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1
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.; including health care surrogates and proxies as
10 individuals who may act on behalf of an individual
11 involuntarily admitted to a facility; requiring a
12 receiving facility to immediately notify the parent,
13 guardian, caregiver, or guardian advocate of the
14 whereabouts of a minor who is being held for
15 involuntary examination; providing circumstances when
16 notification may be delayed; requiring the receiving
17 facility to make continuous notification attempts;
18 authorizing the receiving facility to seek assistance
19 from law enforcement under certain circumstances;
20 requiring the receiving facility to document
21 notification attempts in the minor's clinical record;
22 amending ss. 1002.20 and 1002.33, F.S.; requiring
23 public school or charter school principals or their
24 designees to provide notice of the whereabouts of a
25 student removed from school, school transportation, or
26 a school-sponsored activity for involuntary
27 examination; providing conditions for delay in
28 notification; requiring district school boards and
29 charter school governing boards to develop

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30 notification policies and procedures; providing an
31 effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Subsection (2) and paragraph (a) of subsection
36 (4) of section 381.0056, Florida Statutes, are amended to read:

37 381.0056 School health services program.—

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

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

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

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

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

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

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

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

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

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88 12. Meeting emergency health needs in each school;

89 13. County health department personnel to assist school
90 personnel in health education curriculum development;

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

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

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

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

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

111 19. Immediate notification to a student's parent, guardian,
112 or caregiver if the student is removed from school, school
113 transportation, or a school-sponsored activity and taken to a
114 receiving facility for an involuntary examination pursuant to s.
115 394.463, including the requirements established under ss.
116 1002.20(3) and 1002.33(9), as applicable.

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117 Section 2. Section 394.4599, Florida Statutes, is amended
118 to read:

119 394.4599 Notice.—

120 (1) VOLUNTARY ADMISSION PATIENTS.—Notice of an individual's
121 a voluntary ~~patient's~~ admission shall ~~only~~ be given only at the
122 request of the individual patient, except that, in an emergency,
123 notice shall be given as determined by the facility.

124 (2) INVOLUNTARY ADMISSION PATIENTS.—

125 (a) Whenever notice is required to be given under this
126 part, such notice shall be given to the individual patient and
127 the individual's patient's guardian, guardian advocate, health
128 care surrogate or proxy, attorney, and representative.

129 1. When notice is required to be given to an individual a
130 patient, it shall be given both orally and in writing, in the
131 language and terminology that the individual patient can
132 understand, and, if needed, the facility shall provide an
133 interpreter for the individual patient.

134 2. Notice to an individual's a patient's guardian, guardian
135 advocate, health care surrogate or proxy, attorney, and
136 representative shall be given by ~~United States mail and by~~
137 ~~registered or certified~~ mail with the date, time, and method of
138 notice delivery documented in receipts attached to the patient's
139 clinical record. Hand delivery by a facility employee may be
140 used as an alternative, with the date and time of delivery
141 documented in the clinical record. If notice is given by a state
142 attorney or an attorney for the department, a certificate of
143 service is ~~shall be~~ sufficient to document service.

144 (b) A receiving facility shall give prompt notice of the
145 whereabouts of an individual a patient who is being

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146 involuntarily held for examination to the individual's guardian,
147 guardian advocate, health care surrogate or proxy, attorney or
148 representative, by telephone or in person within 24 hours after
149 the individual's patient's arrival at the facility, ~~unless the~~
150 ~~patient requests that no notification be made.~~ Contact attempts
151 shall be documented in the individual's patient's clinical
152 record and shall begin as soon as reasonably possible after the
153 individual's patient's arrival. ~~Notice that a patient is being~~
154 ~~admitted as an involuntary patient shall be given to the Florida~~
155 ~~local advocacy council no later than the next working day after~~
156 ~~the patient is admitted.~~

157 (c)1. A receiving facility shall give notice of the
158 whereabouts of a minor who is being involuntarily held for
159 examination pursuant to s. 394.463 to the minor's parent,
160 guardian, caregiver, or guardian advocate, in person or by
161 telephone or other form of electronic communication, immediately
162 after the minor's arrival at the facility. The facility may
163 delay notification for no more than 24 hours after the minor's
164 arrival if the facility has submitted a report to the central
165 abuse hotline, pursuant to s. 39.201, based upon knowledge or
166 suspicion of abuse, abandonment, or neglect and if the facility
167 deems a delay in notification to be in the minor's best
168 interest.

