

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Criminal Justice; and Senators Sharief, Osgood,
Rouson, and Bernard

604-01946-26

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A bill to be entitled

An act relating to the use of substances affecting cognitive function; creating s. 406.139, F.S.; defining terms; requiring medical examiners to take specified actions when performing an autopsy on a decedent who is a violent offender; requiring that autopsy reports for such individuals include certain findings and information; requiring notification of certain findings and information to the Department of Law Enforcement, the Department of Health, and the Agency for Health Care Administration; amending s. 456.057, F.S.; authorizing the release of certain patient records to law enforcement agencies without patient authorization under certain circumstances; amending s. 1006.07, F.S.; requiring school safety specialists to provide school district staff with certain training on the adverse effects of specified substances; specifying requirements for training; amending s. 1006.12, F.S.; requiring safe-school officers to complete certain training on the adverse effects of specified substances; specifying requirements for training; amending s. 381.028, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Section 406.139, Florida Statutes, is created to read:

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406.139 Autopsy of a suspected violent offender.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Intoxicating substance" means any alcoholic beverage, controlled substance controlled under chapter 893, or chemical substance set forth in s. 877.111.

(b) "Psychotropic drug" means any drug prescribed to affect an individual's mental state, including, but not limited to, antidepressants, antipsychotics, mood stabilizers, and antianxiety medications.

(c) "Violent offender" means any person who is suspected by law enforcement of engaging in unprovoked violence that results in, or is likely to result in, the death or serious bodily injury of another.

(2) CONSULTATION; TOXICOLOGY SCREENING.—If a medical examiner's office performs an autopsy on a decedent who is a violent offender, the medical examiner must do all of the following:

(a)1. Make reasonable efforts to determine the identity of any treating mental health professional or primary care physician of the decedent; and

2. Consult such individuals, if known and available, to obtain information and records regarding the decedent's history of psychotropic drug use, including any prescribed or discontinued medications.

(b) Order and perform a toxicology screening on the decedent to determine whether psychotropic drugs or intoxicating substances are present in the decedent's body.

(3) AUTOPSY REPORT; NOTIFICATION.—

(a) All findings under subsection (2) must be documented

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59 and included in the final autopsy report, along with any
60 available corroborating information.

61 (b)1. Any findings relating to the use of intoxicating
62 substances or psychotropic drugs must be reported to the
63 Department of Law Enforcement.

64 2. Any findings relating to the use of psychotropic drugs
65 and, if known, the prescribing facility, must be reported to the
66 Department of Health and the Agency for Health Care
67 Administration.

68 Section 2. Present subsections (8) through (20) of section
69 456.057, Florida Statutes, are redesignated as subsections (9)
70 through (21), respectively, and a new subsection (8) is added to
71 that section, to read:

72 456.057 Ownership and control of patient records; report or
73 copies of records to be furnished; disclosure of information.—

74 (8) Notwithstanding any other law, records must be
75 furnished to a law enforcement agency as defined in s. 914.28
76 upon request for the purpose of investigating a violent offender
77 as defined in s. 406.139. The release of such medical records
78 must include:

79 (a) Any medical records that may be relevant to the mental
80 or psychological state of the suspected person.

81 (b) Any records related to the prescription or use of
82 psychotropic drugs as defined in s. 406.139 or the prescription
83 or use of any drugs or substances that may contribute to a
84 person's mental or psychological state.

85 Section 3. Paragraph (a) of subsection (6) of section
86 1006.07, Florida Statutes, is amended to read:

87 1006.07 District school board duties relating to student

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88 discipline and school safety.—The district school board shall
89 provide for the proper accounting for all students, for the
90 attendance and control of students at school, and for proper
91 attention to health, safety, and other matters relating to the
92 welfare of students, including:

93 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
94 school superintendent shall establish policies and procedures
95 for the prevention of violence on school grounds, including the
96 assessment of and intervention with individuals whose behavior
97 poses a threat to the safety of the school community.

