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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2014	.	
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	.	

The Committee on Health Policy (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (2) of section
381.0056, Florida Statutes, is amended to read:

381.0056 School health services program.—

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

(a) "Emergency health needs" means onsite evaluation,
management, and aid for physical or mental illness or injury



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11 pending the student's return to the classroom or release to a
12 parent, guardian, designated friend, law enforcement officer, or
13 designated health care provider.

14 Section 2. Present paragraphs (c) through (e) of subsection
15 (2) of section 394.4599, Florida Statutes, are redesignated as
16 paragraphs (d) through (f), respectively, paragraphs (a) and (b)
17 of that subsection are amended, and a new paragraph (c) is added
18 to that subsection, to read:

19 394.4599 Notice.—

20 (2) INVOLUNTARY PATIENTS.—

21 (a) Whenever notice is required to be given under this
22 part, such notice shall be given to the patient and the
23 patient's guardian, guardian advocate, attorney, and
24 representative, as applicable.

25 1. When notice is required to be given to a patient, it
26 shall be given both orally and in writing, in the language and
27 terminology that the patient can understand, and, if needed, the
28 facility shall provide an interpreter for the patient.

29 2. Notice to a patient's guardian, guardian advocate,
30 attorney, and representative shall be given by United States
31 mail and by registered or certified mail with the receipts
32 attached to the patient's clinical record. Hand delivery by a
33 facility employee may be used as an alternative, with delivery
34 documented in the clinical record. If notice is given by a state
35 attorney or an attorney for the department, a certificate of
36 service shall be sufficient to document service.

37 (b) A receiving facility shall give prompt notice of the
38 whereabouts of an adult a patient who is being involuntarily
39 held for examination, by telephonic or electronic communication



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40 ~~telephone~~ or in person within 24 hours after the patient's
41 arrival at the facility, unless the patient requests that no
42 notification be made. Contact attempts shall be documented in
43 the patient's clinical record and shall begin as soon as
44 reasonably possible after the patient's arrival. ~~Notice that a~~
45 ~~patient is being admitted as an involuntary patient shall be~~
46 ~~given to the Florida local advocacy council no later than the~~
47 ~~next working day after the patient is admitted.~~

48 (c) A receiving facility shall give notice of the
49 whereabouts of a minor patient who is being held involuntarily
50 for examination, by telephonic or electronic communication or in
51 person immediately after the patient's arrival at the facility.
52 Notification shall be attempted at least once every hour during
53 the first 12 hours after the patient's arrival and once every 24
54 hours thereafter until the facility receives confirmation from
55 the guardian that notification has been made. A receiving
56 facility may request the assistance of law enforcement to
57 attempt notification in person if notification is not made
58 within the first 24 hours after the patient's arrival. Contact
59 attempts shall be documented in the patient's clinical record.

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

62 1002.20 K-12 student and parent rights.—Parents of public
63 school students must receive accurate and timely information
64 regarding their child's academic progress and must be informed
65 of ways they can help their child to succeed in school. K-12
66 students and their parents are afforded numerous statutory
67 rights including, but not limited to, the following:

68 (3) HEALTH ISSUES.—



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69 (1) Notification of involuntary examinations.—The public
70 school principal or the principal’s designee shall immediately
71 notify the parent or guardian of a student who is removed from
72 school, school transportation, or a school-sponsored activity
73 and taken to a receiving facility for an involuntary examination
74 pursuant to s. 394.463. Each district school board shall develop
75 a policy and procedures for notification under this paragraph.

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

78 1002.33 Charter schools.—

79 (9) CHARTER SCHOOL REQUIREMENTS.—

80 (q) The charter school principal or the principal’s
81 designee shall immediately notify the parent or guardian of a
82 student who is removed from school, school transportation, or a
83 school-sponsored activity and taken to a receiving facility for
84 an involuntary examination pursuant to s. 394.463. Each charter
85 school governing board shall develop a policy and procedures for
86 notification under this paragraph.

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

88
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete everything before the enacting clause
92 and insert:

93 A bill to be entitled
94 An act relating to involuntary examinations of minors;
95 amending s. 381.0056, F.S.; redefining the term
96 “emergency health needs”; amending s. 394.4599, F.S.;

97 requiring a receiving facility to provide notice of



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98 the whereabouts of an adult or minor patient held for
99 involuntary examination; providing minimum
100 requirements for attempts at notification; requiring
101 documentation of contact attempts; amending s.
102 1002.20, F.S.; requiring public schools to provide
103 notice of the whereabouts of a student removed from
104 school, school transportation, or a school-sponsored
105 activity for involuntary examination; requiring
106 district school boards to develop certain policies and
107 procedures for notification; amending s. 1002.33,
108 F.S.; requiring charter schools to provide notice of
109 the whereabouts of a student removed from school,
110 school transportation, or a school-sponsored activity
111 for involuntary examination; requiring charter school
112 governing boards to develop certain notification
113 policies and procedures; providing an effective date.