	LEGISLATIVE ACTION	
Senate		House
Comm: RCS		
02/05/2020		
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The Committee on Children, Families, and Elder Affairs (Powell) recommended the following:

# Senate Amendment (with title amendment)

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Delete everything after the enacting clause and insert:

Section 1. Subsection (4) is added to section 394.493, Florida Statutes, to read:

394.493 Target populations for child and adolescent mental health services funded through the department.-

(4) Beginning with fiscal year 2020-2021 through fiscal year 2021-2022, the department and the Agency for Health Care

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Administration shall identify children and adolescents who are the highest utilizers of crisis stabilization services. The department and agency shall collaboratively take appropriate action within available resources to meet the behavioral health needs of such children and adolescents more effectively, and shall jointly submit to the Legislature a quarterly report listing the actions taken by both agencies to better serve such children and adolescents. Section 2. Paragraph (q) is added to subsection (4) of section 394.495, Florida Statutes, and subsection (7) is added

to that section, to read:

394.495 Child and adolescent mental health system of care; programs and services.-

- (4) The array of services may include, but is not limited to:
- (q) Crisis response services provided through mobile response teams.
- (7) (a) The department shall contract with managing entities for mobile response teams throughout the state to provide immediate, onsite behavioral health crisis services to children, adolescents, and young adults ages 18 to 25, inclusive, who:
  - 1. Have an emotional disturbance;
  - 2. Are experiencing an acute mental or emotional crisis;
- 3. Are experiencing escalating emotional or behavioral reactions and symptoms that impact their ability to function typically within the family, living situation, or community environment; or
- 4. Are served by the child welfare system and are experiencing or are at high risk of placement instability.

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- 40 (b) A mobile response team shall, at a minimum: 41 1. Respond to new requests for services within 60 minutes 42 after such requests are made. 43 2. Respond to a crisis in the location where the crisis is occurring. 44
  - 3. Provide behavioral health crisis-oriented services that are responsive to the needs of the child, adolescent, or young adult and his or her family.
  - 4. Provide evidence-based practices to children, adolescents, young adults, and families to enable them to independently and effectively deescalate and respond to behavioral challenges that they are facing and to reduce the potential for future crises.
  - 5. Provide screening, standardized assessments, early identification, and referrals to community services.
  - 6. Engage the child, adolescent, or young adult and his or her family as active participants in every phase of the treatment process whenever possible.
  - 7. Develop a care plan for the child, adolescent, or young adult.
  - 8. Provide care coordination by facilitating the transition to ongoing services.
  - 9. Ensure there is a process in place for informed consent and confidentiality compliance measures.
  - 10. Promote information sharing and the use of innovative technology.
  - 11. Coordinate with the managing entity within the service location and other key entities providing services and supports to the child, adolescent, or young adult and his or her family,

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including, but not limited to, the child, adolescent, or young adult's school, the local educational multiagency network for severely emotionally disturbed students under s. 1006.04, the child welfare system, and the juvenile justice system.

- (c) When procuring mobile response teams, the managing entity must, at a minimum:
- 1. Collaborate with local sheriff's offices and public schools in the planning, development, evaluation, and selection processes.
- 2. Require that services be made available 24 hours per day, 7 days per week, with onsite response time to the location of the referred crisis within 60 minutes after the request for services is made.
- 3. Require the provider to establish response protocols with local law enforcement agencies, local community-based care lead agencies as defined in s. 409.986(3), the child welfare system, and the Department of Juvenile Justice. The response protocol with a school district shall be consistent with the model response protocol developed under s. 1004.44.
- 4. Require access to a board-certified or board-eligible psychiatrist or psychiatric nurse practitioner.
- 5. Require mobile response teams to refer children, adolescents, or young adults and their families to an array of crisis response services that address individual and family needs, including screening, standardized assessments, early identification, and community services as necessary to address the immediate crisis event.

