

By the Committee on Appropriations; and Senator Harrell

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1 A bill to be entitled
2 An act relating to school safety; amending s.
3 381.0056, F.S.; revising parent, guardian, or
4 caregiver notification requirements that must be met
5 before an involuntary examination of a minor; amending
6 s. 394.463, F.S.; revising data reporting requirements
7 for the Department of Children and Families; amending
8 s. 1001.212, F.S.; revising data reporting
9 requirements for the Office of Safe Schools; amending
10 s. 1002.20, F.S.; revising parent notification
11 requirements; providing an exception; providing that
12 parents of public school students have a right to
13 access school safety and discipline incidents as
14 reported; amending s. 1002.33, F.S.; revising parent
15 notification requirements; providing an exception;
16 providing that parents of charter school students have
17 a right to access school safety and discipline
18 incidents as reported; amending s. 1006.07, F.S.;
19 requiring codes of student conduct to include
20 provisions relating to civil citation or similar
21 prearrest diversion programs for specified purposes;
22 requiring codes of student conduct to include
23 provisions relating to the assignment of students to
24 school-based intervention programs; prohibiting
25 participation in such programs from being entered into
26 a specified system under certain circumstances;
27 authorizing certain procedures to include
28 accommodations for specified drills; requiring
29 district school boards to establish certain emergency

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30 response and emergency preparedness policies and
31 procedures and provide timely notification to parents
32 following certain unlawful acts or significant
33 emergencies; creating reporting requirements for
34 schools relating to involuntary examinations of
35 minors; amending s. 1006.12, F.S.; revising training
36 requirements for school safety officers; amending s.
37 1011.62, F.S.; requiring that certain plans include
38 procedures to assist certain mental and behavioral
39 health providers in attempts to verbally de-escalate
40 certain crisis situations before initiating an
41 involuntary examination; requiring the procedures to
42 include certain strategies; creating requirements for
43 memoranda of understanding between schools and local
44 mobile crisis response services; providing an
45 effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Paragraph (a) of subsection (4) of section
50 381.0056, Florida Statutes, is amended to read:

51 381.0056 School health services program.—

52 (4) (a) Each county health department shall develop, jointly
53 with the district school board and the local school health
54 advisory committee, a school health services plan. The plan must
55 include, at a minimum, provisions for all of the following:

- 56 1. Health appraisal;
- 57 2. Records review;
- 58 3. Nurse assessment;

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- 59 4. Nutrition assessment;
- 60 5. A preventive dental program;
- 61 6. Vision screening;
- 62 7. Hearing screening;
- 63 8. Scoliosis screening;
- 64 9. Growth and development screening;
- 65 10. Health counseling;
- 66 11. Referral and followup of suspected or confirmed health
- 67 problems by the local county health department;
- 68 12. Meeting emergency health needs in each school;
- 69 13. County health department personnel to assist school
- 70 personnel in health education curriculum development;
- 71 14. Referral of students to appropriate health treatment,
- 72 in cooperation with the private health community whenever
- 73 possible;
- 74 15. Consultation with a student's parent or guardian
- 75 regarding the need for health attention by the family physician,
- 76 dentist, or other specialist when definitive diagnosis or
- 77 treatment is indicated;
- 78 16. Maintenance of records on incidents of health problems,
- 79 corrective measures taken, and such other information as may be
- 80 needed to plan and evaluate health programs; except, however,
- 81 that provisions in the plan for maintenance of health records of
- 82 individual students must be in accordance with s. 1002.22;
- 83 17. Health information which will be provided by the school
- 84 health nurses, when necessary, regarding the placement of
- 85 students in exceptional student programs and the reevaluation at
- 86 periodic intervals of students placed in such programs;
- 87 18. Notification to the local nonpublic schools of the

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88 school health services program and the opportunity for
89 representatives of the local nonpublic schools to participate in
90 the development of the cooperative health services plan; and

91 19. A reasonable attempt to notify ~~Immediate notification~~
92 ~~to~~ a student's parent, guardian, or caregiver before ~~if~~ the
93 student is removed from school, school transportation, or a
94 school-sponsored activity to be ~~and~~ taken to a receiving
95 facility for an involuntary examination pursuant to s. 394.463,
96 including and subject to the requirements and exceptions
97 established under ss. 1002.20(3) and 1002.33(9), as applicable.

