

By the Committee on Fiscal Policy; and 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; providing an effective date.

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

25  
26           Section 1. Subsection (2) and paragraph (a) of subsection  
27          (4) of section 381.0056, Florida Statutes, are amended to read:  
28           381.0056 School health services program.—  
29           (2) As used in this section, the term:

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30 (a) "Emergency health needs" means onsite evaluation,  
31 management, and aid for illness or injury pending the student's  
32 return to the classroom or release to a parent, guardian,  
33 designated friend, law enforcement officer, or designated health  
34 care provider.

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

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

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

54 (e) "School health services plan" means the document that  
55 describes the services to be provided, the responsibility for  
56 provision of the services, the anticipated expenditures to  
57 provide the services, and evidence of cooperative planning by  
58 local school districts and county health departments.

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59 (f) "Screening" means presumptive identification of unknown  
60 or unrecognized diseases or defects by the application of tests  
61 that can be given with ease and rapidity to apparently healthy  
62 persons.

63 (4) (a) Each county health department shall develop, jointly  
64 with the district school board and the local school health  
65 advisory committee, a school health services plan.~~;~~and The plan  
66 must include, at a minimum, provisions for:

- 67 1. Health appraisal.;
- 68 2. Records review.;
- 69 3. Nurse assessment.;
- 70 4. Nutrition assessment.;
- 71 5. A preventive dental program.;
- 72 6. Vision screening.;
- 73 7. Hearing screening.;
- 74 8. Scoliosis screening.;
- 75 9. Growth and development screening.;
- 76 10. Health counseling.;
- 77 11. Referral and followup of suspected or confirmed health  
78 problems by the local county health department.;
- 79 12. Meeting emergency health needs in each school.;
- 80 13. County health department personnel to assist school  
81 personnel in health education curriculum development.;
- 82 14. Referral of students to appropriate health treatment,  
83 in cooperation with the private health community whenever  
84 possible.;
- 85 15. Consultation with a student's parent or guardian  
86 regarding the need for health attention by the family physician,  
87 dentist, or other specialist when definitive diagnosis or

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88 treatment is indicated.~~†~~

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

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

98 18. Notification to the local nonpublic schools of the  
99 school health services program and the opportunity for  
100 representatives of the local nonpublic schools to participate in  
101 the development of the cooperative health services plan.

102 19. Immediate notification to a student's parent or  
103 guardian if the student is removed from school, school  
104 transportation, or a school-sponsored activity and taken to a  
105 receiving facility for an involuntary examination pursuant to s.  
106 394.463, including the requirements established under ss.  
107 1002.20(3) and 1002.33(9).

108 Section 2. Present paragraphs (c) through (e) of subsection  
109 (2) of section 394.4599, Florida Statutes, are redesignated as  
110 paragraphs (d) through (f), respectively, paragraph (b) of that  
111 subsection is amended, and a new paragraph (c) is added to that  
112 subsection, to read:

113 394.4599 Notice.—

114 (2) INVOLUNTARY PATIENTS.—

115 (b) A receiving facility shall give prompt notice of the  
116 whereabouts of an adult or emancipated minor ~~a~~ patient who is

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117 being held involuntarily ~~held~~ for examination, in person or by  
118 telephonic or other form of electronic communication, by  
119 ~~telephone or in person~~ within 24 hours after the patient's  
120 arrival at the facility, unless the patient requests that no  
121 notification be made. Contact attempts shall be documented in  
122 the patient's clinical record and shall begin as soon as  
123 reasonably possible after the patient's arrival. Notice that a  
124 patient is being admitted as an involuntary patient shall be  
125 given to the Florida local advocacy council no later than the  
126 next working day after the patient is admitted.

127 (c)1. A receiving facility shall give notice of the  
128 whereabouts of a minor patient who is being held involuntarily  
129 for examination pursuant to s. 394.463 to the patient's parent,  
130 guardian, or guardian advocate, in person or by telephonic or  
131 other form of electronic communication, immediately after the  
132 patient's arrival at the facility. The facility may delay  
133 notification for no more than 24 hours after the patient's  
134 arrival if the facility has submitted a report to the central  
135 abuse hotline, pursuant to s. 39.201, based upon knowledge or  
136 suspicion of abuse, abandonment, or neglect, and deems delay in  
137 notification to be in the minor's best interest.

138 2. The receiving facility shall attempt to notify the minor  
139 patient's parent, guardian, or guardian advocate until the  
140 receiving facility receives confirmation from the parent,  
141 guardian, or guardian advocate, either verbally, by telephonic  
142 or other form of electronic communication, or by recorded  
143 message, that notification has been received. Attempts to notify  
144 the parent, guardian, or guardian advocate must be repeated at  
145 least once every hour during the first 12 hours after the

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146 patient's arrival and once every 24 hours thereafter and must  
147 continue until such confirmation is received, until the patient  
148 is released at the end of the 72-hour examination period, or  
149 until a petition for involuntary placement is filed with the  
150 court pursuant to s. 394.463(2)(i). A receiving facility may  
151 seek assistance from law enforcement if notification is not made  
152 within the first 24 hours after the patient's arrival. The  
153 receiving facility must document notification attempts in the  
154 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 principal or the principal's designee may  
170 delay notification for no more than 24 hours after the student  
171 is removed from school if the principal or designee deems the  
172 delay to be in the student's best interest and if a report has  
173 been submitted to the central abuse hotline, pursuant to s.  
174 39.201, based upon knowledge or suspicion of abuse, abandonment,

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175 or neglect. Each district school board shall develop a policy  
176 and procedures for notification under this paragraph.

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

179 1002.33 Charter schools.—

180 (9) CHARTER SCHOOL REQUIREMENTS.—

181 (q) The charter school principal or the principal's  
182 designee shall immediately notify the parent of a student who is  
183 removed from school, school transportation, or a school-  
184 sponsored activity and taken to a receiving facility for an  
185 involuntary examination pursuant to s. 394.463. The principal or  
186 the principal's designee may delay notification for no more than  
187 24 hours after the student is removed from school if the  
188 principal or designee deems the delay to be in the student's  
189 best interest and if a report has been submitted to the central  
190 abuse hotline, pursuant to s. 39.201, based upon knowledge or  
191 suspicion of abuse, abandonment, or neglect. Each charter school  
192 governing board shall develop a policy and procedures for  
193 notification under this paragraph.

194 Section 5. This act shall take effect July 1, 2015.