2. Contracts or interagency agreements with one or more
296 local community behavioral health providers or providers of
297 Community Action Team services to provide a behavioral health
298 staff presence and services at district schools. Services may
299 include, but are not limited to, mental health screenings and
300 assessments, individual counseling, family counseling, group

301 counseling, psychiatric or psychological services, trauma-
302 informed care, mobile crisis services, and behavior
303 modification. These behavioral health services may be provided
304 on or off the school campus and may be supplemented by
305 telehealth.

306 3. Policies and procedures, including contracts with
307 service providers, which will ensure that students who are
308 referred to a school-based or community-based mental health
309 service provider for mental health screening for the
310 identification of mental health concerns and ensure that the
311 assessment of students at risk for mental health disorders
312 occurs within 15 days of referral. School-based mental health
313 services must be initiated within 15 days after identification
314 and assessment, and support by community-based mental health
315 service providers for students who are referred for community-
316 based mental health services must be initiated within 30 days
317 after the school or district makes a referral.

318 4. Strategies or programs to reduce the likelihood of at-
319 risk students developing social, emotional, or behavioral health
320 problems, depression, anxiety disorders, suicidal tendencies, or
321 substance use disorders.

322 5. Strategies to improve the early identification of
323 social, emotional, or behavioral problems or substance use
324 disorders, to improve the provision of early intervention
325 services, and to assist students in dealing with trauma and

326 | violence.

327 | 6. Procedures to assist a mental health services provider
328 | or a behavioral health provider as described in subparagraph 1.
329 | or subparagraph 2., respectively, or a school resource officer
330 | or school safety officer who has completed mental health crisis
331 | intervention training in attempting to verbally deescalate a
332 | student's crisis situation before initiating an involuntary
333 | examination pursuant to s. 394.463. Such procedures must include
334 | strategies to deescalate a crisis situation for a student with a
335 | developmental disability as that term is defined in s. 393.063.

336 | 7. A memorandum of understanding with a local mobile
337 | crisis response service. Policies of the school district and the
338 | terms of the memorandum of understanding must require that, in a
339 | student crisis situation, school or law enforcement personnel
340 | must contact the local mobile crisis response service before
341 | initiating an involuntary examination pursuant to s. 394.463.
342 | Such contact may be in person or by using telehealth as defined
343 | in s. 456.47. School districts shall provide all school resource
344 | officers and school safety officers with training on protocols
345 | established under the memorandum of understanding developed
346 | pursuant to this subparagraph.

347 | Section 9. This act shall take effect July 1, 2021.