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

100 394.463 Involuntary examination.—

101 (4) DATA ANALYSIS.—Using data collected under paragraph
102 (2) (a), the department shall, at a minimum, analyze data on both
103 the initiation of involuntary examinations of children and the
104 initiation of involuntary examinations of students who are
105 removed from a school, identify any patterns or trends and cases
106 in which involuntary examinations are repeatedly initiated on
107 the same child or student, study root causes for such patterns,
108 trends, or repeated involuntary examinations, and make
109 recommendations to encourage the use of ~~for encouraging~~
110 alternatives to eliminate ~~and eliminating~~ inappropriate
111 initiations of such examinations. The department shall submit a
112 report on its findings and recommendations to the Governor, the
113 President of the Senate, and the Speaker of the House of
114 Representatives by November 1 of each odd-numbered ~~odd-numbered~~
115 year.

116 Section 3. Subsection (7) of section 1001.212, Florida

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117 Statutes, is amended to read:

118 1001.212 Office of Safe Schools.—There is created in the
119 Department of Education the Office of Safe Schools. The office
120 is fully accountable to the Commissioner of Education. The
121 office shall serve as a central repository for best practices,
122 training standards, and compliance oversight in all matters
123 regarding school safety and security, including prevention
124 efforts, intervention efforts, and emergency preparedness
125 planning. The office shall:

126 (7) Provide data to support the evaluation of mental health
127 services pursuant to s. 1004.44. Such data must include, for
128 each school, the number of involuntary examinations as defined
129 in s. 394.455 which are initiated at the school, on school
130 transportation, or at a school-sponsored activity and the number
131 of children for whom an examination is initiated.

132 Section 4. Paragraph (1) of subsection (3) of section
133 1002.20, Florida Statutes, is amended, and subsection (25) is
134 added to that section, to read:

135 1002.20 K-12 student and parent rights.—Parents of public
136 school students must receive accurate and timely information
137 regarding their child's academic progress and must be informed
138 of ways they can help their child to succeed in school. K-12
139 students and their parents are afforded numerous statutory
140 rights including, but not limited to, the following:

141 (3) HEALTH ISSUES.—

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

143 1. Except as provided in subparagraph 2., the public school
144 principal or the principal's designee shall make a reasonable
145 attempt to ~~immediately~~ notify the parent of a student before the

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146 student ~~who~~ is removed from school, school transportation, or a
147 school-sponsored activity to be ~~and~~ taken to a receiving
148 facility for an involuntary examination pursuant to s. 394.463.

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

152 a. The principal or the principal's designee deems the
153 delay to be in the student's best interest and ~~if~~ a report has
154 been submitted to the central abuse hotline, pursuant to s.
155 39.201, based upon knowledge or suspicion of abuse, abandonment,
156 or neglect; or

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

160 3. Before a principal or his or her designee contacts a law
161 enforcement officer, he or she must verify that de-escalation
162 strategies have been utilized and outreach to a mobile response
163 team has been initiated unless the principal or the principal's
164 designee reasonably believes that any delay in removing the
165 student will increase the likelihood of harm to the student or
166 others. This requirement does not supersede the authority of a
167 law enforcement officer to act under s. 394.463.

168
169 Each district school board shall develop a policy and procedures
170 for notification under this paragraph.

171 (25) SAFE SCHOOLS.-

172 (a) School safety and emergency incidents.-Parents of
173 public school students have a right to timely notification of
174 threats, unlawful acts, and significant emergencies pursuant to

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175 s. 1006.07(4) and (7).

176 (b) School environmental safety incident reporting.—Parents
177 of public school students have a right to access school safety
178 and discipline incidents as reported pursuant to s. 1006.07(9).

