

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Barreiro offered the following:

2
3 **Amendment (with title amendment)**

4 Remove line(s) 274-277 and insert:

5 Section 3. Subsections (8) and (9) are added to section
6 1003.57, Florida Statutes, to read:

7 1003.57 Exceptional students instruction.--Each district
8 school board shall provide for an appropriate program of special
9 instruction, facilities, and services for exceptional students
10 as prescribed by the State Board of Education as acceptable,
11 including provisions that:

12 (8) Before a public school student may be evaluated for an
13 emotional, behavioral, or mental disorder, the parent must be
14 fully informed of all known and potential consequences of and
15 alternatives for such evaluation, including, but not limited to,
16 the following:

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17 (a) The behaviors prompting the evaluation could be the
18 result of underlying physical conditions including but not
19 limited to one or more of the following: poor nutrition;
20 exposure to toxins, including, but not limited to, lead,
21 mercury, pesticides, and other neurotoxins; allergies; seizure
22 disorders; thyroid imbalances; or sleep deprivation.

23 (b) The parent may want to consider consulting a medical
24 doctor to rule out physical causes before pursuing psychological
25 or psychiatric evaluation for his or her child.

26 (c) Psychological and psychiatric evaluation and diagnosis
27 of mental and behavioral disorders are based on subjective
28 interpretation and not on objective medical tests or physical
29 markers, such as blood tests, brain scans, or X rays.

30 (d) Recommended treatment for emotional, behavioral, or
31 mental disorders may include psychotropic medications that may
32 have potential dangerous side effects, including suicidal and
33 psychotic behavior and other side effects listed in the package
34 insert currently approved by the United States Food and Drug
35 Administration for the medication.

36 (e) There are alternative interventions for mental and
37 behavioral disorders that do not include psychotropic
38 medications which the parent has the right to consider and use.
39 The specially designed instruction and related services of
40 special education programs are available to the child regardless
41 of the parent's choice of behavioral, mental, or medical care
42 for the child.

43 (9) The Department of Education shall provide a written
44 form to each school district that includes the information
45 required under subsection (8), which shall be provided to the
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46 parent of any child referred for evaluation of an emotional,
47 behavioral, or mental disorder or any other psychological or
48 psychiatric disorder. The informed consent form must contain a
49 provision for signed acknowledgement of having read the
50 information and consent or lack of consent provided by the
51 parent for the evaluation. The informed consent form shall be
52 provided to each parent concurrent with any procedural safeguard
53 notification provided to the parent of a student being
54 considered for inclusion in an exceptional student education
55 program.

56 Section 4. Section 1006.0625, Florida Statutes, is amended
57 to read:

58 1006.0625 Administration of psychotropic medication;
59 prohibition; conditions.--

60 (1) As used in this section, the term "psychotropic
61 medication" means a prescription medication that is used for the
62 treatment of mental disorders and includes, without limitation,
63 hypnotics ~~antihypnotics~~, antipsychotics, antidepressants,
64 anxiety agents, sedatives, neurostimulants ~~psychomotor~~
65 ~~stimulants~~, and mood stabilizers.

66 (2) A public school may not deny any student access to
67 programs or services because the parent of the student has
68 refused to place the student on psychotropic medication.

69 (3) A public school teacher and school district personnel
70 may share school-based observations of a student's academic,
71 functional, and behavioral performance with the student's parent
72 and offer program options and other assistance that is available
73 to the parent and the student based on the observations.

74 However, a public school teacher and school district personnel
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75 | may not compel or attempt to compel any specific actions by the
76 | parent or require that a student take medication. The A parent
77 | of a student must consent to any psychological screening of the
78 | student and may refuse such ~~psychological~~ screening of the
79 | student.

80 | (4) Public school and school district personnel may not
81 | recommend psychotropic medications to any parent. The parent of
82 | a student who refuses to provide psychotropic medication to his
83 | or her child may not be charged with child neglect or abuse.

84 |
85 | Any medical decision made to address a student's needs is a
86 | matter between the student, the student's parent, and a
87 | competent health care professional chosen by the parent.

88 | Section 5. One full-time equivalent position is authorized
89 | and the sum of \$100,000 is appropriated from the General Revenue
90 | Fund to the Office of Drug Control for the purpose of
91 | implementing ss. 397.3335 and 397.3336, Florida Statutes, as
92 | created by this act, during the 2006-2007 fiscal year.

93 | Section 6. This act shall take effect July 1, 2006.

94 |
95 | ===== T I T L E A M E N D M E N T =====
96 | Remove line(s) 6-27 and insert:
97 | An act relating to mental health; creating s. 397.3335,
98 | F.S.; creating the Statewide Office for Suicide Prevention
99 | in the Office of Drug Control; providing the goals and
100 | objectives of the office; creating the position of
101 | statewide coordinator for the statewide office, contingent
102 | upon a specific appropriation; specifying the education
103 | and experience requirements for the position of

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104 coordinator; detailing the duties and responsibilities of
105 the coordinator; authorizing the Statewide Office for
106 Suicide Prevention to seek and accept grants or funds from
107 any source to support its operation; creating s. 397.3336,
108 F.S.; creating the Suicide Prevention Coordinating Council
109 within the Office of Drug Control; providing the scope of
110 activities for the coordinating council; creating an
111 interagency workgroup for state agencies within the
112 coordinating council in order to coordinate state agency
113 plans for suicide prevention; authorizing the coordinating
114 council to assemble an ad hoc committee to advise the
115 coordinating council; requiring a report to the Governor
116 and Legislature; providing for membership on and meetings
117 of the coordinating council; providing per diem and travel
118 expenses for coordinating council members; amending s.
119 1003.57, F.S.; requiring a parent to be fully informed of
120 consequences and alternatives prior to his or her child's
121 evaluation for an emotional, behavioral, or mental
122 disorder; specifying information relating to consequences
123 of and alternatives to such evaluation; requiring the
124 Department of Education to provide to school districts a
125 form to obtain a parent's informed consent; amending s.
126 1006.0625 F.S.; revising provisions relating to
127 administration of psychotropic medication in public
128 schools; requiring parental consent for psychological
129 screening; prohibiting recommendations for use of
130 psychotropic medications; providing that refusal to
131 provide psychotropic medication does not constitute child
132 abuse or neglect; providing an

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