

By Senator Garcia

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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.; revising the definition of
4 the term "emergency health needs"; requiring school
5 health services plans to include notification
6 requirements when a student is removed from school,
7 school transportation, or a school-sponsored activity
8 for involuntary examination; amending s. 394.4599,
9 F.S.; requiring a receiving facility to provide notice
10 of the whereabouts of an adult or emancipated minor
11 patient held for involuntary examination; providing
12 conditions for delay in notification; requiring
13 documentation of contact attempts; amending ss.
14 1002.20 and 1002.33, F.S.; requiring public school or
15 charter school principals or their designees to
16 provide notice of the whereabouts of a student removed
17 from school, school transportation, or a school-
18 sponsored activity for involuntary examination;
19 providing conditions for delay in notification;
20 requiring district school boards and charter school
21 governing boards to develop notification policies and
22 procedures; reenacting ss. 154.503(2)(e), 381.0057(6),
23 381.0059(1)-(4), 381.00593(2), 409.91211(3)(z),
24 409.9122(2)(a), and 1006.062(6), to incorporate the
25 amendments made to s. 381.0056, F.S., in references
26 thereto; reenacting ss. 394.4625(4), 394.4655(2)(a)
27 and (7)(d), 394.467(2) and (7)(b), 394.4685(1)(a) and
28 (b), and 394.469(2), F.S., to incorporate the
29 amendments made to s. 394.4599, F.S., in references

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30 thereto; reenacting s. 1002.345(1)(a), F.S., to
31 incorporate the amendments made to s. 1002.33, F.S.,
32 in a reference thereto; providing an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

36 Section 1. Subsection (2) and paragraph (a) of subsection
37 (4) of section 381.0056, Florida Statutes, are amended to read:
38 381.0056 School health services program.—

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

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

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

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59 plan.

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

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

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

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

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

- 77 1. Health appraisal .~~†~~
- 78 2. Records review .~~†~~
- 79 3. Nurse assessment .~~†~~
- 80 4. Nutrition assessment .~~†~~
- 81 5. A preventive dental program .~~†~~
- 82 6. Vision screening .~~†~~
- 83 7. Hearing screening .~~†~~
- 84 8. Scoliosis screening .~~†~~
- 85 9. Growth and development screening .~~†~~
- 86 10. Health counseling .~~†~~
- 87 11. Referral and followup of suspected or confirmed health

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88 problems by the local county health department.~~†~~

89 12. Meeting emergency health needs in each school.~~†~~

90 13. County health department personnel to assist school
91 personnel in health education curriculum development.~~†~~

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

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

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

104 17. Health information which will be provided by the school
105 health nurses, when necessary, regarding the placement of
106 students in exceptional student programs and the reevaluation at
107 periodic intervals of students placed in such programs.~~†~~~~and~~

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

112 19. Immediate notification to a student's parent or
113 guardian if the student is removed from school, school
114 transportation, or a school-sponsored activity and taken to a
115 receiving facility for an involuntary examination pursuant to s.
116 394.463, including the requirements established under ss.

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117 1002.20(3) and 1002.33(9).

118 Section 2. Present paragraphs (c) through (e) of subsection
119 (2) of section 394.4599, Florida Statutes, are redesignated as
120 paragraphs (d) through (f), respectively, paragraph (b) of that
121 subsection is amended, and a new paragraph (c) is added to that
122 subsection, to read:

123 394.4599 Notice.—

124 (2) INVOLUNTARY PATIENTS.—

125 (b) A receiving facility shall give prompt notice of the
126 whereabouts of an adult or emancipated minor a patient who is
127 being held involuntarily held for examination, in person or by
128 telephonic or other form of electronic communication, ~~by~~
129 ~~telephone or in person~~ within 24 hours after the patient's
130 arrival at the facility, unless the patient requests that no
131 notification be made. Contact attempts shall be documented in
132 the patient's clinical record and shall begin as soon as
133 reasonably possible after the patient's arrival. Notice that a
134 patient is being admitted as an involuntary patient shall be
135 given to the Florida local advocacy council no later than the
136 next working day after the patient is admitted.