179 Section 5. Paragraph (q) of subsection (9) of section
180 1002.33, Florida Statutes, is amended, and paragraph (r) is
181 added to that subsection, to read:

182 1002.33 Charter schools.—

183 (9) CHARTER SCHOOL REQUIREMENTS.—

184 (q)1. The charter school principal or the principal's
185 designee shall make a reasonable attempt to ~~immediately~~ notify
186 the parent of a student before the student ~~who~~ is removed from
187 school, school transportation, or a school-sponsored activity to
188 be and taken to a receiving facility for an involuntary
189 examination pursuant to s. 394.463.

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

193 a. The principal or the principal's designee deems the
194 delay to be in the student's best interest and ~~if~~ a report has
195 been submitted to the central abuse hotline, pursuant to s.
196 39.201, based upon knowledge or suspicion of abuse, abandonment,
197 or neglect; or

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

201 3. Before a principal or his or her designee contacts a law
202 enforcement officer, he or she must verify that de-escalation
203 strategies have been utilized and outreach to a mobile response

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204 team has been initiated unless the principal or the principal's
205 designee reasonably believes that any delay in removing the
206 student will increase the likelihood of harm to the student or
207 others. This requirement does not supersede the authority of a
208 law enforcement officer to act under s. 394.463.

209

210 Each charter school governing board shall develop a policy and
211 procedures for notification under this paragraph.

212 (r)1. Parents of charter school students have a right to
213 timely notification of threats, unlawful acts, and significant
214 emergencies pursuant to s. 1006.07(4) and (7).

215 2. Parents of charter school students have a right to
216 access school safety and discipline incidents as reported
217 pursuant to s. 1006.07(9).

218 Section 6. Paragraphs (a) and (b) of subsection (4) of
219 section 1006.07, Florida Statutes, are amended, and paragraphs
220 (n) and (o) of subsection (2) and subsection (10) are added to
221 that section, to read:

222 1006.07 District school board duties relating to student
223 discipline and school safety.—The district school board shall
224 provide for the proper accounting for all students, for the
225 attendance and control of students at school, and for proper
226 attention to health, safety, and other matters relating to the
227 welfare of students, including:

228 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
229 conduct for elementary schools and a code of student conduct for
230 middle and high schools and distribute the appropriate code to
231 all teachers, school personnel, students, and parents, at the
232 beginning of every school year. Each code shall be organized and

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233 written in language that is understandable to students and
234 parents and shall be discussed at the beginning of every school
235 year in student classes, school advisory council meetings, and
236 parent and teacher association or organization meetings. Each
237 code shall be based on the rules governing student conduct and
238 discipline adopted by the district school board and shall be
239 made available in the student handbook or similar publication.
240 Each code shall include, but is not limited to:

241 (n) Criteria for recommending to law enforcement that a
242 student who commits a criminal offense be allowed to participate
243 in a civil citation or similar prearrest diversion program as an
244 alternative to expulsion or arrest. All civil citation or
245 similar prearrest diversion programs must comply with s. 985.12.

246 (o) Criteria for assigning a student who commits a petty
247 act of misconduct, as defined by the district school board
248 pursuant to s. 1006.13(2)(c), to a school-based intervention
249 program. If a student's assignment is based on a noncriminal
250 offense, the student's participation in a school-based
251 intervention program may not be entered into the Juvenile
252 Justice Information System Prevention Web.

253 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

254 (a) Formulate and prescribe policies and procedures, in
255 consultation with the appropriate public safety agencies, for
256 emergency drills and for actual emergencies, including, but not
257 limited to, fires, natural disasters, active assailant ~~shooter~~
258 and hostage situations, and bomb threats, for all students and
259 faculty at all public schools of the district comprised of
260 grades K-12. Drills for active assailant ~~shooter~~ and hostage
261 situations shall be conducted in accordance with developmentally

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262 appropriate and age-appropriate procedures at least as often as
263 other emergency drills. District school board policies shall
264 include commonly used alarm system responses for specific types
265 of emergencies and verification by each school that drills have
266 been provided as required by law and fire protection codes and
267 may provide accommodations for drills conducted by exceptional
268 student education centers. District school boards shall
269 establish ~~The~~ emergency response and emergency preparedness
270 policies and procedures that include, but are not limited to,
271 identifying ~~policy shall identify~~ the individuals responsible
272 for contacting the primary emergency response agency and the
273 emergency response agency that is responsible for notifying the
274 school district for each type of emergency.

