

By Senator Diaz de la Portilla

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1 A bill to be entitled
2 An act relating to involuntary examinations of minors;
3 amending s. 381.0056, F.S.; redefining 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; providing conditions for
9 delay in notification; requiring district school
10 boards to develop certain policies and procedures for
11 notification; amending s. 394.4599, F.S.; requiring a
12 receiving facility to provide notice of the
13 whereabouts of an adult or emancipated minor patient
14 held for involuntary examination; providing conditions
15 for delay in notification; requiring documentation of
16 contact attempts; amending s. 1002.20, F.S.; requiring
17 public schools to provide notice of the whereabouts of
18 a student removed from school, school transportation,
19 or a school-sponsored activity for involuntary
20 examination; providing conditions for delay in
21 notification; requiring district school boards to
22 develop certain policies and procedures for
23 notification; amending s. 1002.33, F.S.; requiring
24 charter schools to provide notice of the whereabouts
25 of a student removed from school, school
26 transportation, or a school-sponsored activity for
27 involuntary examination; providing conditions for
28 delay in notification; requiring charter school
29 governing boards to develop certain notification

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30 policies and procedures; providing an effective date.

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

33
34 Section 1. Subsection (2) and paragraph (a) of subsection
35 (4) of section 381.0056, Florida Statutes, are amended to read:
36 381.0056 School health services program.—

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

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

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

58 (c) "Invasive screening" means any screening procedure in

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59 which the skin or any body orifice is penetrated.

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

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

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

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

- 75 1. Health appraisal.†
- 76 2. Records review.†
- 77 3. Nurse assessment.†
- 78 4. Nutrition assessment.†
- 79 5. A preventive dental program.†
- 80 6. Vision screening.†
- 81 7. Hearing screening.†
- 82 8. Scoliosis screening.†
- 83 9. Growth and development screening.†
- 84 10. Health counseling.†
- 85 11. Referral and followup of suspected or confirmed health
86 problems by the local county health department.†
- 87 12. Meeting emergency health needs in each school.†

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88 13. County health department personnel to assist school
89 personnel in health education curriculum development.~~†~~

90 14. Referral of students to appropriate health treatment,
91 in cooperation with the private health community whenever
92 possible.~~†~~

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

97 16. Maintenance of records on incidents of health problems,
98 corrective measures taken, and such other information as may be
99 needed to plan and evaluate health programs; except, however,
100 that provisions in the plan for maintenance of health records of
101 individual students must be in accordance with s. 1002.22.~~†~~

102 17. Health information which will be provided by the school
103 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,

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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. Present paragraphs (c) through (e) of subsection
124 (2) of 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

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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,

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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 knowledge
189 or suspicion of abuse, abandonment, or neglect, and deems delay
190 in notification to be in the student's best interest. The delay
191 in notification must not exceed 24 hours after the student's
192 removal from school, school transportation, or a school-
193 sponsored activity. Each charter school governing board shall
194 develop a policy and procedures for notification under this
195 paragraph.

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