137 (c)1. A receiving facility shall give notice of the
138 whereabouts of a minor patient who is being held involuntarily
139 for examination pursuant to s. 394.463 to the patient's parent,
140 guardian, or guardian advocate, in person or by telephonic or
141 other form of electronic communication, immediately after the
142 patient's arrival at the facility. The facility may delay
143 notification for no more than 24 hours after the patient's
144 arrival if the facility has submitted a report to the central
145 abuse hotline, pursuant to s. 39.201, based upon knowledge or

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146 suspicion of abuse, abandonment, or neglect and deems delay in
147 notification to be in the minor's best interest.

148 2. The receiving facility shall attempt to notify the minor
149 patient's parent, guardian, or guardian advocate until the
150 receiving facility receives confirmation from the parent,
151 guardian, or guardian advocate, either verbally, by telephonic
152 or other form of electronic communication, or by recorded
153 message, that notification has been received. Attempts to notify
154 the parent, guardian, or guardian advocate must be repeated at
155 least once every hour during the first 12 hours after the
156 patient's arrival and once every 24 hours thereafter and must
157 continue until such confirmation is received, until the patient
158 is released at the end of the 72-hour examination period, or
159 until a petition for involuntary placement is filed with the
160 court pursuant to s. 394.463(2)(i). A receiving facility may
161 seek assistance from law enforcement if notification is not made
162 within the first 24 hours after the patient's arrival. The
163 receiving facility must document notification attempts in the
164 patient's clinical record.

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

167 1002.20 K-12 student and parent rights.—Parents of public
168 school students must receive accurate and timely information
169 regarding their child's academic progress and must be informed
170 of ways they can help their child to succeed in school. K-12
171 students and their parents are afforded numerous statutory
172 rights including, but not limited to, the following:

173 (3) HEALTH ISSUES.—

174 (1) Notification of involuntary examinations.—The public

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175 school principal or the principal's designee shall immediately
176 notify the parent of a student who is removed from school,
177 school transportation, or a school-sponsored activity and taken
178 to a receiving facility for an involuntary examination pursuant
179 to s. 394.463. The principal or the principal's designee may
180 delay notification for no more than 24 hours after the student
181 is removed from school if the principal or designee deems the
182 delay to be in the student's best interest and if a report has
183 been submitted to the central abuse hotline, pursuant to s.
184 39.201, based upon knowledge or suspicion of abuse, abandonment,
185 or neglect. Each district school board shall develop a policy
186 and procedures for notification under this paragraph.

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

189 1002.33 Charter schools.—

190 (9) CHARTER SCHOOL REQUIREMENTS.—

191 (q) The charter school principal or the principal's
192 designee shall immediately notify the parent of a student who is
193 removed from school, school transportation, or a school-
194 sponsored activity and taken to a receiving facility for an
195 involuntary examination pursuant to s. 394.463. The principal or
196 the principal's designee may delay notification for no more than
197 24 hours after the student is removed from school if the
198 principal or designee deems the delay to be in the student's
199 best interest and if a report has been submitted to the central
200 abuse hotline, pursuant to s. 39.201, based upon knowledge or
201 suspicion of abuse, abandonment, or neglect. Each charter school
202 governing board shall develop a policy and procedures for
203 notification under this paragraph.

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204 Section 5. Paragraph (e) of subsection (2) of s. 154.503,
205 subsection (6) of s. 381.0057, subsections (1) through (4) of s.
206 381.0059, subsection (2) of s. 381.00593, paragraph (z) of
207 subsection (3) of s. 409.91211, paragraph (a) of subsection (2)
208 of s. 409.9122, and subsection (6) of s. 1006.062, Florida
209 Statutes, are reenacted for the purpose of incorporating the
210 amendments made by this act to s. 381.0056, Florida Statutes, in
211 references thereto.

212 Section 6. Subsection (4) of s. 394.4625, paragraph (a) of
213 subsection (2) and paragraph (d) of subsection (7) of s.
214 394.4655, subsection (2) and paragraph (b) of subsection (7) of
215 s. 394.467, paragraphs (a) and (b) of subsection (1) of s.
216 394.4685, and subsection (2) of s. 394.469, Florida Statutes,
217 are reenacted for the purpose of incorporating the amendments
218 made by this act to s. 394.4599, Florida Statutes, in references
219 thereto.

220 Section 7. Paragraph (a) of subsection (1) of s. 1002.345,
221 Florida Statutes, is reenacted for the purpose of incorporating
222 the amendments made by this act to s. 1002.33, Florida Statutes,
223 in a reference thereto.

224 Section 8. This act shall take effect July 1, 2015.