Section 3. Section 394.4955, Florida Statutes, is created to read:

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394.4955 Coordinated system of care; child and adolescent mental health treatment and support.-(1) Pursuant to s. 394.9082(5)(d), each managing entity

shall develop a plan that promotes the development and effective implementation of a coordinated system of care which integrates services provided through providers funded by the state's childserving systems and facilitates access by children and adolescents, as resources permit, to needed mental health treatment and services at any point of entry regardless of the time of year, intensity, or complexity of the need, and other systems with which such children and adolescents are involved, as well as treatment and services available through other systems for which they would qualify.

(2) (a) The managing entity shall lead a planning process that includes, but is not limited to, children and adolescents with behavioral health needs and their families; behavioral health service providers; law enforcement agencies; school districts or superintendents; the multiagency network for students with emotional or behavioral disabilities; the department; and representatives of the child welfare and juvenile justice systems, early learning coalitions, the Agency for Health Care Administration, Medicaid managed medical assistance plans, the Agency for Persons with Disabilities, the Department of Juvenile Justice, and other community partners. An organization receiving state funding must participate in the planning process if requested by the managing entity.

(b) The managing entity and collaborating organizations shall take into consideration the geographical distribution of the population, needs, and resources, and create separate plans



127 on an individual county or multi-county basis, as needed, to maximize collaboration and communication at the local level. 128 129 (c) To the extent permitted by available resources, the 130 coordinated system of care shall include the array of services 131 listed in s. 394.495. 132 (d) Each plan shall integrate with the local plan developed under s. 394.4573. 133 134 (3) By July 1, 2021, the managing entity shall complete the plans developed under this section and submit them to the 135 136 department. By July 1, 2022, the entities involved in the planning process shall implement the coordinated system of care 137 138 specified in each plan. The managing entity and collaborating 139 organizations shall review and update the plans, as necessary, 140 at least every 3 years thereafter. 141 (4) The managing entity and collaborating organizations 142 shall create integrated service delivery approaches within 143 current resources that facilitate parents and caregivers 144 obtaining services and support by making referrals to 145 specialized treatment providers, if necessary, with follow up to 146 ensure services are received. (5) The managing entity and collaborating organizations 147 shall document each coordinated system of care for children and 148 149 adolescents through written memoranda of understanding or other 150 binding arrangements. 151 (6) The managing entity shall identify gaps in the arrays 152 of services for children and adolescents listed in s. 394.495 153 available under each plan and include relevant information in

Section 4. Paragraph (c) of subsection (3) and paragraphs

its annual needs assessment required by s. 394.9082.

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156 (b) and (d) of subsection (5) of section 394.9082, Florida Statutes, are amended, and paragraph (t) is added to subsection 157 158 (5) of that section, to read:

394.9082 Behavioral health managing entities.-

- (3) DEPARTMENT DUTIES.—The department shall:
- (c) Define the priority populations that will benefit from receiving care coordination. In defining such populations, the department shall take into account the availability of resources and consider:
- 1. The number and duration of involuntary admissions within a specified time.
- 2. The degree of involvement with the criminal justice system and the risk to public safety posed by the individual.
- 3. Whether the individual has recently resided in or is currently awaiting admission to or discharge from a treatment facility as defined in s. 394.455.
  - 4. The degree of utilization of behavioral health services.
- 5. Whether the individual is a parent or caregiver who is involved with the child welfare system.
- 6. Whether the individual is an adolescent, as defined in s. 394.492, who requires assistance in transitioning to services provided in the adult system of care.
  - (5) MANAGING ENTITY DUTIES.—A managing entity shall:
- (b) Conduct a community behavioral health care needs assessment every 3 years in the geographic area served by the managing entity which identifies needs by subregion. The process for conducting the needs assessment shall include an opportunity for public participation. The assessment shall include, at a minimum, the information the department needs for its annual

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report to the Governor and Legislature pursuant to s. 394.4573. The assessment shall also include a list and descriptions of any gaps in the arrays of services for children or adolescents identified pursuant to s. 394.4955 and recommendations for addressing such gaps. The managing entity shall provide the needs assessment to the department.

- (d) Promote the development and effective implementation of a coordinated system of care pursuant to ss. 394.4573 and 394.495 <del>s. 394.4573</del>.
- (t) Promote the use of available crisis intervention services by requiring contracted providers to provide contact information for mobile response teams established under s. 394.495 to parents and caregivers of children, adolescents, and young adults between ages 18 and 25, inclusive, who receive safety-net behavioral health services.

