

By Senator Harrell

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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

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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, jointly
41 with the district school board and the local school health
42 advisory committee, a school health services plan. The plan must
43 include, at a minimum, provisions for all of the following:

- 44 1. Health appraisal;
- 45 2. Records review;
- 46 3. Nurse assessment;
- 47 4. Nutrition assessment;
- 48 5. A preventive dental program;
- 49 6. Vision screening;
- 50 7. Hearing screening;
- 51 8. Scoliosis screening;
- 52 9. Growth and development screening;
- 53 10. Health counseling;
- 54 11. Referral and followup of suspected or confirmed health
55 problems by the local county health department;
- 56 12. Meeting emergency health needs in each school;
- 57 13. County health department personnel to assist school
58 personnel in health education curriculum development;

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59 14. Referral of students to appropriate health treatment,
60 in cooperation with the private health community whenever
61 possible;

62 15. Consultation with a student's parent or guardian
63 regarding the need for health attention by the family physician,
64 dentist, or other specialist when definitive diagnosis or
65 treatment is indicated;

66 16. Maintenance of records on incidents of health problems,
67 corrective measures taken, and such other information as may be
68 needed to plan and evaluate health programs; except, however,
69 that provisions in the plan for maintenance of health records of
70 individual students must be in accordance with s. 1002.22;

71 17. Health information which will be provided by the school
72 health nurses, when necessary, regarding the placement of
73 students in exceptional student programs and the reevaluation at
74 periodic intervals of students placed in such programs;

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

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

86 Section 2. Subsection (4) of section 394.463, Florida
87 Statutes, is amended to read:

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88 394.463 Involuntary examination.-

89 (4) DATA ANALYSIS.-Using data collected under paragraph
90 (2) (a), the department shall, at a minimum, analyze data on both
91 the initiation of involuntary examinations of children and the
92 initiation of involuntary examinations of students who are
93 removed from a school, identify any patterns or trends and cases
94 in which involuntary examinations are repeatedly initiated on
95 the same child or student, study root causes for such patterns,
96 trends, or repeated involuntary examinations, and make
97 recommendations to encourage the use of ~~for encouraging~~
98 alternatives to eliminate ~~and eliminating~~ inappropriate
99 initiations of such examinations. The department shall submit a
100 report on its findings and recommendations to the Governor, the
101 President of the Senate, and the Speaker of the House of
102 Representatives by November 1 of each odd-numbered ~~odd-numbered~~
103 year.

104 Section 3. Subsection (7) of section 1001.212, Florida
105 Statutes, is amended to read:

106 1001.212 Office of Safe Schools.-There is created in the
107 Department of Education the Office of Safe Schools. The office
108 is fully accountable to the Commissioner of Education. The
109 office shall serve as a central repository for best practices,
110 training standards, and compliance oversight in all matters
111 regarding school safety and security, including prevention
112 efforts, intervention efforts, and emergency preparedness
113 planning. The office shall:

114 (7) Provide data to support the evaluation of mental health
115 services pursuant to s. 1004.44. Such data must include, for
116 each school, the number of involuntary examinations as defined

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117 in s. 394.455 which are initiated at the school, on school
118 transportation, or at a school-sponsored activity and the number
119 of children for whom an examination is initiated.

120 Section 4. Paragraph (1) of subsection (3) of section
121 1002.20, Florida Statutes, is amended to read:

122 1002.20 K-12 student and parent rights.—Parents of public
123 school students must receive accurate and timely information
124 regarding their child's academic progress and must be informed
125 of ways they can help their child to succeed in school. K-12
126 students and their parents are afforded numerous statutory
127 rights including, but not limited to, the following:

128 (3) HEALTH ISSUES.—

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

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

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

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

144 b. The principal or principal's designee reasonably
145 believes that such delay is necessary to avoid jeopardizing the

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146 health and safety of the student.

147 3. Before a principal or his or her designee contacts a law
148 enforcement officer, he or she must verify that deescalation ~~de-~~
149 ~~escalation~~ strategies have been utilized and outreach to a
150 mobile response team has been initiated unless the principal or
151 the principal's designee reasonably believes that any delay in
152 removing the student will increase the likelihood of harm to the
153 student or others. This requirement does not supersede the
154 authority of a law enforcement officer to act under s. 394.463.

155

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

158 Section 5. Paragraph (q) of subsection (9) of section
159 1002.33, Florida Statutes, is amended to read:

160 1002.33 Charter schools.—

161 (9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

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

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

186
187 Each charter school governing board shall develop a policy and
188 procedures for notification under this paragraph.

