



227004

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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04/22/2021 10:59 AM

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Senators Harrell and Gibson moved the following:

**Senate Amendment (with title amendment)**

Delete lines 97 - 189

and insert:

established under ss. 1002.20(3) and 1002.33(9), as applicable.

For purposes of this subparagraph, "a reasonable attempt to

notify" means the exercise of reasonable diligence and care by

the principal or the principal's designee to make contact with

the student's parent, guardian, or other known emergency contact

whom the student's parent or guardian has authorized to receive

notification of an involuntary examination. At a minimum, the



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12 principal or the principal's designee must take the following  
13 actions:

14 a. Use available methods of communication to contact the  
15 student's parent, guardian, or other known emergency contact,  
16 including but not limited to, telephone calls, text messages, e-  
17 mails, and voice mail messages following the decision to  
18 initiate an involuntary examination of the student.

19 b. Document the method and number of attempts made to  
20 contact the student's parent, guardian, or other known emergency  
21 contact, and the outcome of each attempt.

22  
23 A principal or his or her designee who successfully notifies any  
24 other known emergency contact may share only the information  
25 necessary to alert such contact that the parent or caregiver  
26 must be contacted. All such information must be in compliance  
27 with federal and state law.

28 Section 2. Subsection (4) of section 394.463, Florida  
29 Statutes, is amended to read:

30 394.463 Involuntary examination.—

31 (4) DATA ANALYSIS.—Using data collected under paragraph  
32 (2)(a), the department shall, at a minimum, analyze data on both  
33 the initiation of involuntary examinations of children and the  
34 initiation of involuntary examinations of students who are  
35 removed from a school, identify any patterns or trends and cases  
36 in which involuntary examinations are repeatedly initiated on  
37 the same child or student, study root causes for such patterns,  
38 trends, or repeated involuntary examinations, and make  
39 recommendations to encourage the use of ~~for encouraging~~  
40 alternatives to ~~eliminate and eliminating~~ inappropriate



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41 initiations of such examinations. The department shall submit a  
42 report on its findings and recommendations to the Governor, the  
43 President of the Senate, and the Speaker of the House of  
44 Representatives by November 1 of each odd-numbered ~~odd-numbered~~  
45 year.

46 Section 3. Subsection (7) of section 1001.212, Florida  
47 Statutes, is amended to read:

48 1001.212 Office of Safe Schools.—There is created in the  
49 Department of Education the Office of Safe Schools. The office  
50 is fully accountable to the Commissioner of Education. The  
51 office shall serve as a central repository for best practices,  
52 training standards, and compliance oversight in all matters  
53 regarding school safety and security, including prevention  
54 efforts, intervention efforts, and emergency preparedness  
55 planning. The office shall:

56 (7) Provide data to support the evaluation of mental health  
57 services pursuant to s. 1004.44. Such data must include, for  
58 each school, the number of involuntary examinations as defined  
59 in s. 394.455 which are initiated at the school, on school  
60 transportation, or at a school-sponsored activity and the number  
61 of children for whom an examination is initiated.

62 Section 4. Paragraph (1) of subsection (3) of section  
63 1002.20, Florida Statutes, is amended, and subsection (25) is  
64 added to that section, to read:

65 1002.20 K-12 student and parent rights.—Parents of public  
66 school students must receive accurate and timely information  
67 regarding their child's academic progress and must be informed  
68 of ways they can help their child to succeed in school. K-12  
69 students and their parents are afforded numerous statutory



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70 rights including, but not limited to, the following:

71 (3) HEALTH ISSUES.—

72 (1) *Notification of involuntary examinations.*—

73 1. Except as provided in subparagraph 2., the public school  
74 principal or the principal's designee shall make a reasonable  
75 attempt to ~~immediately~~ notify the parent of a student before the  
76 student ~~who~~ is removed from school, school transportation, or a  
77 school-sponsored activity to be ~~and~~ taken to a receiving  
78 facility for an involuntary examination pursuant to s. 394.463.  
79 For purposes of this subparagraph, "a reasonable attempt to  
80 notify" means the exercise of reasonable diligence and care by  
81 the principal or the principal's designee to make contact with  
82 the student's parent, guardian, or other known emergency contact  
83 whom the student's parent or guardian has authorized to receive  
84 notification of an involuntary examination. At a minimum, the  
85 principal or the principal's designee must take the following  
86 actions:

87 a. Use available methods of communication to contact the  
88 student's parent, guardian, or other known emergency contact,  
89 including but not limited to, telephone calls, text messages, e-  
90 mails, and voice mail messages following the decision to  
91 initiate an involuntary examination of the student.

92 b. Document the method and number of attempts made to  
93 contact the student's parent, guardian, or other known emergency  
94 contact, and the outcome of each attempt.