Section 5. Paragraph (b) of subsection (14) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.

(14)

- (b) As a condition of licensure, foster parents shall successfully complete preservice training. The preservice training shall be uniform statewide and shall include, but not be limited to, such areas as:
- 1. Orientation regarding agency purpose, objectives, resources, policies, and services;
  - 2. Role of the foster parent as a treatment team member;
  - 3. Transition of a child into and out of foster care,

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214 including issues of separation, loss, and attachment;

- 4. Management of difficult child behavior that can be intensified by placement, by prior abuse or neglect, and by prior placement disruptions;
  - 5. Prevention of placement disruptions;
- 6. Care of children at various developmental levels, including appropriate discipline; and
- 7. Effects of foster parenting on the family of the foster parent; and
- 8. Information about and contact information for the local mobile response team as a means for addressing a behavioral health crisis or preventing placement disruption.

Section 6. Paragraph (c) of subsection (2) of section 409.967, Florida Statutes, is amended to read:

- 409.967 Managed care plan accountability.-
- (2) The agency shall establish such contract requirements as are necessary for the operation of the statewide managed care program. In addition to any other provisions the agency may deem necessary, the contract must require:
  - (c) Access.-
- 1. The agency shall establish specific standards for the number, type, and regional distribution of providers in managed care plan networks to ensure access to care for both adults and children. Each plan must maintain a regionwide network of providers in sufficient numbers to meet the access standards for specific medical services for all recipients enrolled in the plan. The exclusive use of mail-order pharmacies may not be sufficient to meet network access standards. Consistent with the standards established by the agency, provider networks may

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include providers located outside the region. A plan may contract with a new hospital facility before the date the hospital becomes operational if the hospital has commenced construction, will be licensed and operational by January 1, 2013, and a final order has issued in any civil or administrative challenge. Each plan shall establish and maintain an accurate and complete electronic database of contracted providers, including information about licensure or registration, locations and hours of operation, specialty credentials and other certifications, specific performance indicators, and such other information as the agency deems necessary. The database must be available online to both the agency and the public and have the capability to compare the availability of providers to network adequacy standards and to accept and display feedback from each provider's patients. Each plan shall submit quarterly reports to the agency identifying the number of enrollees assigned to each primary care provider. The agency shall conduct, or contract for, systematic and continuous testing of the provider network databases maintained by each plan to confirm accuracy, confirm that behavioral health providers are accepting enrollees, and confirm that enrollees have access to behavioral health services.

2. Each managed care plan must publish any prescribed drug formulary or preferred drug list on the plan's website in a manner that is accessible to and searchable by enrollees and providers. The plan must update the list within 24 hours after making a change. Each plan must ensure that the prior authorization process for prescribed drugs is readily accessible to health care providers, including posting appropriate contact

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information on its website and providing timely responses to providers. For Medicaid recipients diagnosed with hemophilia who have been prescribed anti-hemophilic-factor replacement products, the agency shall provide for those products and hemophilia overlay services through the agency's hemophilia disease management program.

- 3. Managed care plans, and their fiscal agents or intermediaries, must accept prior authorization requests for any service electronically.
- 4. Managed care plans serving children in the care and custody of the Department of Children and Families must maintain complete medical, dental, and behavioral health encounter information and participate in making such information available to the department or the applicable contracted community-based care lead agency for use in providing comprehensive and coordinated case management. The agency and the department shall establish an interagency agreement to provide quidance for the format, confidentiality, recipient, scope, and method of information to be made available and the deadlines for submission of the data. The scope of information available to the department shall be the data that managed care plans are required to submit to the agency. The agency shall determine the plan's compliance with standards for access to medical, dental, and behavioral health services; the use of medications; and followup on all medically necessary services recommended as a result of early and periodic screening, diagnosis, and treatment.

