

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 and  
4           guardian 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 and guardian  
11          notification requirements that must be met before  
12          conducting an involuntary examination of a minor who  
13          is removed from school, school transportation, or a  
14          school-sponsored activity; providing an exception;  
15          amending s. 1002.33, F.S.; revising parent and  
16          guardian notification requirements that must be met  
17          before an involuntary examination of a minor who is  
18          removed from a charter school, charter school  
19          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 de-escalate  
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 designee deems the delay to be in the  
140 student's best interest and ~~if~~ a report has been submitted to  
141 the central abuse hotline, pursuant to s. 39.201, based upon  
142 knowledge or suspicion of abuse, abandonment, or neglect; or

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

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

149 Section 5. Paragraph (q) of subsection (9) of section  
150 1002.33, Florida Statutes, is amended to read:

151 1002.33 Charter schools.—

152 (9) CHARTER SCHOOL REQUIREMENTS.—

153 (q) The charter school principal or the principal's  
154 designee shall ~~immediately~~ notify the parent of a student before  
155 the student ~~who~~ is removed from school, school transportation,  
156 or a school-sponsored activity to be ~~and~~ taken to a receiving  
157 facility for an involuntary examination pursuant to s. 394.463.  
158 The principal or the principal's designee may delay notification  
159 for no more than 24 hours after the student is removed if:

160 1. The principal or designee deems the delay to be in the  
161 student's best interest and ~~if~~ a report has been submitted to  
162 the central abuse hotline, pursuant to s. 39.201, based upon  
163 knowledge or suspicion of abuse, abandonment, or neglect; or

164 2. The principal or principal's designee reasonably  
165 believes that such delay is necessary to avoid jeopardizing the  
166 health and safety of the student.

167

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

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

172 1006.07 District school board duties relating to student  
173 discipline and school safety.—The district school board shall  
174 provide for the proper accounting for all students, for the

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175 attendance and control of students at school, and for proper  
176 attention to health, safety, and other matters relating to the  
177 welfare of students, including:

178 (10) REPORTING OF INVOLUNTARY EXAMINATIONS.—Each district  
179 school board shall adopt a policy to require the district  
180 superintendent to annually report to the department the number  
181 of involuntary examinations, as defined in s. 394.463, which are  
182 initiated at a school, on school transportation, or at a school-  
183 sponsored activity.

184 Section 7. Present paragraph (c) of subsection (2) of  
185 section 1006.12, Florida Statutes, is redesignated as paragraph  
186 (d), and a new paragraph (c) is added to that subsection, to  
187 read:

188 1006.12 Safe-school officers at each public school.—For the  
189 protection and safety of school personnel, property, students,  
190 and visitors, each district school board and school district  
191 superintendent shall partner with law enforcement agencies or  
192 security agencies to establish or assign one or more safe-school  
193 officers at each school facility within the district, including  
194 charter schools. A district school board must collaborate with  
195 charter school governing boards to facilitate charter school  
196 access to all safe-school officer options available under this  
197 section. The school district may implement any combination of  
198 the options in subsections (1)-(4) to best meet the needs of the  
199 school district and charter schools.

200 (2) SCHOOL SAFETY OFFICER.—A school district may commission  
201 one or more school safety officers for the protection and safety  
202 of school personnel, property, and students within the school  
203 district. The district school superintendent may recommend, and

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204 the district school board may appoint, one or more school safety  
205 officers.

206 (c) School safety officers must complete mental health  
207 crisis intervention training using a curriculum developed by a  
208 national organization with expertise in mental health crisis  
209 intervention. The training shall improve officers' knowledge and  
210 skills as first responders to incidents involving students with  
211 emotional disturbance or mental illness, including de-escalation  
212 skills to ensure student and officer safety.

213

214 If a district school board, through its adopted policies,  
215 procedures, or actions, denies a charter school access to any  
216 safe-school officer options pursuant to this section, the school  
217 district must assign a school resource officer or school safety  
218 officer to the charter school. Under such circumstances, the  
219 charter school's share of the costs of the school resource  
220 officer or school safety officer may not exceed the safe school  
221 allocation funds provided to the charter school pursuant to s.  
222 1011.62(15) and shall be retained by the school district.