275 (b) Provide timely ~~Establish model emergency management and~~
276 ~~emergency preparedness procedures, including emergency~~
277 notification to parents of threats pursuant to policies adopted
278 under subsection (7) and procedures pursuant to paragraph (a),
279 ~~for~~ the following unlawful acts or significant emergencies that
280 occur on school grounds, during school transportation, or during
281 school-sponsored activities ~~life-threatening emergencies:~~

282 1. Weapons possession or use when there is intended harm
283 toward another person ~~Weapon-use~~, hostage, and active assailant
284 ~~shooter~~ situations. The active assailant ~~shooter~~ situation
285 training for each school must engage the participation of the
286 district school safety specialist, threat assessment team
287 members, faculty, staff, and students and must be conducted by
288 the law enforcement agency or agencies that are designated as
289 first responders to the school's campus.

290 2. Murder, homicide, or manslaughter.

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291 3. Sex offenses, including rape, sexual assault, or sexual
292 misconduct with a student by school personnel.

293 ~~2. Hazardous materials or toxic chemical spills.~~

294 ~~4.3. Natural Weather~~ emergencies, including hurricanes,
295 tornadoes, and severe storms.

296 ~~5.4.~~ Exposure as a result of a manmade emergency.

297 (10) REPORTING OF INVOLUNTARY EXAMINATIONS.—Each district
298 school board shall adopt a policy to require the district
299 superintendent to annually report to the department the number
300 of involuntary examinations, as defined in s. 394.455, which are
301 initiated at a school, on school transportation, or at a school-
302 sponsored activity.

303 Section 7. Present paragraph (c) of subsection (2) of
304 section 1006.12, Florida Statutes, is redesignated as paragraph
305 (d), and a new paragraph (c) is added to that subsection, to
306 read:

307 1006.12 Safe-school officers at each public school.—For the
308 protection and safety of school personnel, property, students,
309 and visitors, each district school board and school district
310 superintendent shall partner with law enforcement agencies or
311 security agencies to establish or assign one or more safe-school
312 officers at each school facility within the district, including
313 charter schools. A district school board must collaborate with
314 charter school governing boards to facilitate charter school
315 access to all safe-school officer options available under this
316 section. The school district may implement any combination of
317 the options in subsections (1)-(4) to best meet the needs of the
318 school district and charter schools.

319 (2) SCHOOL SAFETY OFFICER.—A school district may commission

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320 one or more school safety officers for the protection and safety
321 of school personnel, property, and students within the school
322 district. The district school superintendent may recommend, and
323 the district school board may appoint, one or more school safety
324 officers.

325 (c) School safety officers must complete mental health
326 crisis intervention training using a curriculum developed by a
327 national organization with expertise in mental health crisis
328 intervention. The training shall improve officers' knowledge and
329 skills as first responders to incidents involving students with
330 emotional disturbance or mental illness, including de-escalation
331 skills to ensure student and officer safety.

332
333 If a district school board, through its adopted policies,
334 procedures, or actions, denies a charter school access to any
335 safe-school officer options pursuant to this section, the school
336 district must assign a school resource officer or school safety
337 officer to the charter school. Under such circumstances, the
338 charter school's share of the costs of the school resource
339 officer or school safety officer may not exceed the safe school
340 allocation funds provided to the charter school pursuant to s.
341 1011.62(15) and shall be retained by the school district.

342 Section 8. Paragraph (b) of subsection (16) of section
343 1011.62, Florida Statutes, is amended to read:

344 1011.62 Funds for operation of schools.—If the annual
345 allocation from the Florida Education Finance Program to each
346 district for operation of schools is not determined in the
347 annual appropriations act or the substantive bill implementing
348 the annual appropriations act, it shall be determined as

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349 follows:

350 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
351 assistance allocation is created to provide funding to assist
352 school districts in establishing or expanding school-based
353 mental health care; train educators and other school staff in
354 detecting and responding to mental health issues; and connect
355 children, youth, and families who may experience behavioral
356 health issues with appropriate services. These funds shall be
357 allocated annually in the General Appropriations Act or other
358 law to each eligible school district. Each school district shall
359 receive a minimum of \$100,000, with the remaining balance
360 allocated based on each school district's proportionate share of
361 the state's total unweighted full-time equivalent student
362 enrollment. Charter schools that submit a plan separate from the
363 school district are entitled to a proportionate share of
364 district funding. The allocated funds may not supplant funds
365 that are provided for this purpose from other operating funds
366 and may not be used to increase salaries or provide bonuses.
367 School districts are encouraged to maximize third-party health
368 insurance benefits and Medicaid claiming for services, where
369 appropriate.