Section 7. Paragraph (f) of subsection (1) of section 409.988, Florida Statutes, is amended to read:



301 409.988 Lead agency duties; general provisions.-302 (1) DUTIES.—A lead agency: 303 (f) Shall ensure that all individuals providing care for 304 dependent children receive: 305 1. Appropriate training and meet the minimum employment 306 standards established by the department. 307 2. Contact information for the local mobile response team 308 established under s. 394.495. 309 Section 8. Subsection (4) of section 985.601, Florida 310 Statutes, is amended to read: 311 985.601 Administering the juvenile justice continuum.-312 (4) The department shall maintain continuing cooperation 313 with the Department of Education, the Department of Children and 314 Families, the Department of Economic Opportunity, and the 315 Department of Corrections for the purpose of participating in 316 agreements with respect to dropout prevention and the reduction 317 of suspensions, expulsions, and truancy; increased access to and 318 participation in high school equivalency diploma, vocational, 319 and alternative education programs; and employment training and 320 placement assistance. The cooperative agreements between the 321 departments shall include an interdepartmental plan to cooperate 322 in accomplishing the reduction of inappropriate transfers of 323 children into the adult criminal justice and correctional 324 systems. As part of its continuing cooperation, the department 325 shall participate in the planning process for promoting a 326 coordinated system of care for children and adolescents pursuant to s. <u>394.4955.</u> 327 328 Section 9. Subsection (5) is added to section 1003.02,

Florida Statutes, to read:

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1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

(5) Participate in the planning process for promoting a coordinated system of care for children and adolescents pursuant to s. 394.4955.

Section 10. Present subsection (4) of section 1004.44, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

1004.44 Louis de la Parte Florida Mental Health Institute.-There is established the Louis de la Parte Florida Mental Health Institute within the University of South Florida.

(4) By August 1, 2020, the institute shall develop a model response protocol for schools to use mobile response teams established under s. 394.495. In developing the protocol, the institute shall, at a minimum, consult with school districts that effectively use such teams, school districts that use such teams less often, local law enforcement agencies, the Department of Children and Families, managing entities as defined in s.



394.9082(2), and mobile response team providers.

Section 11. Paragraph (c) of subsection (1) of section 1006.04, Florida Statutes, is amended to read:

1006.04 Educational multiagency services for students with severe emotional disturbance.-

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- (c) The multiagency network shall:
- 1. Support and represent the needs of students in each school district in joint planning with fiscal agents of children's mental health funds, including the expansion of school-based mental health services, transition services, and integrated education and treatment programs.
- 2. Improve coordination of services for children with or at risk of emotional or behavioral disabilities and their families by assisting multi-agency collaborative initiatives to identify critical issues and barriers of mutual concern and develop local response systems that increase home and school connections and family engagement.
- 3. Increase parent and youth involvement and development with local systems of care.
- 4. Facilitate student and family access to effective services and programs for students with and at risk of emotional or behavioral disabilities that include necessary educational, residential, and mental health treatment services, enabling these students to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living.
- 5. Participate in the planning process for promoting a coordinated system of care for children and adolescents pursuant



to s. 394.4955.

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Section 12. Paragraph (b) of subsection (16) of section 1011.62, Florida Statutes, is amended to read:

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

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

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- (b) The plans required under paragraph (a) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plans must include the following elements:
- 1. Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. These providers include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan also must identify strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.
- 2. An interagency agreement or memorandum of understanding with the managing entity, as defined in s. 394.9082(2), that facilitates referrals of students to community-based services and coordinates care for students served by school-based and community-based providers. Such agreement or memorandum of understanding must address the sharing of records and information as authorized under s. 1006.07(7)(d) to coordinate

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care and increase access to appropriate services.

3.2. 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 counseling, psychiatric or psychological services, traumainformed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth.

- 4.3. Policies and procedures, including contracts with service providers, which will ensure that:
- a. Parents of students are provided information about behavioral health services available through the students' school or local community-based behavioral health services providers, including, but not limited to, the mobile response team as established in s. 394.495 serving their area. A school may meet this requirement by providing information about and Internet addresses for web-based directories or guides of local behavioral health services as long as such directories or guides are easily navigated and understood by individuals unfamiliar with behavioral health delivery systems or services and include specific contact information for local behavioral health providers.
- b. School districts use the services of the mobile response teams to the extent that such services are available. Each school district shall establish policies and procedures to carry

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out the model response protocol developed under s. 1004.44.

