



2021 Bill Highlights

As of 3/18/2021

SB 590 & HB 383– Involuntary Examination of Minors

Sponsors: Senator Harrell (R- Stuart) & Representative Plasencia (R- Orlando)

Target Population: Students at risk of being removed from school to undergo an involuntary mental health examination, their parents, school resource officers, and school staff.

Summary: Establishes guidelines and provisions for the handling of public and charter school students that are at risk of being pulled from school activities to undergo an involuntary mental health examination, otherwise known as the “Baker Act”, and requires school safety officers to undergo mental health crisis intervention and de-escalation training, including strategies for students with disabilities. Requires the District Superintendent for each county to report the annual number of the children from their district who are sent for involuntary examinations while in school or school-related activities. Requires parents to be notified of their child's involuntary examination before they leave school property except in cases where the principal determines the notification jeopardizes the health and safety of the student. Requires schools to include

procedures to assist a mental health provider, behavioral health provider, or a school resource/school safety officer in attempting to verbally deescalate a student's crisis before an involuntary examination is initiated to be included in the school's plan to be submitted in order to receive the mental health assistance allocation. Requires a memorandum of understanding with the local mobile crisis unit and requires the school to contact the local mobile crisis unit before sending a student for an involuntary examination to be included in the plan as well.

How the Bills Differ:

- SB 590 requires mental health and de escalation training for students with disabilities, mental health crisis training for school safety officers, schools to annually report the number of baker acts initiated on campus and DCF to specifically analyze them. It also requires de escalation techniques to be used during a potential baker act situation as well as a memorandum of understanding with the local mobile crisis unit. HB 383 does not include any of these provisions and only requires that parents be notified before the child is removed from school to undergo an involuntary examination.

Impact: In February 2020, a 6 year old Florida girl was “Baker Acted”, handcuffed, and placed in a police car. Her mother was not told this happened until her daughter was already on her way to a psychiatric facility. She was held for 48 hours and her mother wasn't permitted to see her until hours after she arrived at the facility. This traumatizing event is not an isolated incident. Under current Florida law, parents do not have to be notified before their child is taken from school for an involuntary mental health examination.



When “Baker Acted”, children - often those with disabilities, are forcibly restrained, handcuffed, and arrested without their or their parents consent. Once at the mental health facility, children can be held for up to 12 hours before receiving any treatment. This process can cause a child to be re-traumatized and escalate the mental health crisis that caused them to be there, often leading to a worsened mental condition upon release.

During the 2018-2019 school year, 37,882 Florida children received involuntary psychiatric examinations. This number is up nearly 70% since 2012. In the same time period, arrest rates for students in school fell nearly 50%. These statistics raise questions about the Baker Act being used as a disciplinary tool rather than its intended use as an emergency service for students who are at immediate risk of harming themselves or others.

SB 590 aims to address these rising numbers by better training school resource and safety officers in mental health intervention, alerting parents before their child is taken to a psychiatric facility, and requiring districts to report annually the number of students sent for involuntary examination from the school. The Children's Campaign supports legislation aimed to reduce the amount of kids being unnecessarily placed into a psychiatric facility for evaluation, as well as involving parents as quickly as possible when schools do have to remove a child for these examinations.

Effective Date: July 1st, 2021