98 (a) *School safety specialist*.—Each district school
99 superintendent shall designate a school safety specialist for
100 the district. The school safety specialist must be a school
101 administrator employed by the school district or a law
102 enforcement officer employed by the sheriff's office located in
103 the school district. Any school safety specialist designated
104 from the sheriff's office must first be authorized and approved
105 by the sheriff employing the law enforcement officer. Any school
106 safety specialist designated from the sheriff's office remains
107 the employee of the office for purposes of compensation,
108 insurance, workers' compensation, and other benefits authorized
109 by law for a law enforcement officer employed by the sheriff's
110 office. The sheriff and the school superintendent may determine
111 by agreement the reimbursement for such costs, or may share the
112 costs, associated with employment of the law enforcement officer
113 as a school safety specialist. The school safety specialist must
114 earn a certificate of completion of the school safety specialist
115 training provided by the Office of Safe Schools within 1 year
116 after appointment and is responsible for the supervision and

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oversight for all school safety and security personnel, policies, and procedures in the school district. The school safety specialist, or his or her designee, shall:

1. In conjunction with the district school superintendent, annually review school district policies and procedures for compliance with state law and rules, including the district's timely and accurate submission of school environmental safety incident reports to the department pursuant to s. 1001.212(8). At least quarterly, the school safety specialist must report to the district school superintendent and the district school board any noncompliance by the school district with laws or rules regarding school safety.

2. Provide the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security.

3. Provide the necessary training and resources to school district staff in matters relating to the adverse effects of psychotropic drugs and intoxicating substances as those terms are defined in s. 406.139, including the irrational, violent, or suicidal behavior that may be demonstrated by students under the influence of such drugs or substances. The training must include instruction on how such staff can identify and safely interact with students who may be under the influence of such drugs or substances, including de-escalation techniques to ensure student and staff safety.

4. Serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.

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146 ~~5.4.~~ In collaboration with the appropriate public safety
147 agencies, as that term is defined in s. 365.171, by October 1 of
148 each year, conduct a school security risk assessment at each
149 public school using the Florida Safe Schools Assessment Tool
150 developed by the Office of Safe Schools pursuant to s.
151 1006.1493. Based on the assessment findings, the district's
152 school safety specialist shall provide recommendations to the
153 district school superintendent and the district school board
154 which identify strategies and activities that the district
155 school board should implement in order to address the findings
156 and improve school safety and security. Each district school
157 board must receive such findings and the school safety
158 specialist's recommendations at a publicly noticed district
159 school board meeting to provide the public an opportunity to
160 hear the district school board members discuss and take action
161 on the findings and recommendations. Each school safety
162 specialist, through the district school superintendent, shall
163 report such findings and school board action to the Office of
164 Safe Schools within 30 days after the district school board
165 meeting.

166 ~~6.5.~~ Conduct annual unannounced inspections, using the form
167 adopted by the Office of Safe Schools pursuant to s.
168 1001.212(13), of all public schools, including charter schools,
169 while school is in session and investigate reports of
170 noncompliance with school safety requirements.

171 ~~7.6.~~ Report violations of paragraph (f) by administrative
172 personnel and instructional personnel to the district school
173 superintendent or charter school administrator, as applicable.

174 Section 4. Subsection (6) of section 1006.12, Florida

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Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the options in subsections (1)–(4) to best meet the needs of the school district and charter schools.

(6) CRISIS INTERVENTION TRAINING; SUBSTANCE USE TRAINING.—

(a) Each safe-school officer who is also a sworn law enforcement officer shall complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve the officer's knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(b) Each safe-school officer shall complete training on the adverse effects of psychotropic drugs and intoxicating substances as those terms are defined in s. 406.139, including the irrational, violent, or suicidal behavior that may be demonstrated by students under the influence of such drugs or substances. The training must include instruction on how such a safe-school officer can identify and safely interact with

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students who may be under the influence of such drugs or substances, including de-escalation techniques to ensure student and officer safety.

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource officer or school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(12) and shall be retained by the school district.

Section 5. Paragraph (c) of subsection (7) of section 381.028, Florida Statutes, is amended to read:

381.028 Adverse medical incidents.—

(7) PRODUCTION OF RECORDS.—

(c)1. Fees charged by a health care facility for copies of records requested by a patient under s. 25, Art. X of the State Constitution may not exceed the reasonable and actual cost of complying with the request, including a reasonable charge for the staff time necessary to search for records and prevent the disclosure of the identity of any patient involved in the adverse medical incident through redaction or other means as required by the Health Insurance Portability and Accountability Act of 1996 or its implementing regulations. The health care facility may require payment, in full or in part, before acting on the records request.

2. Fees charged by a health care provider for copies of

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records requested by a patient under s. 25, Art. X of the State
Constitution may not exceed the amount established under s.
456.057(18) ~~s. 456.057(17)~~, which may include a reasonable
charge for the staff time necessary to prevent the disclosure of
the identity of any patient involved in the adverse medical
incident through redaction or other means as required by the
Health Insurance Portability and Accountability Act of 1996 or
its implementing regulations. The health care provider may
require payment, in full or in part, before acting on the
records request.

Section 6. This act shall take effect July 1, 2026.