95  
96 A principal or his or her designee who successfully notifies any  
97 other known emergency contact may share only the information  
98 necessary to alert such contact that the parent or caregiver



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99 must be contacted. All such information must be in compliance  
100 with federal and state law.

101 2. The principal or the principal's designee may delay the  
102 required notification for no more than 24 hours after the  
103 student is removed if:

104 a. The principal or the principal's designee deems the  
105 delay to be in the student's best interest and if a report has  
106 been submitted to the central abuse hotline, pursuant to s.  
107 39.201, based upon knowledge or suspicion of abuse, abandonment,  
108 or neglect; or

109 b. The principal or principal's designee reasonably  
110 believes that such delay is necessary to avoid jeopardizing the  
111 health and safety of the student.

112 3. Before a principal or his or her designee contacts a law  
113 enforcement officer, he or she must verify that de-escalation  
114 strategies have been utilized and outreach to a mobile response  
115 team has been initiated unless the principal or the principal's  
116 designee reasonably believes that any delay in removing the  
117 student will increase the likelihood of harm to the student or  
118 others. This requirement does not supersede the authority of a  
119 law enforcement officer to act under s. 394.463.

120  
121 Each district school board shall develop a policy and procedures  
122 for notification under this paragraph.

123 (25) SAFE SCHOOLS.—

124 (a) School safety and emergency incidents.—Parents of  
125 public school students have a right to timely notification of  
126 threats, unlawful acts, and significant emergencies pursuant to  
127 s. 1006.07(4) and (7).



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128       (b) School environmental safety incident reporting.—Parents  
129 of public school students have a right to access school safety  
130 and discipline incidents as reported pursuant to s. 1006.07(9).

131       Section 5. Paragraph (q) of subsection (9) of section  
132 1002.33, Florida Statutes, is amended, and paragraph (r) is  
133 added to that subsection, to read:

134       1002.33 Charter schools.—

135       (9) CHARTER SCHOOL REQUIREMENTS.—

136       (q)1. The charter school principal or the principal's  
137 designee shall make a reasonable attempt to immediately notify  
138 the parent of a student before the student ~~who~~ is removed from  
139 school, school transportation, or a school-sponsored activity to  
140 be and taken to a receiving facility for an involuntary  
141 examination pursuant to s. 394.463. For purposes of this  
142 subparagraph, "a reasonable attempt to notify" means the  
143 exercise of reasonable diligence and care by the principal or  
144 the principal's designee to make contact with the student's  
145 parent, guardian, or other known emergency contact whom the  
146 student's parent or guardian has authorized to receive  
147 notification of an involuntary examination. At a minimum, the  
148 principal or the principal's designee must take the following  
149 actions:

150       a. Use available methods of communication to contact the  
151 student's parent, guardian, or other known emergency contact,  
152 including but not limited to, telephone calls, text messages, e-  
153 mails, and voice mail messages following the decision to  
154 initiate an involuntary examination of the student.

155       b. Document the method and number of attempts made to  
156 contact the student's parent, guardian, or other known emergency



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157 contact, and the outcome of each attempt.

158  
159 A principal or his or her designee who successfully notifies any  
160 other known emergency contact may share only the information  
161 necessary to alert such contact that the parent or caregiver  
162 must be contacted. All such information must be in compliance  
163 with federal and state law.

164  
165 ===== T I T L E A M E N D M E N T =====

166 And the title is amended as follows:

167 Delete lines 5 - 15

168 and insert:

169 before an involuntary examination of a minor; defining  
170 the term "a reasonable attempt to notify"; requiring a  
171 principal or his or her designee who successfully  
172 notifies any known emergency contact to share only the  
173 information necessary to alert such contact that the  
174 parent or caregiver must be contacted; requiring all  
175 such information to be in compliance with federal and  
176 state law; amending s. 394.463, F.S.; revising data  
177 reporting requirements for the Department of Children  
178 and Families; amending s. 1001.212, F.S.; revising  
179 data reporting requirements for the Office of Safe  
180 Schools; amending s. 1002.20, F.S.; revising parent  
181 notification requirements; providing an exception;  
182 defining the term "a reasonable attempt to notify";  
183 requiring a principal or his or her designee who  
184 successfully notifies any known emergency contact to  
185 share only the information necessary to alert such



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186 contact that the parent or caregiver must be  
187 contacted; requiring all such information to be in  
188 compliance with federal and state law; providing that  
189 parents of public school students have a right to  
190 access school safety and discipline incidents as  
191 reported; amending s. 1002.33, F.S.; revising parent  
192 notification requirements; defining the term "a  
193 reasonable attempt to notify"; requiring a principal  
194 or his or her designee who successfully notifies any  
195 known emergency contact to share only the information  
196 necessary to alert such contact that the parent or  
197 caregiver must be contacted; requiring all such  
198 information to be in compliance with federal and state  
199 law; providing an exception;