370 (b) The plans required under paragraph (a) must be focused
371 on a multitiered system of supports to deliver evidence-based
372 mental health care assessment, diagnosis, intervention,
373 treatment, and recovery services to students with one or more
374 mental health or co-occurring substance abuse diagnoses and to
375 students at high risk of such diagnoses. The provision of these
376 services must be coordinated with a student's primary mental
377 health care provider and with other mental health providers

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378 involved in the student's care. At a minimum, the plans must
379 include the following elements:

380 1. Direct employment of school-based mental health services
381 providers to expand and enhance school-based student services
382 and to reduce the ratio of students to staff in order to better
383 align with nationally recommended ratio models. These providers
384 include, but are not limited to, certified school counselors,
385 school psychologists, school social workers, and other licensed
386 mental health professionals. The plan also must identify
387 strategies to increase the amount of time that school-based
388 student services personnel spend providing direct services to
389 students, which may include the review and revision of district
390 staffing resource allocations based on school or student mental
391 health assistance needs.

392 2. Contracts or interagency agreements with one or more
393 local community behavioral health providers or providers of
394 Community Action Team services to provide a behavioral health
395 staff presence and services at district schools. Services may
396 include, but are not limited to, mental health screenings and
397 assessments, individual counseling, family counseling, group
398 counseling, psychiatric or psychological services, trauma-
399 informed care, mobile crisis services, and behavior
400 modification. These behavioral health services may be provided
401 on or off the school campus and may be supplemented by
402 telehealth.

403 3. Policies and procedures, including contracts with
404 service providers, which will ensure that students who are
405 referred to a school-based or community-based mental health
406 service provider for mental health screening for the

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407 identification of mental health concerns and ensure that the
408 assessment of students at risk for mental health disorders
409 occurs within 15 days of referral. School-based mental health
410 services must be initiated within 15 days after identification
411 and assessment, and support by community-based mental health
412 service providers for students who are referred for community-
413 based mental health services must be initiated within 30 days
414 after the school or district makes a referral.

415 4. Strategies or programs to reduce the likelihood of at-
416 risk students developing social, emotional, or behavioral health
417 problems, depression, anxiety disorders, suicidal tendencies, or
418 substance use disorders.

419 5. Strategies to improve the early identification of
420 social, emotional, or behavioral problems or substance use
421 disorders, to improve the provision of early intervention
422 services, and to assist students in dealing with trauma and
423 violence.

424 6. Procedures to assist a mental health services provider
425 or a behavioral health provider as described in subparagraph 1.
426 or subparagraph 2., respectively, or a school resource officer
427 or school safety officer who has completed mental health crisis
428 intervention training in attempting to verbally de-escalate a
429 student's crisis situation before initiating an involuntary
430 examination pursuant to s. 394.463. Such procedures must include
431 strategies to de-escalate a crisis situation for a student with
432 a developmental disability as that term is defined in s.
433 393.063.

434 7. Policies of the school district must require that in a
435 student crisis situation, school or law enforcement personnel

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436 must make a reasonable attempt to contact a mental health
437 professional who may initiate an involuntary examination
438 pursuant to s. 394.463, unless the child poses an imminent
439 danger to themselves or others, before initiating an involuntary
440 examination pursuant to s. 394.463. Such contact may be in
441 person or using telehealth as defined in s. 456.47. The mental
442 health professional may be available to the school district
443 either by contracts or interagency agreements with one or more
444 local community behavioral health providers or the local mobile
445 response team or be a direct or contracted school district
446 employee.

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