

1 A bill to be entitled

2 An act relating to involuntary examinations of minors;
3 amending s. 381.0056, F.S.; revising the term
4 "emergency health needs"; requiring school health
5 services plans to include notification requirements
6 when a student is removed from school, school
7 transportation, or a school-sponsored activity for
8 involuntary examination; amending s. 394.4599, F.S.;
9 requiring a receiving facility to provide notice of
10 the whereabouts of an adult or minor patient held for
11 involuntary examination; providing conditions for
12 delay in notification; requiring documentation of
13 contact attempts; amending ss. 1002.20 and 1002.33,
14 F.S.; requiring a public school or charter school
15 principal or a designee to provide notice of the
16 whereabouts of a student removed from school, school
17 transportation, or a school-sponsored activity for
18 involuntary examination; providing conditions for
19 delay in notification; requiring district school
20 boards and charter school governing boards to develop
21 certain notification policies and procedures;
22 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:

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.

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

63 (4)(a) Each county health department shall develop,
 64 jointly with the district school board and the local school
 65 health advisory committee, a school health services plan~~.~~~~and~~
 66 The plan 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
88 treatment is indicated.†

89 16. Maintenance of records on incidents of health
90 problems, corrective measures taken, and such other information
91 as may be needed to plan and evaluate health programs; except,
92 however, that provisions in the plan for maintenance of health
93 records of individual students must be in accordance with s.
94 1002.22.†

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

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

103 19. Immediate notification to a student's parent or
104 guardian if the student is removed from school, school

105 transportation, or a school-sponsored activity and taken to a
 106 receiving facility for an involuntary examination pursuant to s.
 107 394.463, including the requirements established under ss.
 108 1002.20(3) and 1002.33(9).

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

114 394.4599 Notice.—

115 (2) INVOLUNTARY PATIENTS.—

116 (b) A receiving facility shall give prompt notice of the
 117 whereabouts of an adult or emancipated minor a patient who is
 118 being involuntarily held for examination, by telephone or in
 119 person within 24 hours after the patient's arrival at the
 120 facility, unless the patient requests that no notification be
 121 made. Contact attempts shall be documented in the patient's
 122 clinical record and shall begin as soon as reasonably possible
 123 after the patient's arrival. Notice that a patient is being
 124 admitted as an involuntary patient shall be given to the Florida
 125 local advocacy council no later than the next working day after
 126 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 through telephonic

131 or electronic communication immediately after the patient's
132 arrival at the facility. The facility may delay notification by
133 no more than 24 hours if the facility has submitted a report to
134 the Central Abuse Hotline, pursuant to s. 39.201, based upon
135 knowledge or suspicion of abuse, abandonment, or neglect and
136 deems delay in notification to be in the minor's best interest.

137 2. The receiving facility shall attempt to notify the
138 patient's parent, guardian, or guardian advocate until the
139 receiving facility receives confirmation from the parent,
140 guardian, or guardian advocate, either verbally, through
141 telephonic or electronic communication, or by recorded message,
142 that notification has been made. Attempts to notify the parent,
143 guardian, or guardian advocate must be repeated at least once
144 every hour during the first 12 hours after the patient's arrival
145 and once every 24 hours thereafter and must continue until such
146 confirmation is received or until the patient is released at the
147 end of the 72-hour examination period or a petition for
148 involuntary placement is filed with the court pursuant to s.
149 394.463(2) (i). A receiving facility may seek assistance from law
150 enforcement if notification is not made within the first 24
151 hours after the patient's arrival. The receiving facility must
152 document notification attempts in the patient's clinical record.

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

155 1002.20 K-12 student and parent rights.—Parents of public
156 school students must receive accurate and timely information

157 regarding their child's academic progress and must be informed
158 of ways they can help their child to succeed in school. K-12
159 students and their parents are afforded numerous statutory
160 rights including, but not limited to, the following:

161 (3) HEALTH ISSUES.—

162 (1) Notification of involuntary examinations.—The public
163 school principal or the principal's designee shall immediately
164 notify the parent of a student who is removed from school,
165 school transportation, or a school-sponsored activity and taken
166 to a receiving facility for an involuntary examination pursuant
167 to s. 394.463. The principal or the principal's designee may
168 delay notification if the principal or designee deems the delay
169 to be in the student's best interest and if a report has been
170 submitted to the Central Abuse Hotline, pursuant to s. 39.201,
171 based upon knowledge or suspicion of abuse, abandonment, or
172 neglect. The delay in notification must not exceed 24 hours
173 after the student's removal from school, school transportation,
174 or a school-sponsored activity. Each district school board shall
175 develop a policy and procedures for notification under this
176 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 if the principal
187 or designee deems the delay to be in the student's best interest
188 and if a report has been submitted to the Central Abuse Hotline,
189 pursuant to s. 39.201, based upon knowledge or suspicion of
190 abuse, abandonment, or neglect. The delay in notification must
191 not exceed 24 hours after the student's removal from school,
192 school transportation, or a school-sponsored activity. Each
193 charter school governing board shall develop a policy and
194 procedures for notification under this paragraph.

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