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Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTIONADOPTED(Y/N)ADOPTED AS AMENDED(Y/N)ADOPTED W/O OBJECTION(Y/N)FAILED TO ADOPT(Y/N)WITHDRAWN(Y/N)OTHER\_\_\_\_\_

1 Committee/Subcommittee hearing bill: Human Services 2 Subcommittee 3 Representative Hunschofsky offered the following: 4 Amendment (with title amendment) 5 6 Remove everything after the enacting clause and insert: 7 Section 1. Subsection (3) and paragraph (c) of subsection 8 (5) of section 394.457, Florida Statutes, are amended, and a new 9 paragraph (d) is added to subsection (5), to read: 10 394.457 Operation and administration.-11 (3) POWER TO CONTRACT.-The department may contract to 12 provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the 13 following agencies: public and private hospitals; receiving and 14 treatment facilities; clinics; laboratories; departments, 15 divisions, and other units of state government; the state 16 221259 - h1439-strike.docx Published On: 3/24/2025 6:12:02 PM

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17 colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any 18 19 other governmental unit, including facilities of the United States Government; and any other public or private entity which 20 provides or needs facilities or services. The department shall 21 22 require any provider directly under contract with the department 23 to use at a minimum the most recent version of the Daily Living 24 Activities-20 (DLA-20) functional assessment tool for any 25 patients requiring functional assessment, unless the department 26 adopts a different assessment by rule. Baker Act funds for 27 community inpatient, crisis stabilization, short-term 28 residential treatment, and screening services must be allocated 29 to each county pursuant to the department's funding allocation 30 methodology. Notwithstanding s. 287.057(3)(e), contracts for 31 community-based Baker Act services for inpatient, crisis 32 stabilization, short-term residential treatment, and screening 33 provided under this part, other than those with other units of 34 government, to be provided for the department must be awarded 35 using competitive sealed bids if the county commission of the 36 county receiving the services makes a request to the 37 department's district office by January 15 of the contracting year. The district may not enter into a competitively bid 38 contract under this provision if such action will result in 39 increases of state or local expenditures for Baker Act services 40 within the district. Contracts for these Baker Act services 41 221259 - h1439-strike.docx

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42 using competitive sealed bids are effective for 3 years. The 43 department shall adopt rules establishing minimum standards for 44 such contracted services and facilities and shall make periodic 45 audits and inspections to assure that the contracted services 46 are provided and meet the standards of the department.

(5) RULES.-

(c) The department shall adopt rules establishing minimum standards for services provided by a mental health overlay program or a mobile crisis response service. Minimum standards for a mobile crisis response service must:

Include the requirements of the child, adolescent, and
 young adult mobile response teams established under s.
 394.495(7) and ensure coverage of all counties by these
 specified teams; and

56 2. <u>Specify any training or other requirements applicable</u> 57 <u>to a mobile crisis response service available to persons age 65</u> 58 <u>and over to enable the service to meet the specialized needs of</u> 59 <u>such persons; and</u>

3. Create a structure for general mobile response teams
which focuses on crisis diversion and the reduction of
involuntary commitment under this chapter. The structure must
require, but need not be limited to, the following:

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a. Triage and rapid crisis intervention within 60 minutes;

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b. Provision of and referral to evidence-based services
that are responsive to the needs of the individual and the
individual's family;

c. Screening, assessment, early identification, and carecoordination; and

70 d. Confirmation that the individual who received the 71 mobile crisis response was connected to a service provider and 72 prescribed medications, if needed.

