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CS/HB 899

2022 Legislature

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 2 An act relating to mental health of students; amending
 3 s. 394.463, F.S.; revising data the Department of
 4 Children and Families is required to analyze when
 5 creating its annual report on the initiation of
 6 certain involuntary examinations; amending s. 1002.33,
 7 F.S.; requiring charter schools to be in compliance
 8 with laws relating to reporting involuntary
 9 examinations; conforming cross-references; amending s.
 10 1006.07, F.S.; requiring district school boards to
 11 designate a mental health coordinator; providing
 12 requirements and duties for mental health
 13 coordinators; requiring the Department of Education,
 14 by a specified date, to share with the Department of
 15 Children and Families data received from school
 16 districts relating to involuntary examinations;
 17 amending s. 1011.62, F.S.; revising requirements for
 18 plans relating to mental health assistance
 19 allocations; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (4) of section 394.463, Florida
 24 Statutes, is amended to read:
 25 394.463 Involuntary examination.—

ENROLLED

CS/HB 899

2022 Legislature

26 (4) DATA ANALYSIS.—Using data collected under paragraph
 27 (2)(a) and s. 1006.07(10), the department shall, at a minimum,
 28 analyze data on both the initiation of involuntary examinations
 29 of children and the initiation of involuntary examinations of
 30 students who are removed from a school; identify any patterns or
 31 trends and cases in which involuntary examinations are
 32 repeatedly initiated on the same child or student; study root
 33 causes for such patterns, trends, or repeated involuntary
 34 examinations; and make recommendations to encourage the use of
 35 alternatives to eliminate inappropriate initiations of such
 36 examinations. The department shall submit a report on its
 37 findings and recommendations to the Governor, the President of
 38 the Senate, and the Speaker of the House of Representatives by
 39 November 1 of each odd-numbered year.

40 Section 2. Paragraph (b) of subsection (16) of section
 41 1002.33, Florida Statutes, is amended to read:

42 1002.33 Charter schools.—

43 (16) EXEMPTION FROM STATUTES.—

44 (b) Additionally, a charter school shall be in compliance
 45 with the following statutes:

46 1. Section 286.011, relating to public meetings and
 47 records, public inspection, and criminal and civil penalties.

48 2. Chapter 119, relating to public records.

49 3. Section 1003.03, relating to the maximum class size,
 50 except that the calculation for compliance pursuant to s.

ENROLLED

CS/HB 899

2022 Legislature

51 | 1003.03 shall be the average at the school level.
 52 | 4. Section 1012.22(1)(c), relating to compensation and
 53 | salary schedules.
 54 | 5. Section 1012.33(5), relating to workforce reductions.
 55 | 6. Section 1012.335, relating to contracts with
 56 | instructional personnel hired on or after July 1, 2011.
 57 | 7. Section 1012.34, relating to the substantive
 58 | requirements for performance evaluations for instructional
 59 | personnel and school administrators.
 60 | 8. Section 1006.12, relating to safe-school officers.
 61 | 9. Section 1006.07(7), relating to threat assessment
 62 | teams.
 63 | 10. Section 1006.07(9), relating to School Environmental
 64 | Safety Incident Reporting.
 65 | 11. Section 1006.07(10), relating to reporting of
 66 | involuntary examinations.
 67 | 12. Section 1006.1493, relating to the Florida Safe
 68 | Schools Assessment Tool.
 69 | ~~13.12.~~ Section 1006.07(6)(d) ~~1006.07(6)(e)~~, relating to
 70 | adopting an active assailant response plan.
 71 | ~~14.13.~~ Section 943.082(4)(b), relating to the mobile
 72 | suspicious activity reporting tool.
 73 | ~~15.14.~~ Section 1012.584, relating to youth mental health
 74 | awareness and assistance training.
 75 | Section 3. Subsections (6) and (10) of section 1006.07,

ENROLLED

CS/HB 899

2022 Legislature

76 Florida Statutes, are amended to read:

77 1006.07 District school board duties relating to student
78 discipline and school safety.—The district school board shall
79 provide for the proper accounting for all students, for the
80 attendance and control of students at school, and for proper
81 attention to health, safety, and other matters relating to the
82 welfare of students, including:

83 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
84 school superintendent shall establish policies and procedures
85 for the prevention of violence on school grounds, including the
86 assessment of and intervention with individuals whose behavior
87 poses a threat to the safety of the school community.

