

By the Committee on Health Policy; and Senator Diaz de la Portilla

588-02828-14

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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"; amending s. 394.4599, F.S.;
5 requiring a receiving facility to provide notice of
6 the whereabouts of an adult or minor patient held for
7 involuntary examination; providing minimum
8 requirements for attempts at notification; requiring
9 documentation of contact attempts; amending s.
10 1002.20, F.S.; requiring public schools to provide
11 notice of the whereabouts of a student removed from
12 school, school transportation, or a school-sponsored
13 activity for involuntary examination; requiring
14 district school boards to develop certain policies and
15 procedures for notification; amending s. 1002.33,
16 F.S.; requiring charter schools to provide notice of
17 the whereabouts of a student removed from school,
18 school transportation, or a school-sponsored activity
19 for involuntary examination; requiring charter school
20 governing boards to develop certain notification
21 policies and procedures; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Paragraph (a) of subsection (2) of section
26 381.0056, Florida Statutes, is amended to read:

27 381.0056 School health services program.—

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

29 (a) "Emergency health needs" means onsite evaluation,

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30 management, and aid for physical or mental illness or injury
31 pending the student's return to the classroom or release to a
32 parent, guardian, designated friend, law enforcement officer, or
33 designated health care provider.

34 Section 2. Present paragraphs (c) through (e) of subsection
35 (2) of section 394.4599, Florida Statutes, are redesignated as
36 paragraphs (d) through (f), respectively, paragraphs (a) and (b)
37 of that subsection are amended, and a new paragraph (c) is added
38 to that subsection, to read:

39 394.4599 Notice.—

40 (2) INVOLUNTARY PATIENTS.—

41 (a) Whenever notice is required to be given under this
42 part, such notice shall be given to the patient and the
43 patient's guardian, guardian advocate, attorney, and
44 representative, as applicable.

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

49 2. Notice to a patient's guardian, guardian advocate,
50 attorney, and representative shall be given by United States
51 mail and by registered or certified mail with the receipts
52 attached to the patient's clinical record. Hand delivery by a
53 facility employee may be used as an alternative, with delivery
54 documented in the clinical record. If notice is given by a state
55 attorney or an attorney for the department, a certificate of
56 service shall be sufficient to document service.

57 (b) A receiving facility shall give prompt notice of the
58 whereabouts of an adult ~~a~~ patient who is being involuntarily

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59 held for examination, by telephonic or electronic communication
60 ~~telephone~~ or in person within 24 hours after the patient's
61 arrival at the facility, unless the patient requests that no
62 notification be made. Contact attempts shall be documented in
63 the patient's clinical record and shall begin as soon as
64 reasonably possible after the patient's arrival. ~~Notice that a~~
65 ~~patient is being admitted as an involuntary patient shall be~~
66 ~~given to the Florida local advocacy council no later than the~~
67 ~~next working day after the patient is admitted.~~

68 (c) A receiving facility shall give notice of the
69 whereabouts of a minor patient who is being held involuntarily
70 for examination, by telephonic or electronic communication or in
71 person immediately after the patient's arrival at the facility.
72 Notification shall be attempted at least once every hour during
73 the first 12 hours after the patient's arrival and once every 24
74 hours thereafter until the facility receives confirmation from
75 the guardian that notification has been made. A receiving
76 facility may request the assistance of law enforcement to
77 attempt notification in person if notification is not made
78 within the first 24 hours after the patient's arrival. Contact
79 attempts shall be documented in the patient's clinical record.

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

82 1002.20 K-12 student and parent rights.—Parents of public
83 school students must receive accurate and timely information
84 regarding their child's academic progress and must be informed
85 of ways they can help their child to succeed in school. K-12
86 students and their parents are afforded numerous statutory
87 rights including, but not limited to, the following:

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88 (3) HEALTH ISSUES.—

89 (1) Notification of involuntary examinations.—The public
90 school principal or the principal's designee shall immediately
91 notify the parent or guardian of a student who is removed from
92 school, school transportation, or a school-sponsored activity
93 and taken to a receiving facility for an involuntary examination
94 pursuant to s. 394.463. Each district school board shall develop
95 a policy and procedures for notification under this paragraph.

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

98 1002.33 Charter schools.—

99 (9) CHARTER SCHOOL REQUIREMENTS.—

100 (q) The charter school principal or the principal's
101 designee shall immediately notify the parent or guardian of a
102 student who is removed from school, school transportation, or a
103 school-sponsored activity and taken to a receiving facility for
104 an involuntary examination pursuant to s. 394.463. Each charter
105 school governing board shall develop a policy and procedures for
106 notification under this paragraph.

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