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

191 1006.07 District school board duties relating to student
192 discipline and school safety.—The district school board shall
193 provide for the proper accounting for all students, for the
194 attendance and control of students at school, and for proper
195 attention to health, safety, and other matters relating to the
196 welfare of students, including:

197 (10) REPORTING OF INVOLUNTARY EXAMINATIONS.—Each district
198 school board shall adopt a policy to require the district
199 superintendent to annually report to the department the number
200 of involuntary examinations, as defined in s. 394.455, which are
201 initiated at a school, on school transportation, or at a school-
202 sponsored activity.

203 Section 7. Present paragraph (c) of subsection (2) of

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204 section 1006.12, Florida Statutes, is redesignated as paragraph
205 (d), and a new paragraph (c) is added to that subsection, to
206 read:

207 1006.12 Safe-school officers at each public school.—For the
208 protection and safety of school personnel, property, students,
209 and visitors, each district school board and school district
210 superintendent shall partner with law enforcement agencies or
211 security agencies to establish or assign one or more safe-school
212 officers at each school facility within the district, including
213 charter schools. A district school board must collaborate with
214 charter school governing boards to facilitate charter school
215 access to all safe-school officer options available under this
216 section. The school district may implement any combination of
217 the options in subsections (1)-(4) to best meet the needs of the
218 school district and charter schools.

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

225 (c) School safety officers must complete mental health
226 crisis intervention training using a curriculum developed by a
227 national organization with expertise in mental health crisis
228 intervention. The training shall improve officers' knowledge and
229 skills as first responders to incidents involving students with
230 emotional disturbance or mental illness, including deescalation
231 skills to ensure student and officer safety.
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233 If a district school board, through its adopted policies,
234 procedures, or actions, denies a charter school access to any
235 safe-school officer options pursuant to this section, the school
236 district must assign a school resource officer or school safety
237 officer to the charter school. Under such circumstances, the
238 charter school's share of the costs of the school resource
239 officer or school safety officer may not exceed the safe school
240 allocation funds provided to the charter school pursuant to s.
241 1011.62(15) and shall be retained by the school district.

242 Section 8. Paragraph (b) of subsection (16) of section
243 1011.62, Florida Statutes, is amended to read:

244 1011.62 Funds for operation of schools.—If the annual
245 allocation from the Florida Education Finance Program to each
246 district for operation of schools is not determined in the
247 annual appropriations act or the substantive bill implementing
248 the annual appropriations act, it shall be determined as
249 follows:

250 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
251 assistance allocation is created to provide funding to assist
252 school districts in establishing or expanding school-based
253 mental health care; train educators and other school staff in
254 detecting and responding to mental health issues; and connect
255 children, youth, and families who may experience behavioral
256 health issues with appropriate services. These funds shall be
257 allocated annually in the General Appropriations Act or other
258 law to each eligible school district. Each school district shall
259 receive a minimum of \$100,000, with the remaining balance
260 allocated based on each school district's proportionate share of
261 the state's total unweighted full-time equivalent student

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262 enrollment. Charter schools that submit a plan separate from the
263 school district are entitled to a proportionate share of
264 district funding. The allocated funds may not supplant funds
265 that are provided for this purpose from other operating funds
266 and may not be used to increase salaries or provide bonuses.
267 School districts are encouraged to maximize third-party health
268 insurance benefits and Medicaid claiming for services, where
269 appropriate.

270 (b) The plans required under paragraph (a) must be focused
271 on a multitiered system of supports to deliver evidence-based
272 mental health care assessment, diagnosis, intervention,
273 treatment, and recovery services to students with one or more
274 mental health or co-occurring substance abuse diagnoses and to
275 students at high risk of such diagnoses. The provision of these
276 services must be coordinated with a student's primary mental
277 health care provider and with other mental health providers
278 involved in the student's care. At a minimum, the plans must
279 include the following elements:

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

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291 health assistance needs.

292 2. Contracts or interagency agreements with one or more
293 local community behavioral health providers or providers of
294 Community Action Team services to provide a behavioral health
295 staff presence and services at district schools. Services may
296 include, but are not limited to, mental health screenings and
297 assessments, individual counseling, family counseling, group
298 counseling, psychiatric or psychological services, trauma-
299 informed care, mobile crisis services, and behavior
300 modification. These behavioral health services may be provided
301 on or off the school campus and may be supplemented by
302 telehealth.

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

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

319 5. Strategies to improve the early identification of

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320 social, emotional, or behavioral problems or substance use
321 disorders, to improve the provision of early intervention
322 services, and to assist students in dealing with trauma and
323 violence.

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

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

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