88 (a) School safety specialist.—Each district school
89 superintendent shall designate a school safety specialist for
90 the district. The school safety specialist must be a school
91 administrator employed by the school district or a law
92 enforcement officer employed by the sheriff's office located in
93 the school district. Any school safety specialist designated
94 from the sheriff's office must first be authorized and approved
95 by the sheriff employing the law enforcement officer. Any school
96 safety specialist designated from the sheriff's office remains
97 the employee of the office for purposes of compensation,
98 insurance, workers' compensation, and other benefits authorized
99 by law for a law enforcement officer employed by the sheriff's
100 office. The sheriff and the school superintendent may determine

ENROLLED

CS/HB 899

2022 Legislature

101 | by agreement the reimbursement for such costs, or may share the
102 | costs, associated with employment of the law enforcement officer
103 | as a school safety specialist. The school safety specialist must
104 | earn a certificate of completion of the school safety specialist
105 | training provided by the Office of Safe Schools within 1 year
106 | after appointment and is responsible for the supervision and
107 | oversight for all school safety and security personnel,
108 | policies, and procedures in the school district. The school
109 | safety specialist shall:

110 | 1. Review school district policies and procedures for
111 | compliance with state law and rules, including the district's
112 | timely and accurate submission of school environmental safety
113 | incident reports to the department pursuant to s. 1001.212(8).

114 | 2. Provide the necessary training and resources to
115 | students and school district staff in matters relating to youth
116 | mental health awareness and assistance; emergency procedures,
117 | including active shooter training; and school safety and
118 | security.

119 | 3. Serve as the school district liaison with local public
120 | safety agencies and national, state, and community agencies and
121 | organizations in matters of school safety and security.

122 | 4. In collaboration with the appropriate public safety
123 | agencies, as that term is defined in s. 365.171, by October 1 of
124 | each year, conduct a school security risk assessment at each
125 | public school using the Florida Safe Schools Assessment Tool

ENROLLED

CS/HB 899

2022 Legislature

126 developed by the Office of Safe Schools pursuant to s.
 127 1006.1493. Based on the assessment findings, the district's
 128 school safety specialist shall provide recommendations to the
 129 district school superintendent and the district school board
 130 which identify strategies and activities that the district
 131 school board should implement in order to address the findings
 132 and improve school safety and security. Each district school
 133 board must receive such findings and the school safety
 134 specialist's recommendations at a publicly noticed district
 135 school board meeting to provide the public an opportunity to
 136 hear the district school board members discuss and take action
 137 on the findings and recommendations. Each school safety
 138 specialist shall report such findings and school board action to
 139 the Office of Safe Schools within 30 days after the district
 140 school board meeting.

141 (b) Mental health coordinator.—Each district school board
 142 shall identify a mental health coordinator for the district. The
 143 mental health coordinator shall serve as the district's primary
 144 point of contact regarding the district's coordination,
 145 communication, and implementation of student mental health
 146 policies, procedures, responsibilities, and reporting,
 147 including:

148 1. Coordinating with the Office of Safe Schools,
 149 established pursuant to s. 1001.212.

150 2. Maintaining records and reports regarding student

ENROLLED

CS/HB 899

2022 Legislature

151 mental health as it relates to school safety and the mental
 152 health assistance allocation under s. 1011.62(14).

153 3. Facilitating the implementation of school district
 154 policies relating to the respective duties and responsibilities
 155 of the school district, the superintendent, and district school
 156 principals.

157 4. Coordinating with the school safety specialist on the
 158 staffing and training of threat assessment teams and
 159 facilitating referrals to mental health services, as
 160 appropriate, for students and their families.

161 5. Coordinating with the school safety specialist on the
 162 training and resources for students and school district staff
 163 relating to youth mental health awareness and assistance.

164 6. Reviewing annually the school district's policies and
 165 procedures related to student mental health for compliance with
 166 state law and alignment with current best practices and make
 167 recommendations, as needed, for amending such policies and
 168 procedures to the superintendent and the district school board.

169 (c) ~~(b)~~ School campus tours.—Each school safety specialist
 170 shall coordinate with the appropriate public safety agencies, as
 171 defined in s. 365.171, that are designated as first responders
 172 to a school's campus to conduct a tour of such campus once every
 173 3 years and provide recommendations related to school safety.
 174 The recommendations by the public safety agencies must be
 175 considered as part of the recommendations by the school safety

ENROLLED

CS/HB 899

2022 Legislature

176 specialist pursuant to paragraph (a).

177 ~~(d)(e)~~ Active assailant response plans.—Each district
178 school board and charter school governing board must adopt an
179 active assailant response plan. By October 1 of each year, 2019,
180 ~~and annually thereafter,~~ each district school superintendent and
181 charter school principal shall certify that all school personnel
182 have received annual training on the procedures contained in the
183 active assailant response plan for the applicable school
184 district or charter school.

185 (10) REPORTING OF INVOLUNTARY EXAMINATIONS.—Each district
186 school board shall adopt a policy to require the district
187 superintendent to annually report to the department the number
188 of involuntary examinations, as defined in s. 394.455, which are
189 initiated at a school, on school transportation, or at a school-
190 sponsored activity. By July 1 of each year, the department shall
191 share such data received from school districts during the
192 previous year with the Department of Children and Families.

