

1 A bill to be entitled

2 An act relating to involuntary examinations of minors;  
3 amending s. 381.0056, F.S.; revising the definition of  
4 the term "emergency health needs"; requiring school  
5 health services plans to include notification  
6 requirements when a student is removed from school,  
7 school transportation, or a school-sponsored activity  
8 for involuntary examination; amending s. 394.4599,  
9 F.S.; requiring a receiving facility to provide notice  
10 of the whereabouts of a minor patient held for  
11 involuntary examination; providing conditions for  
12 delay in notification; requiring documentation of  
13 contact attempts; amending ss. 1002.20 and 1002.33,  
14 F.S.; requiring a public school or charter school  
15 principal or a designee to provide notice of the  
16 whereabouts of a student removed from school, school  
17 transportation, or a school-sponsored activity for  
18 involuntary examination; providing conditions for  
19 delay in notification; requiring district school  
20 boards and charter school governing boards to develop  
21 notification policies and procedures; providing an  
22 effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Subsection (2) and paragraph (a) of subsection

27 (4) of section 381.0056, Florida Statutes, are amended to read:

28 381.0056 School health services program.—

29 (2) As used in this section, the term:

30 (a) "Emergency health needs" means onsite evaluation,  
31 management, and aid for illness or injury pending the student's  
32 return to the classroom or release to a parent, guardian,  
33 designated friend, law enforcement officer, or designated health  
34 care provider.

35 (b) "Entity" or "health care entity" means a unit of local  
36 government or a political subdivision of the state; a hospital  
37 licensed under chapter 395; a health maintenance organization  
38 certified under chapter 641; a health insurer authorized under  
39 the Florida Insurance Code; a community health center; a migrant  
40 health center; a federally qualified health center; an  
41 organization that meets the requirements for nonprofit status  
42 under s. 501(c)(3) of the Internal Revenue Code; a private  
43 industry or business; or a philanthropic foundation that agrees  
44 to participate in a public-private partnership with a county  
45 health department, local school district, or school in the  
46 delivery of school health services, and agrees to the terms and  
47 conditions for the delivery of such services as required by this  
48 section and as documented in the local school health services  
49 plan.

50 (c) "Invasive screening" means any screening procedure in  
51 which the skin or any body orifice is penetrated.

52 (d) "Physical examination" means a thorough evaluation of

53 the health status of an individual.

54 (e) "School health services plan" means the document that  
 55 describes the services to be provided, the responsibility for  
 56 provision of the services, the anticipated expenditures to  
 57 provide the services, and evidence of cooperative planning by  
 58 local school districts and county health departments.

59 (f) "Screening" means presumptive identification of  
 60 unknown or unrecognized diseases or defects by the application  
 61 of tests that can be given with ease and rapidity to apparently  
 62 healthy persons.

63 (4)(a) Each county health department shall develop,  
 64 jointly with the district school board and the local school  
 65 health advisory committee, a school health services plan~~.~~~~and~~  
 66 The plan must include, at a minimum, provisions for:

- 67 1. Health appraisal~~.~~~~†~~
- 68 2. Records review~~.~~~~†~~
- 69 3. Nurse assessment~~.~~~~†~~
- 70 4. Nutrition assessment~~.~~~~†~~
- 71 5. A preventive dental program~~.~~~~†~~
- 72 6. Vision screening~~.~~~~†~~
- 73 7. Hearing screening~~.~~~~†~~
- 74 8. Scoliosis screening~~.~~~~†~~
- 75 9. Growth and development screening~~.~~~~†~~
- 76 10. Health counseling~~.~~~~†~~
- 77 11. Referral and followup of suspected or confirmed health  
 78 problems by the local county health department~~.~~~~†~~

79 12. Meeting emergency health needs in each school.~~†~~

80 13. County health department personnel to assist school  
81 personnel in health education curriculum development.~~†~~

82 14. Referral of students to appropriate health treatment,  
83 in cooperation with the private health community whenever  
84 possible.~~†~~

85 15. Consultation with a student's parent or guardian  
86 regarding the need for health attention by the family physician,  
87 dentist, or other specialist when definitive diagnosis or  
88 treatment is indicated.~~†~~

89 16. Maintenance of records on incidents of health  
90 problems, corrective measures taken, and such other information  
91 as may be needed to plan and evaluate health programs; except,  
92 however, that provisions in the plan for maintenance of health  
93 records of individual students must be in accordance with s.  
94 1002.22.~~†~~

95 17. Health information which will be provided by the  
96 school health nurses, when necessary, regarding the placement of  
97 students in exceptional student programs and the reevaluation at  
98 periodic intervals of students placed in such programs.~~†~~ ~~and~~

99 18. Notification to the local nonpublic schools of the  
100 school health services program and the opportunity for  
101 representatives of the local nonpublic schools to participate in  
102 the development of the cooperative health services plan.

