

1 A bill to be entitled

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 requiring charter school governing boards to develop
 28 certain notification policies and procedures;
 29 providing an effective date.

30
 31 Be It Enacted by the Legislature of the State of Florida:

32
 33 Section 1. Subsection (2) and paragraph (a) of subsection
 34 (4) of section 381.0056, Florida Statutes, are amended to read:
 35 381.0056 School health services program.—

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

37 (a) "Emergency health needs" means onsite evaluation,
 38 management, and aid for illness or injury pending the student's
 39 return to the classroom or release to a parent, guardian,
 40 designated friend, law enforcement officer, or designated health
 41 care provider.

42 (b) "Entity" or "health care entity" means a unit of local
 43 government or a political subdivision of the state; a hospital
 44 licensed under chapter 395; a health maintenance organization
 45 certified under chapter 641; a health insurer authorized under
 46 the Florida Insurance Code; a community health center; a migrant
 47 health center; a federally qualified health center; an
 48 organization that meets the requirements for nonprofit status
 49 under s. 501(c)(3) of the Internal Revenue Code; a private
 50 industry or business; or a philanthropic foundation that agrees
 51 to participate in a public-private partnership with a county
 52 health department, local school district, or school in the

53 delivery of school health services, and agrees to the terms and
 54 conditions for the delivery of such services as required by this
 55 section and as documented in the local school health services
 56 plan.

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

59 (d) "Physical examination" means a thorough evaluation of
 60 the health status of an individual.

61 (e) "School health services plan" means the document that
 62 describes the services to be provided, the responsibility for
 63 provision of the services, the anticipated expenditures to
 64 provide the services, and evidence of cooperative planning by
 65 local school districts and county health departments.

66 (f) "Screening" means presumptive identification of
 67 unknown or unrecognized diseases or defects by the application
 68 of tests that can be given with ease and rapidity to apparently
 69 healthy persons.

70 (4) (a) Each county health department shall develop,
 71 jointly with the district school board and the local school
 72 health advisory committee, a school health services plan.~~†~~and
 73 The plan must include, at a minimum, provisions for:

- 74 1. Health appraisal.†
- 75 2. Records review.†
- 76 3. Nurse assessment.†
- 77 4. Nutrition assessment.†
- 78 5. A preventive dental program.†

- 79 6. Vision screening~~._~~._~~†~~
- 80 7. Hearing screening~~._~~._~~†~~
- 81 8. Scoliosis screening~~._~~._~~†~~
- 82 9. Growth and development screening~~._~~._~~†~~
- 83 10. Health counseling~~._~~._~~†~~
- 84 11. Referral and followup of suspected or confirmed health
85 problems by the local county health department~~._~~._~~†~~
- 86 12. Meeting emergency health needs in each school~~._~~._~~†~~
- 87 13. County health department personnel to assist school
88 personnel in health education curriculum development~~._~~._~~†~~
- 89 14. Referral of students to appropriate health treatment,
90 in cooperation with the private health community whenever
91 possible~~._~~._~~†~~
- 92 15. Consultation with a student's parent or guardian
93 regarding the need for health attention by the family physician,
94 dentist, or other specialist when definitive diagnosis or
95 treatment is indicated~~._~~._~~†~~
- 96 16. Maintenance of records on incidents of health
97 problems, corrective measures taken, and such other information
98 as may be needed to plan and evaluate health programs; except,
99 however, that provisions in the plan for maintenance of health
100 records of individual students must be in accordance with s.
101 1002.22~~._~~._~~†~~
- 102 17. Health information which will be provided by the
103 school health nurses, when necessary, regarding the placement of
104 students in exceptional student programs and the reevaluation at

105 periodic intervals of students placed in such programs.~~;~~ and

106 18. Notification to the local nonpublic schools of the
 107 school health services program and the opportunity for
 108 representatives of the local nonpublic schools to participate in
 109 the development of the cooperative health services plan.