223 Section 8. Paragraph (b) of subsection (16) of section  
224 1011.62, Florida Statutes, is amended to read:

225 1011.62 Funds for operation of schools.—If the annual  
226 allocation from the Florida Education Finance Program to each  
227 district for operation of schools is not determined in the  
228 annual appropriations act or the substantive bill implementing  
229 the annual appropriations act, it shall be determined as  
230 follows:

231 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health  
232 assistance allocation is created to provide funding to assist



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233 school districts in establishing or expanding school-based  
234 mental health care; train educators and other school staff in  
235 detecting and responding to mental health issues; and connect  
236 children, youth, and families who may experience behavioral  
237 health issues with appropriate services. These funds shall be  
238 allocated annually in the General Appropriations Act or other  
239 law to each eligible school district. Each school district shall  
240 receive a minimum of \$100,000, with the remaining balance  
241 allocated based on each school district's proportionate share of  
242 the state's total unweighted full-time equivalent student  
243 enrollment. Charter schools that submit a plan separate from the  
244 school district are entitled to a proportionate share of  
245 district funding. The allocated funds may not supplant funds  
246 that are provided for this purpose from other operating funds  
247 and may not be used to increase salaries or provide bonuses.  
248 School districts are encouraged to maximize third-party health  
249 insurance benefits and Medicaid claiming for services, where  
250 appropriate.

251 (b) The plans required under paragraph (a) must be focused  
252 on a multitiered system of supports to deliver evidence-based  
253 mental health care assessment, diagnosis, intervention,  
254 treatment, and recovery services to students with one or more  
255 mental health or co-occurring substance abuse diagnoses and to  
256 students at high risk of such diagnoses. The provision of these  
257 services must be coordinated with a student's primary mental  
258 health care provider and with other mental health providers  
259 involved in the student's care. At a minimum, the plans must  
260 include the following elements:

261 1. Direct employment of school-based mental health services

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262 providers to expand and enhance school-based student services  
263 and to reduce the ratio of students to staff in order to better  
264 align with nationally recommended ratio models. These providers  
265 include, but are not limited to, certified school counselors,  
266 school psychologists, school social workers, and other licensed  
267 mental health professionals. The plan also must identify  
268 strategies to increase the amount of time that school-based  
269 student services personnel spend providing direct services to  
270 students, which may include the review and revision of district  
271 staffing resource allocations based on school or student mental  
272 health assistance needs.

273       2. Contracts or interagency agreements with one or more  
274 local community behavioral health providers or providers of  
275 Community Action Team services to provide a behavioral health  
276 staff presence and services at district schools. Services may  
277 include, but are not limited to, mental health screenings and  
278 assessments, individual counseling, family counseling, group  
279 counseling, psychiatric or psychological services, trauma-  
280 informed care, mobile crisis services, and behavior  
281 modification. These behavioral health services may be provided  
282 on or off the school campus and may be supplemented by  
283 telehealth.

284       3. Policies and procedures, including contracts with  
285 service providers, which will ensure that students who are  
286 referred to a school-based or community-based mental health  
287 service provider for mental health screening for the  
288 identification of mental health concerns and ensure that the  
289 assessment of students at risk for mental health disorders  
290 occurs within 15 days of referral. School-based mental health

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291 services must be initiated within 15 days after identification  
292 and assessment, and support by community-based mental health  
293 service providers for students who are referred for community-  
294 based mental health services must be initiated within 30 days  
295 after the school or district makes a referral.

296 4. Strategies or programs to reduce the likelihood of at-  
297 risk students developing social, emotional, or behavioral health  
298 problems, depression, anxiety disorders, suicidal tendencies, or  
299 substance use disorders.

300 5. Strategies to improve the early identification of  
301 social, emotional, or behavioral problems or substance use  
302 disorders, to improve the provision of early intervention  
303 services, and to assist students in dealing with trauma and  
304 violence.

305 6. Procedures to assist a mental health services provider  
306 or a behavioral health provider as described in subparagraph 1.  
307 or subparagraph 2., respectively, or a school resource officer  
308 or school safety officer who has completed mental health crisis  
309 intervention training in attempting to verbally de-escalate a  
310 student's crisis situation before initiating an involuntary  
311 examination pursuant to s. 394.463. Such procedures must include  
312 strategies to de-escalate a crisis situation for a student with  
313 a developmental disability as that term is defined in s.  
314 393.063.

315 7. A memorandum of understanding with a local mobile crisis  
316 response service. Policies of the school district and the terms  
317 of the memorandum of understanding must require that, in a  
318 student crisis situation, school or law enforcement personnel  
319 must contact the local mobile crisis response service before

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320 initiating an involuntary examination pursuant to s. 394.463.  
321 Such contact may be in person or by using telehealth as defined  
322 in s. 456.47. School districts shall provide all school resource  
323 officers and school safety officers with training on protocols  
324 established under the memorandum of understanding developed  
325 pursuant to this subparagraph.

326 Section 9. This act shall take effect July 1, 2020.