193 Section 4. Paragraph (b) of subsection (14) of section
194 1011.62, Florida Statutes, is amended to read:

195 1011.62 Funds for operation of schools.—If the annual
196 allocation from the Florida Education Finance Program to each
197 district for operation of schools is not determined in the
198 annual appropriations act or the substantive bill implementing
199 the annual appropriations act, it shall be determined as
200 follows:

ENROLLED

CS/HB 899

2022 Legislature

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

221 (b) The plans required under paragraph (a) must be focused
 222 on a multitiered system of supports to deliver evidence-based
 223 mental health care assessment, diagnosis, intervention,
 224 treatment, and recovery services to students with one or more
 225 mental health or co-occurring substance abuse diagnoses and to

ENROLLED

CS/HB 899

2022 Legislature

226 students at high risk of such diagnoses. The provision of these
227 services must be coordinated with a student's primary mental
228 health care provider and with other mental health providers
229 involved in the student's care. At a minimum, the plans must
230 include the following elements:

231 1. Direct employment of school-based mental health
232 services providers to expand and enhance school-based student
233 services and to reduce the ratio of students to staff in order
234 to better align with nationally recommended ratio models. These
235 providers include, but are not limited to, certified school
236 counselors, school psychologists, school social workers, and
237 other licensed mental health professionals. The plan also must
238 identify strategies to increase the amount of time that school-
239 based student services personnel spend providing direct services
240 to students, which may include the review and revision of
241 district staffing resource allocations based on school or
242 student mental health assistance needs.

243 2. Contracts or interagency agreements with one or more
244 local community behavioral health providers or providers of
245 Community Action Team services to provide a behavioral health
246 staff presence and services at district schools. Services may
247 include, but are not limited to, mental health screenings and
248 assessments, individual counseling, family counseling, group
249 counseling, psychiatric or psychological services, trauma-
250 informed care, mobile crisis services, and behavior

ENROLLED

CS/HB 899

2022 Legislature

251 modification. These behavioral health services may be provided
252 on or off the school campus and may be supplemented by
253 telehealth.

254 3. Policies and procedures, including contracts with
255 service providers, which will ensure that:

256 a. Students referred to a school-based or community-based
257 mental health service provider for mental health screening for
258 the identification of mental health concerns and students at
259 risk for mental health disorders are assessed within 15 days of
260 referral. School-based mental health services must be initiated
261 within 15 days after identification and assessment, and support
262 by community-based mental health service providers for students
263 who are referred for community-based mental health services must
264 be initiated within 30 days after the school or district makes a
265 referral.

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

273 c. Individuals living in a household with a student
274 receiving services under this subsection are provided
275 information about behavioral health services available through

ENROLLED

CS/HB 899

2022 Legislature

276 other delivery systems or payors for which such individuals may
277 qualify, if such services appear to be needed or enhancements in
278 those individuals' behavioral health would contribute to the
279 improved well-being of the student ~~students who are referred to~~
280 ~~a school-based or community-based mental health service provider~~
281 ~~for mental health screening for the identification of mental~~
282 ~~health concerns and ensure that the assessment of students at~~
283 ~~risk for mental health disorders occurs within 15 days of~~
284 ~~referral. School-based mental health services must be initiated~~
285 ~~within 15 days after identification and assessment, and support~~
286 ~~by community-based mental health service providers for students~~
287 ~~who are referred for community-based mental health services must~~
288 ~~be initiated within 30 days after the school or district makes a~~
289 ~~referral.~~

290 4. Strategies or programs to reduce the likelihood of at-
291 risk students developing social, emotional, or behavioral health
292 problems, depression, anxiety disorders, suicidal tendencies, or
293 substance use disorders.

294 5. Strategies to improve the early identification of
295 social, emotional, or behavioral problems or substance use
296 disorders, to improve the provision of early intervention
297 services, and to assist students in dealing with trauma and
298 violence.

299 6. Procedures to assist a mental health services provider
300 or a behavioral health provider as described in subparagraph 1.

ENROLLED

CS/HB 899

2022 Legislature

301 or subparagraph 2., respectively, or a school resource officer
302 or school safety officer who has completed mental health crisis
303 intervention training in attempting to verbally de-escalate a
304 student's crisis situation before initiating an involuntary
305 examination pursuant to s. 394.463. Such procedures must include
306 strategies to de-escalate a crisis situation for a student with
307 a developmental disability as that term is defined in s.
308 393.063.

309 7. Policies of the school district must require that in a
310 student crisis situation, school or law enforcement personnel
311 must make a reasonable attempt to contact a mental health
312 professional who may initiate an involuntary examination
313 pursuant to s. 394.463, unless the child poses an imminent
314 danger to themselves or others, before initiating an involuntary
315 examination pursuant to s. 394.463. Such contact may be in
316 person or using telehealth as defined in s. 456.47. The mental
317 health professional may be available to the school district
318 either by contracts or interagency agreements with the managing
319 entity, one or more local community behavioral health providers,
320 or the local mobile response team or be a direct or contracted
321 school district employee.

322 Section 5. This act shall take effect July 1, 2022.