110 19. Immediate notification to a student's parent or
 111 guardian if the student is removed from school, school
 112 transportation, or a school-sponsored activity and taken to a
 113 receiving facility for an involuntary examination pursuant to s.
 114 394.463. The school may delay notification if the school has
 115 submitted a report to the Central Abuse Hotline, pursuant to s.
 116 39.201, based upon knowledge or suspicion of abuse, abandonment,
 117 or neglect, and deems delay in notification to be in the
 118 student's best interest. The delay in notification may not
 119 exceed 24 hours after the student's removal from school, school
 120 transportation, or school-sponsored activity. Each district
 121 school board shall develop a policy and procedures for
 122 notification under this subsection.

123 Section 2. Paragraphs (c) through (e) of subsection (2) of
 124 section 394.4599, Florida Statutes, are redesignated as
 125 paragraphs (d) through (f), respectively, paragraph (b) of that
 126 subsection is amended, and a new paragraph (c) is added to that
 127 subsection, to read:

128 394.4599 Notice.—

129 (2) INVOLUNTARY PATIENTS.—

130 (b) A receiving facility shall give prompt notice of the

131 whereabouts of an adult or emancipated minor a patient who is
132 being involuntarily held for examination, by telephone or in
133 person within 24 hours after the patient's arrival at the
134 facility, unless the patient requests that no notification be
135 made. Contact attempts shall be documented in the patient's
136 clinical record and shall begin as soon as reasonably possible
137 after the patient's arrival. Notice that a patient is being
138 admitted as an involuntary patient shall be given to the Florida
139 local advocacy council no later than the next working day after
140 the patient is admitted.

141 (c) A receiving facility shall give prompt notice of the
142 whereabouts of a minor patient who is being held involuntarily
143 for examination pursuant to s. 394.463, by telephone or in
144 person immediately after the patient's arrival at the facility.
145 The facility may delay notification if the facility has
146 submitted a report to the Central Abuse Hotline, pursuant to s.
147 39.201, based upon knowledge or suspicion of abuse, abandonment,
148 or neglect and deems delay in notification to be in the minor's
149 best interest. The delay in notification must not exceed 24
150 hours after the minor's arrival at the facility. If the parent,
151 guardian, or guardian advocate cannot be immediately located,
152 attempts to notify must be repeated at least once every hour
153 until notification is made. Contact attempts shall be documented
154 in the patient's clinical record.

155 Section 3. Paragraph (1) is added to subsection (3) of
156 section 1002.20, Florida Statutes, to read:

157 1002.20 K-12 student and parent rights.—Parents of public
158 school students must receive accurate and timely information
159 regarding their child's academic progress and must be informed
160 of ways they can help their child to succeed in school. K-12
161 students and their parents are afforded numerous statutory
162 rights including, but not limited to, the following:

163 (3) HEALTH ISSUES.—

164 (1) Notification of involuntary examinations.—The public
165 school principal or the principal's designee shall immediately
166 notify the parent of a student who is removed from school,
167 school transportation, or a school-sponsored activity and taken
168 to a receiving facility for an involuntary examination pursuant
169 to s. 394.463. The school may delay notification if the school
170 has submitted a report to the Central Abuse Hotline, pursuant to
171 s. 39.201, based upon knowledge or suspicion of abuse,
172 abandonment, or neglect, and deems delay in notification to be
173 in the student's best interest. The delay in notification must
174 not exceed 24 hours after the student's removal from school,
175 school transportation, or a school-sponsored activity. Each
176 district school board shall develop a policy and procedures for
177 notification under this 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 school may
187 delay notification if the school has submitted a report to the
188 Central Abuse Hotline, pursuant to s. 39.201, based upon
189 knowledge or suspicion of abuse, abandonment, or neglect, and
190 deems delay in notification to be in the student's best
191 interest. The delay in notification must not exceed 24 hours
192 after the student's removal from school, school transportation,
193 or a school-sponsored activity. Each charter school governing
194 board shall develop a policy and procedures for notification
195 under this paragraph.

196 Section 5. This act shall take effect July 1, 2014.