2020 Bill Highlights

HB 945—Children’s Mental Health by Representative Silvers (D- West Palm Beach) & Representative Webb (D- St. Petersburg)

Companion Bills: SB 1440- Senator Powell (D-West Palm Beach), HB 1083- Representative Webb (D- St. Petersburg)

Target Population: Children in need of mental health crisis services, students at risk of being involuntarily examined, public and charter school principals and their designees, public and charter school staff, law enforcement officers, Mobile Response Teams (MRTs), the Department of Children and Families (DCF), the Agency of Health Care Administration (AHCA).

Summary: Requires DCF/AHCA to identify those 25 and under who are the highest users of crisis stabilization services, so action can be taken to address their behavioral needs, and to submit a quarterly report on those actions. Requires that the Louis deParte Florida Mental Health Institute create best practices for Mobile Response Teams (MRTs). Requires public school and charter school principals to verify that de-escalation strategies have been exhausted and that outreach to a mobile response team has been initiated before
contacting a law enforcement officer to initiate an involuntary examination of a student, unless this action will likely increase harm to the student or other students. Requires DCF/AHCA to assess the quality of care provided in crisis stabilization units and compare these standards to those of other states in order to make recommendations for improvement.

**Impact:** The number of youth involuntarily examined in Florida, also called Baker Acted, has increased by nearly 50% in the past five years. As the state has addressed issues with the school-to-prison pipeline, that was sending children from acting out in school into the juvenile justice system, the numbers have decreased (dropped 40%) at the same time incidents of involuntary examination have increased. It is clear that schools do not have the tools needed to deal with troubled children while keeping their schools safe for all students.

A task force was convened by the Florida Legislature to study involuntary examinations of minors in 2017 in order to find solutions to this complex problem, providing recommendations such as increasing funding of mobile crisis teams and funding for an adequate network of early intervention services so that mental health issues among adolescents are addressed prior to becoming a crisis. After the tragic Majorary Stoneman Douglas shooting in 2018, the demand for more preventive measures in schools intensified.

This bill is a step forward in Florida’s path towards prevention, albeit a small one. This bill establishes a two-step verification process for principals before a student can be Baker Acted. The first step is verifying that de-escalation measures have been exhausted before initiating the Baker Act process. Strategies include refraining from using physical measures, listening to the student’s needs, refocusing on something positive, changing the subject of the conversation, and empathizing with the student to diffuse a potentially dangerous situation.
The second step requires that a Mobile Response Team (MRT) has been contacted before a student is Baker Acted. MRTs provide readily available crisis care in community-based settings and opportunities for diversion to alternative settings to avoid the need for jail or hospital/emergency department utilization.

This provision, while well intentioned, leaves space for subjectivity. The bill allows school principals to decide whether the delay caused by the two-step verification process puts the student in crisis or other students at risk of harm.

Other provisions of the bill require the Department of Children and Families and the Agency for Health Care Administration to evaluate the quality of crisis stabilization services provided to adolescents, identifying children who utilize these services the most, and comparing standards of these practices with those of other states. Conducting quality assessments as well as identifying high-need populations will hopefully improve services to adolescents in need of quality care moving forward and lead Florida towards prevention rather than emergency response. The creation of standards for Mobile Response Teams will provide best practices and help services be equitable across counties.

The Children’s Campaign supports legislation that reduces the overuse of the Baker Act for children and encourages access to mental health services to support families and keep them out of crisis.

**Effective Date:** Upon becoming a law.