



HB 0343

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A bill to be entitled  
 An act relating to psychotropic medications; amending s. 39.401, F.S.; specifying that a parent's refusal to administer psychotropic medication to a child shall not constitute grounds for the Department of Children and Family Services to take the child into custody; providing exceptions; amending s. 1006.062, F.S.; requiring district school board policies to prohibit personnel from recommending the use of psychotropic medications for students; providing an effective date.

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

Section 1. Subsection (1) of section 39.401, Florida Statutes, is amended to read:

39.401 Taking a child alleged to be dependent into custody; law enforcement officers and authorized agents of the department.--

(1) A child may only be taken into custody:

(a) Pursuant to the provisions of this part, based upon sworn testimony, either before or after a petition is filed; or

(b) By a law enforcement officer, or an authorized agent of the department, if the officer or authorized agent has probable cause to support a finding:

1. That the child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment;

2. That the parent or legal custodian of the child has materially violated a condition of placement imposed by the court; or



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31 3. That the child has no parent, legal custodian, or  
32 responsible adult relative immediately known and available to  
33 provide supervision and care.

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35 The refusal of a parent, legal guardian, or other person having  
36 control of a child to administer or consent to the  
37 administration of any psychotropic medication to such child  
38 shall not, in and of itself, constitute grounds for the  
39 department to take such child into custody, or for any court of  
40 competent jurisdiction to order that such child be taken into  
41 custody by the department, unless such refusal causes such child  
42 to be a victim of neglect or abuse.

43 Section 2. Subsection (8) is added to section 1006.062,  
44 Florida Statutes, to read:

45 1006.062 Administration of medication and provision of  
46 medical services by district school board personnel.--

47 (8) Each district school board shall adopt and implement  
48 policies that prohibit all district school board personnel from  
49 recommending the use of psychotropic medications for any  
50 student. The provisions of this subsection shall not prohibit  
51 district school board medical personnel from recommending that a  
52 student be evaluated by an appropriate medical practitioner or  
53 prohibit district school board medical personnel from consulting  
54 with such a practitioner with the consent of the student's  
55 parent.

56 Section 3. This act shall take effect July 1, 2003.