73 Section 2. Paragraph (e) of subsection (2) of section
74 394.459, Florida Statutes, is amended to read:

75

394.459 Rights of patients.-

76

(2) RIGHT TO TREATMENT.-

77 (e) Not more than 5 days after admission to a facility, each patient must shall have and receive an individualized 78 79 treatment plan in writing which the patient has had an 80 opportunity to assist in preparing and to review before prior to 81 its implementation. The plan must shall include a space for the 82 patient's comments. Facilities shall update the treatment plan, 83 including but not limited to the physician summary, at least 84 every 30 days during the time a patient is in a receiving or 85 treatment facility except that patients retained for longer than 24 months shall have updates at least every 60 days. 86 87 Section 3. Subsection (2) of section 394.468, Florida

88 Statutes, is amended to read:

89 394.468 Admission and discharge procedures.-

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90	(2) Discharge planning and procedures for any patient's
91	release from a receiving facility or treatment facility must
92	include and document the patient's needs, and actions to address
93	such needs, for, at a minimum:
94	(a) Follow-up behavioral health appointments;
95	(b) Information on how to obtain prescribed medications <u>,</u>
96	including but not limited to administration of long-acting
97	injectable medications. The discharge plan must address any
98	barriers faced by the patient to accessing long-acting
99	injectable medications after discharge if such medication is
100	part of the patient's plan; and
101	(c) Information pertaining to:
102	1. Available living arrangements;
103	2. Transportation; and
104	(d) Referral to:
105	1. Care coordination services. The patient must be
106	referred for care coordination services if the patient meets the
107	criteria as a member of a priority population as determined by
108	the department under s. 394.9082(3)(c) and is in need of such
109	services.
110	2. Recovery support opportunities under s. 394.4573(2)(1),
111	including, but not limited to, connection to a peer specialist.
112	(e) Administration of long-acting injectable medication
113	prior to discharge if such medication is available to treat the
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#### patient's diagnosed behavioral health condition and clinically 114 115 appropriate for the patient. 116 Section 4. Subsections (2) and (5) of section 394.495, 117 Florida Statutes, are amended to read: 118 394.495 Child and adolescent mental health system of care; 119 programs and services.-The array of services must include assessment services 120 (2) 121 that provide a professional interpretation of the nature of the problems of the child or adolescent and his or her family; 122 family issues that may impact the problems; additional factors 123 124 that contribute to the problems; and the assets, strengths, and 125 resources of the child or adolescent and his or her family. The 126 assessment services to be provided must shall be determined by 127 the clinical needs of each child or adolescent. Assessment tools 128 used must at a minimum include use of the Daily Living 129 Activities-20 (DLA-20) functional assessment tool, unless the department specifies in rule the use of a different assessment 130 131 tool. Assessment services include, but are not limited to, 132 evaluation and screening in the following areas: 133 Physical and mental health for purposes of identifying (a) medical and psychiatric problems. 134 135 Psychological functioning, as determined through a (b) battery of psychological tests. 136 Intelligence and academic achievement. 137 (C) 138 (d) Social and behavioral functioning. 221259 - h1439-strike.docx Published On: 3/24/2025 6:12:02 PM Page 6 of 23

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139 (e) Family functioning. 140 141 The assessment for academic achievement is the financial 142 responsibility of the school district. The department shall 143 cooperate with other state agencies and the school district to 144 avoid duplicating assessment services. 145 (5) In order to enhance collaboration between agencies and 146 to facilitate the provision of services by the child and 147 adolescent mental health treatment and support system and the 148 school district: -149 The local child and adolescent mental health system of (a) 150 care shall include the local educational multiagency network for 151 severely emotionally disturbed students specified in s. 1006.04. 152 (b) The department, in consultation with the Department of 153 Education, shall biennially review school-based behavioral 154 health access in the state through telehealth, with an emphasis on underserved and rural communities. The review shall, at a 155 156 minimum, assess gaps in the provision of school-based behavioral 157 health services, the extent of use of telehealth for school-158 based behavioral health services, barriers to use and expansion 159 of such telehealth services, and recommendations to address 160 barriers and any implementation requirements. The review shall also identify any new models for increasing school-based 161 162 behavioral health access. The Department of Children and Families shall submit its findings to the Governor, the 163 221259 - h1439-strike.docx Published On: 3/24/2025 6:12:02 PM