103 19. Immediate notification to a student's parent or  
104 guardian if the student is removed from school, school

105 transportation, or a school-sponsored activity and taken to a  
 106 receiving facility for an involuntary examination pursuant to s.  
 107 394.463, including the requirements established under ss.  
 108 1002.20(3) and 1002.33(9).

109 Section 2. Paragraphs (c) through (e) of subsection (2) of  
 110 section 394.4599, Florida Statutes, are redesignated as  
 111 paragraphs (d) through (f), respectively, paragraph (b) of that  
 112 subsection is amended, and a new paragraph (c) is added to that  
 113 subsection, to read:

114 394.4599 Notice.—

115 (2) INVOLUNTARY PATIENTS.—

116 (b) A receiving facility shall give prompt notice of the  
 117 whereabouts of an adult or emancipated minor a patient who is  
 118 being held involuntarily ~~held~~ for examination, in person or by  
 119 telephonic or other form of electronic communication ~~by~~  
 120 ~~telephone or in person~~ within 24 hours after the patient's  
 121 arrival at the facility, unless the patient requests that no  
 122 notification be made. Contact attempts shall be documented in  
 123 the patient's clinical record and shall begin as soon as  
 124 reasonably possible after the patient's arrival. Notice that a  
 125 patient is being admitted as an involuntary patient shall be  
 126 given to the Florida local advocacy council no later than the  
 127 next working day after the patient is admitted.

128 (c)1. A receiving facility shall give notice of the  
 129 whereabouts of a minor patient who is being held involuntarily  
 130 for examination pursuant to s. 394.463 to the patient's parent,

131 guardian, or guardian advocate in person or by telephonic or  
132 other form of electronic communication immediately after the  
133 patient's arrival at the facility. The facility may delay  
134 notification for no more than 24 hours if the facility has  
135 submitted a report to the central abuse hotline, pursuant to s.  
136 39.201, based upon knowledge or suspicion of abuse, abandonment,  
137 or neglect and deems delay in notification to be in the minor's  
138 best interest.

139 2. The receiving facility shall attempt to notify the  
140 minor patient's parent, guardian, or guardian advocate until the  
141 receiving facility receives confirmation from the parent,  
142 guardian, or guardian advocate, either verbally, by telephonic  
143 or other form of electronic communication, or by recorded  
144 message, that notification has been made. Attempts to notify the  
145 parent, guardian, or guardian advocate must be repeated at least  
146 once every hour during the first 12 hours after the patient's  
147 arrival and once every 24 hours thereafter and must continue  
148 until such confirmation is received, until the patient is  
149 released at the end of the 72-hour examination period, or until  
150 a petition for involuntary placement is filed with the court  
151 pursuant to s. 394.463(2) (i). A receiving facility may seek  
152 assistance from law enforcement if notification is not made  
153 within the first 24 hours after the patient's arrival. The  
154 receiving facility must document notification attempts in the  
155 patient's clinical record.

156 Section 3. Paragraph (1) is added to subsection (3) of

157 section 1002.20, Florida Statutes, to read:

158       1002.20 K-12 student and parent rights.—Parents of public  
159 school students must receive accurate and timely information  
160 regarding their child's academic progress and must be informed  
161 of ways they can help their child to succeed in school. K-12  
162 students and their parents are afforded numerous statutory  
163 rights including, but not limited to, the following:

164       (3) HEALTH ISSUES.—

165       (1) Notification of involuntary examinations.—The public  
166 school principal or the principal's designee shall immediately  
167 notify the parent of a student who is removed from school,  
168 school transportation, or a school-sponsored activity and taken  
169 to a receiving facility for an involuntary examination pursuant  
170 to s. 394.463. The principal or the principal's designee may  
171 delay notification for no more than 24 hours if the principal or  
172 designee deems the delay to be in the student's best interest  
173 and if a report has been submitted to the central abuse hotline,  
174 pursuant to s. 39.201, based upon knowledge or suspicion of  
175 abuse, abandonment, or neglect. Each district school board shall  
176 develop a policy and procedures for notification under this  
177 paragraph.

178       Section 4. Paragraph (q) is added to subsection (9) of  
179 section 1002.33, Florida Statutes, to read:

180       1002.33 Charter schools.—

181       (9) CHARTER SCHOOL REQUIREMENTS.—

182       (q) The charter school principal or the principal's

183 designee shall immediately notify the parent of a student who is  
184 removed from school, school transportation, or a school-  
185 sponsored activity and taken to a receiving facility for an  
186 involuntary examination pursuant to s. 394.463. The principal or  
187 the principal's designee may delay notification for no more than  
188 24 hours if the principal or designee deems the delay to be in  
189 the student's best interest and if a report has been submitted  
190 to the central abuse hotline, pursuant to s. 39.201, based upon  
191 knowledge or suspicion of abuse, abandonment, or neglect. Each  
192 charter school governing board shall develop a policy and  
193 procedures for notification under this paragraph.

194 Section 5. This act shall take effect July 1, 2015.