- c. Students who are referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and ensure that the assessment of students at risk for mental health disorders occurs within 15 days of referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.
- d. Referrals to behavioral health services available through other delivery systems or payors for which a student or individuals living in the household of a student receiving services under this subsection may qualify, if such services appear to be needed or enhancements in those individuals' behavioral health would contribute to the improved well-being of the student.
- 5.4. 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.
- 6.5. 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.

Section 13. The Department of Children and Families and the Agency for Health Care Administration shall assess the quality



504 of care provided in crisis stabilization units to children and 505 adolescents who are high utilizers of crisis stabilization 506 services. The department and agency shall review current 507 standards of care for such settings applicable to licensure 508 under chapters 394 and 408, Florida Statutes, and designation 509 under s. 394.461, Florida Statutes; compare the standards to 510 other states' standards and relevant national standards; and 511 make recommendations for improvements to such standards. The 512 assessment and recommendations shall address, at a minimum, 513 efforts by each facility to gather and assess information 514 regarding each child or adolescent, to coordinate with other 515 providers treating the child or adolescent, and to create 516 discharge plans that comprehensively and effectively address the 517 needs of the child or adolescent to avoid or reduce his or her 518 future use of crisis stabilization services. The department and 519 agency shall jointly submit a report of their findings and 520 recommendations to the Governor, the President of the Senate, 521 and the Speaker of the House of Representatives by November 15, 522 2020. 523 Section 14. This act shall take effect July 1, 2020. 524 ========= T I T L E A M E N D M E N T ========== 525 526 And the title is amended as follows: 527 Delete everything before the enacting clause 528 and insert: A bill to be entitled 529 530 An act relating to children's mental health; amending s. 394.493, F.S.; requiring the Department of Children 531

and Families and the Agency for Health Care

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Administration to identify certain children and adolescents who use crisis stabilization services during specified fiscal years; requiring the department and agency to collaboratively meet the behavioral health needs of such children and adolescents and submit a quarterly report to the Legislature; amending s. 394.495, F.S.; including crisis response services provided through mobile response teams in the array of services available to children and adolescents; requiring the department to contract with managing entities for mobile response teams to provide certain services to certain children, adolescents, and young adults; providing requirements for such mobile response teams; providing requirements for managing entities when procuring mobile response teams; creating s. 394.4955, F.S.; requiring managing entities to develop a plan promoting the development of a coordinated system of care for certain services; providing requirements for the planning process; requiring each managing entity to submit such plan by a specified date; requiring the entities involved in the planning process to implement such plan by a specified date; requiring that such plan be reviewed and updated periodically; amending s. 394.9082, F.S.; revising the duties of the department relating to priority populations that will benefit from care coordination; requiring that a managing entity's behavioral health care needs assessment include certain information regarding gaps in certain

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services; requiring a managing entity to promote the use of available crisis intervention services; amending s. 409.175, F.S.; revising requirements relating to preservice training for foster parents; amending s. 409.967, F.S.; requiring the agency to conduct, or contract for, the testing of provider network databases maintained by Medicaid managed care plans for specified purposes; amending s. 409.988, F.S.; revising the duties of a lead agency relating to individuals providing care for dependent children; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to participate in the planning process for promoting a coordinated system of care for children and adolescents; amending s. 1003.02, F.S.; requiring each district school board to participate in the planning process for promoting a coordinated system of care; amending s. 1004.44, F.S.; requiring the Louis de la Parte Florida Mental Health Institute to develop, in consultation with other entities, a model response protocol for schools; amending s. 1006.04, F.S.; requiring the educational multiagency network to participate in the planning process for promoting a coordinated system of care; amending s. 1011.62, F.S.; revising the elements of a plan required for school district funding under the mental health assistance allocation; requiring the Department of Children and Families and the Agency for Health Care Administration to assess the quality of care provided in crisis stabilization units to certain

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children and adolescents; requiring the department and agency to review current standards of care for certain settings and make recommendations; requiring the department and agency to jointly submit a report to the Governor and the Legislature by a specified date; providing an effective date.