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164	President of the Senate, and the Speaker of the House of
165	Representatives by January 1, beginning in 2026. This subsection
166	shall expire June 30, 2030, unless reenacted by the Legislature.
167	Section 5. Paragraph (d) of subsection (1) of section
168	394.659, Florida Statutes, is amended to read:
169	394.659 Criminal Justice, Mental Health, and Substance
170	Abuse Technical Assistance Center
171	(1) There is created a Criminal Justice, Mental Health,
172	and Substance Abuse Technical Assistance Center at the Louis de
173	la Parte Florida Mental Health Institute at the University of
174	South Florida, which shall:
175	(d) Disseminate and share evidence-based practices and
176	best practices among grantees, including, but not limited to,
177	the use of person-first language and trauma-responsive care, to
178	improve experiences and outcomes of individuals with behavioral
179	health conditions and encourage cooperative engagement with such
180	individuals. "Person-first language" means language used which
181	emphasizes the an individual as a person rather than that
182	individual's disability, illness, or condition.
183	Section 6. Subsection (11) is added to section 394.875,
184	Florida Statutes, and paragraph (c) of subsection (1) and
185	paragraph (a) of subsection (8) of that section are republished,
186	to read:

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(1)

187 394.875 Crisis stabilization units, residential treatment 188 facilities, and residential treatment centers for children and 189 adolescents; authorized services; license required.-

190

(c) The purpose of a residential treatment center for children and adolescents is to provide mental health assessment and treatment services pursuant to ss. 394.491, 394.495, and 394.496 to children and adolescents who meet the target population criteria specified in s. 394.493(1)(a), (b), or (c).

196 (8) (a) The department, in consultation with the agency, 197 must adopt rules governing a residential treatment center for 198 children and adolescents which specify licensure standards for: 199 admission; length of stay; program and staffing; discharge and 200 discharge planning; treatment planning; seclusion, restraints, 201 and time-out; rights of patients under s. 394.459; use of 202 psychotropic medications; and standards for the operation of 203 such centers.

204 (11) The department, in consultation with the agency, 205 shall conduct a review every other year to identify the need for 206 new short-term residential treatment facilities and additional beds in existing short-term residential treatment facilities. If 207 208 additional funding is necessary to address such need, the department shall submit a legislative budget request for such 209 210 funding. If the department can address the need within existing resources, the department shall take action to do so. 211

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212	Section 7. Paragraphs (v) and (w) are added to subsection
213	(5) of section 394.9082, Florida Statutes, to read:
214	394.9082 Behavioral health managing entities
215	(5) MANAGING ENTITY DUTIESA managing entity shall:
216	(v) Promote use of person-first language and trauma-
217	informed care among providers, peer organizations, and family
218	members, including, but not limited to, through training and
219	sharing best practices. "Person-first language" means language
220	used which emphasizes the patient as a person rather than that
221	patient's disability, illness, or condition.
222	(w) Require use of the most recent version of the Daily
223	Living Activities-20 (DLA-20) functional assessment tool by all
224	providers under contract with the managing entity, unless the
225	department specifies use of a different assessment tool.
226	Section 8. Paragraph (a) of subsection (6) of section
227	1004.44, Florida Statutes, is amended, and paragraph (h) is
228	added to subsection (1) of that section, to read:
229	1004.44 Louis de la Parte Florida Mental Health
230	Institute.—There is established the Louis de la Parte Florida
231	Mental Health Institute within the University of South Florida.
232	(1) The purpose of the institute is to strengthen mental
233	health services throughout the state by providing technical
234	assistance and support services to mental health agencies and
235	mental health professionals. Such assistance and services shall
236	include:
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2.37 Submitting a report analyzing substance abuse and (h) 238 mental health services provided in the state through publicly 239 funded programs, including Medicare. The review shall at a minimum identify services covered by such programs, assess 240 241 quality of care and cost management, and identify services for 242 which additional providers are needed in the state. The 243 institute shall submit the report by June 30, 2026, to the Governor, President of the Senate, and Speaker of the House of 244 245 Representatives.

246 (6) (a) There is established within the institute the 247 Florida Center for Behavioral Health Workforce. The purpose of 248 the center is to support an adequate, highly skilled, resilient, 249 and innovative workforce that meets the current and future human 250 resources needs of the state's behavioral health system in order 251 to provide high-quality care, services, and supports to 252 Floridians with, or at risk of developing, behavioral health 253 conditions through original research, policy analysis, 254 evaluation, and development and dissemination of best practices. 255 The goals of the center are, at a minimum, to research the 256 state's current behavioral health workforce and future needs; 257 expand the number of clinicians, professionals, and other 258 workers involved in the behavioral health workforce; and enhance 259 the skill level and innovativeness of the workforce. The center shall, at a minimum, do all of the following: 260

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1. Describe and analyze the current workforce and project possible future workforce demand, especially in critical roles, and develop strategies for addressing any gaps. The center's efforts may include, but need not be limited to, producing a statistically valid biennial analysis of the supply and demand of the behavioral health workforce.

267 2. Expand pathways to behavioral health professions 268 through enhanced educational opportunities and improved faculty 269 development and retention. The center's efforts may include, but 270 need not be limited to:

a. Identifying best practices in the academic preparationand continuing education of behavioral health professionals.

b. Facilitating and coordinating the development of
academic-practice partnerships that support behavioral health
faculty employment and advancement.

c. Developing and implementing innovative projects to
support the recruitment, development, and retention of
behavioral health educators, faculty, and clinical preceptors.

d. Developing distance learning infrastructure for
behavioral health education and the evidence-based use of
technology, simulation, and distance learning techniques.

3. Promote behavioral health professions. The center'sefforts may include, but need not be limited to:

284 a. Conducting original research on the factors affecting 285 recruitment, retention, and advancement of the behavioral health 221259 - h1439-strike.docx

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workforce, such as designing and implementing a longitudinal study of the state's behavioral health workforce.

b. Developing and implementing innovative projects to
support the recruitment, development, and retention of
behavioral health workers, including but not limited to projects
to provide additional stipends, compensation, and financial
support for clinical supervisors, workers, interns, and students
currently working in the behavioral health field.

294 Section 9. Subsection (2) of section 1006.041, Florida 295 Statutes, is amended, to read:

296 1006.041 Mental health assistance program.—Each school 297 district must implement a school-based mental health assistance 298 program that includes training classroom teachers and other 299 school staff in detecting and responding to mental health issues 300 and connecting children, youth, and families who may experience 301 behavioral health issues with appropriate services.

302 (2) A plan required under subsection (1) must be focused 303 on a multitiered system of supports to deliver evidence-based 304 mental health care assessment, diagnosis, intervention, 305 treatment, and recovery services to students with one or more 306 mental health or co-occurring substance abuse diagnoses and to 307 students at high risk of such diagnoses. Assessment procedures must at a minimum include use of the most recent version of the 308 309 Daily Living Activities-20 (DLA-20) functional assessment tool, unless the department specifies in rule the use of a different 310

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311 <u>assessment tool. The department shall consult with the</u> 312 <u>Department of Children and Families before adopting rules</u> 313 <u>regarding use of a different assessment tool.</u> The provision of 314 these services must be coordinated with a student's primary 315 mental health care provider and with other mental health 316 providers involved in the student's care. At a minimum, the plan 317 must include all of the following components:

318 Direct employment of school-based mental health (a) services providers to expand and enhance school-based student 319 services and to reduce the ratio of students to staff in order 320 to better align with nationally recommended ratio models. The 321 322 providers shall include, but are not limited to, certified 323 school counselors, school psychologists, school social workers, 324 and other licensed mental health professionals. The plan must 325 also identify strategies to increase the amount of time that 326 school-based student services personnel spend providing direct 327 services to students, which may include the review and revision of district staffing resource allocations based on school or 328 329 student mental health assistance needs.

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

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336 counseling, psychiatric or psychological services, trauma-337 informed care, mobile crisis services, and behavior 338 modification. These behavioral health services may be provided 339 on or off the school campus and may be supplemented by 340 telehealth as defined in s. 456.47(1).

341 (c) Policies and procedures, including contracts with 342 service providers, which will ensure that:

Students referred to a school-based or community-based 343 1. mental health service provider for mental health screening for 344 the identification of mental health concerns and students at 345 346 risk for mental health disorders are assessed within 15 days 347 after referral. School-based mental health services must be initiated within 15 days after identification and assessment, 348 349 and support by community-based mental health service providers 350 for students who are referred for community-based mental health 351 services must be initiated within 30 days after the school or 352 district makes a referral.

2. Parents of a student receiving services under this subsection are provided information about other behavioral health services available through the student's school or local community-based behavioral health services providers. A school may meet this requirement by providing information about and Internet addresses for web-based directories or guides for local behavioral health services.

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360 3. Individuals living in a household with a student 361 receiving services under this subsection are provided 362 information about behavioral health services available through 363 other delivery systems or payors for which such individuals may 364 qualify, if such services appear to be needed or enhancements in 365 such individuals' behavioral health would contribute to the 366 improved well-being of the student.

(d) Strategies or programs to reduce the likelihood of atrisk students developing social, emotional, or behavioral health problems; depression; anxiety disorders; suicidal tendencies; or substance use disorders.

(e) Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders; to improve the provision of early intervention services; and to assist students in dealing with trauma and violence.

376 (f) Procedures to assist a mental health services provider 377 or a behavioral health provider as described in paragraph (a) or 378 paragraph (b), respectively, or a school resource officer or 379 school safety officer who has completed mental health crisis intervention training in attempting to verbally de-escalate a 380 381 student's crisis situation before initiating an involuntary examination pursuant to s. 394.463. Such procedures must include 382 strategies to de-escalate a crisis situation for a student with 383 384 a developmental disability as defined in s. 393.063.

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385 Policies of the school district which must require (a) that in a student crisis situation, school or law enforcement 386 387 personnel must make a reasonable attempt to contact a mental 388 health professional who may initiate an involuntary examination 389 pursuant to s. 394.463, unless the child poses an imminent 390 danger to themselves or others, before initiating an involuntary 391 examination pursuant to s. 394.463. Such contact may be in 392 person or through telehealth. The mental health professional may 393 be available to the school district either by a contract or 394 interagency agreement with the managing entity, one or more 395 local community-based behavioral health providers, or the local 396 mobile response team, or be a direct or contracted school 397 district employee.

398 Section 10. For the purpose of incorporating the amendment 399 made by this act to section 394.468, Florida Statutes, in a 400 reference thereto, paragraph (g) of subsection (2) of section 401 394.463, Florida Statutes, is reenacted to read:

402

394.463 Involuntary examination.-

403

(2) INVOLUNTARY EXAMINATION.-

(g) The examination period must be for up to 72 hours and begins when a patient arrives at the receiving facility. For a minor, the examination shall be initiated within 12 hours after the patient's arrival at the facility. Within the examination period, one of the following actions must be taken, based on the individual needs of the patient:

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410 1. The patient shall be released, unless he or she is
411 charged with a crime, in which case the patient shall be
412 returned to the custody of a law enforcement officer;
413 2. The patient shall be released, subject to subparagraph
414 1., for voluntary outpatient treatment;

3. The patient, unless he or she is charged with a crime, shall be asked to give express and informed consent to placement as a voluntary patient and, if such consent is given, the patient shall be admitted as a voluntary patient; or

4. A petition for involuntary services shall be filed in 419 420 the circuit court or with the county court, as applicable. When 421 inpatient treatment is deemed necessary, the least restrictive 422 treatment consistent with the optimum improvement of the 423 patient's condition shall be made available. The petition shall 424 be filed by one of the petitioners specified in s. 394.467, and 425 the court shall dismiss an untimely filed petition. If a 426 patient's 72-hour examination period ends on a weekend or 427 holiday, including the hours before the ordinary business hours 428 on the morning of the next working day, and the receiving 429 facility:

a. Intends to file a petition for involuntary services,
such patient may be held at the facility through the next
working day thereafter and the petition must be filed no later
than such date. If the facility fails to file the petition by
the ordinary close of business on the next working day, the

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435 patient shall be released from the receiving facility following 436 approval pursuant to paragraph (f).

b. Does not intend to file a petition for involuntary services, the receiving facility may postpone release of a patient until the next working day thereafter only if a qualified professional documents that adequate discharge planning and procedures in accordance with s. 394.468, and approval pursuant to paragraph (f), are not possible until the next working day.

444 Section 11. For the purpose of incorporating the amendment 445 made by this act to section 394.495, Florida Statutes, in 446 references thereto, paragraph (c) of subsection (2) and 447 subsection (6) of section 394.4955, Florida Statutes, are 448 reenacted to read:

394.4955 Coordinated system of care; child and adolescentmental health treatment and support.—

(2)

451

(c) To the extent permitted by available resources, the coordinated system of care shall include the array of services listed in s. 394.495.

(6) The managing entity shall identify gaps in the arrays
of services for children and adolescents listed in s. 394.495
available under each plan and include relevant information in
its annual needs assessment required by s. 394.9082.

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459 Section 12. For the purpose of incorporating the amendment 460 made by this act to section 1004.44, Florida Statutes, in a 461 reference thereto, subsection (7) of section 1001.212, Florida 462 Statutes, is reenacted to read:

463 1001.212 Office of Safe Schools.-There is created in the Department of Education the Office of Safe Schools. The office 464 465 is fully accountable to the Commissioner of Education. The 466 office shall serve as a central repository for best practices, 467 training standards, and compliance oversight in all matters regarding school safety and security, including prevention 468 efforts, intervention efforts, and emergency preparedness 469 470 planning. The office shall:

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

Section 13. This act shall take effect July 1, 2025.

TITLE AMENDMENT

Remove everything before the enacting clause and insert:

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483 An act relating to mental health and substance use 484 disorders; amending s. 394.457, F.S.; requiring the 485 Department of Children and Families to require certain 486 providers to use a specified assessment tool; revising the minimum standards for a mobile crisis response 487 service; amending s. 394.459, F.S.; requiring 488 489 facilities to update treatment plans within specified timeframes; amending s. 394.468, F.S.; revising 490 491 requirements for discharge planning regarding 492 medications; amending s. 394.495, F.S.; requiring use 493 of a specified assessment; providing exceptions; 494 requiring the Department of Children and Families, in 495 consultation with the Department of Education, to 496 conduct a review biennially of school-based behavioral 497 health access through telehealth; providing 498 requirements for report content; requiring the 499 Department of Children and Families to submit its 500 findings to the Governor and the Legislature by a 501 specified date every other year; providing for 502 expiration of the subsection; amending s. 394.659, 503 F.S.; requiring the Criminal Justice, Mental Health, 504 and Substance Abuse Technical Assistance Center at the Louis de la Parte Florida Mental Health Institute at 505 506 the University of South Florida to disseminate certain evidence-based practices and best practices among 507 221259 - h1439-strike.docx

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508 grantees; providing a definition; amending s. 394.875, 509 F.S.; requiring the Department of Children and 510 Families, in consultation with the Agency for Health Care Administration, to conduct a review every other 511 512 year to identify needs regarding short-term residential treatment facilities and beds; specifying 513 514 actions the department must take under certain 515 conditions; amending s. 394.9082, F.S.; adding to duties of managing entities to promote use of person-516 517 first language and trauma-informed care and require use of a specified assessment tool; reamending s. 518 519 1004.44, F.S.; revising the assistance and services 520 the Louis de la Parte Florida Mental Health Institute 521 is required to provide; revising the requirements of 522 the Florida Center for Behavioral Health Workforce to 523 promote behavioral health professions; amending s. 524 1006.041, F.S.; revising the plan components for 525 mental health assistance programs; amending s. 526 394.9082, F.S.; defining the term "person-first 527 language"; reenacting s. 394.463(2)(g), F.S., relating 528 to involuntary examination, to incorporate the 529 amendment made to s. 394.468, F.S., in a reference thereto; reenacting s. 394.4955(2)(c) and (6), F.S., 530 relating to coordinated system of care and child and 531 532 adolescent mental health treatment and support, to 221259 - h1439-strike.docx

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533	incorporate the amendment made to s. 394.495, F.S., in
534	references thereto; reenacting s. 1001.212(7), F.S.,
535	relating to the Office of Safe Schools, to incorporate
536	the amendment made to s. 1004.44, F.S., in a reference
537	thereto; providing an effective date.

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