169 2. The receiving facility shall attempt to notify the
170 minor's parent, guardian, caregiver, or guardian advocate until
171 the receiving facility receives confirmation from the parent,
172 guardian, caregiver, or guardian advocate, verbally, by
173 telephone or other form of electronic communication, or by
174 recorded message, that notification has been received. Attempts

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175 to notify the parent, guardian, caregiver, or guardian advocate
176 must be repeated at least once every hour during the first 12
177 hours after the minor's arrival and once every 24 hours
178 thereafter and must continue until such confirmation is
179 received, unless the minor is released at the end of the 72-hour
180 examination period, or until a petition for involuntary
181 placement is filed with the court pursuant to s. 394.463(2)(i).
182 The receiving facility may seek assistance from a law
183 enforcement agency to notify the minor's parent, guardian,
184 caregiver, or guardian advocate if the facility has not received
185 within the first 24 hours after the minor's arrival a
186 confirmation by the parent, guardian, caregiver, or guardian
187 advocate that notification has been received. The receiving
188 facility must document notification attempts in the minor's
189 clinical record.

190 (d)(e) The written notice of the filing of the petition for
191 involuntary placement of an individual being held must contain
192 the following:

193 1. Notice that the petition has been filed with the circuit
194 court in the county in which the individual ~~patient~~ is
195 hospitalized and the address of such court.

196 2. Notice that the office of the public defender has been
197 appointed to represent the individual ~~patient~~ in the proceeding,
198 if the individual ~~patient~~ is not otherwise represented by
199 counsel.

200 3. The date, time, and place of the hearing and the name of
201 each examining expert and every other person expected to testify
202 in support of continued detention.

203 4. Notice that the individual ~~patient~~, the individual's

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204 ~~patient's~~ guardian, guardian advocate, health care surrogate or
205 proxy, or representative, or the administrator may apply for a
206 change of venue for the convenience of the parties or witnesses
207 or because of the condition of the individual patient.

208 5. Notice that the individual patient is entitled to an
209 independent expert examination and, if the individual patient
210 cannot afford such an examination, that the court will provide
211 for one.

212 ~~(e)-(d)~~ A treatment facility shall provide notice of an
213 individual's ~~a patient's~~ involuntary admission on the next
214 regular working day after the individual's patient's arrival at
215 the facility.

216 ~~(f)-(e)~~ When an individual ~~a patient~~ is to be transferred
217 from one facility to another, notice shall be given by the
218 facility where the individual patient is located before ~~prior to~~
219 the transfer.

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

222 1002.20 K-12 student and parent rights.—Parents of public
223 school students must receive accurate and timely information
224 regarding their child's academic progress and must be informed
225 of ways they can help their child to succeed in school. K-12
226 students and their parents are afforded numerous statutory
227 rights including, but not limited to, the following:

228 (3) HEALTH ISSUES.—

229 (1) Notification of involuntary examinations.—The public
230 school principal or the principal's designee shall immediately
231 notify the parent of a student who is removed from school,
232 school transportation, or a school-sponsored activity and taken

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233 to a receiving facility for an involuntary examination pursuant
234 to s. 394.463. The principal or the principal's designee may
235 delay notification for no more than 24 hours after the student
236 is removed if the principal or designee deems the delay to be in
237 the student's best interest and if a report has been submitted
238 to the central abuse hotline, pursuant to s. 39.201, based upon
239 knowledge or suspicion of abuse, abandonment, or neglect. Each
240 district school board shall develop a policy and procedures for
241 notification under this paragraph.

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

244 1002.33 Charter schools.—

245 (9) CHARTER SCHOOL REQUIREMENTS.—

246 (q) The charter school principal or the principal's
247 designee shall immediately notify the parent of a student who is
248 removed from school, school transportation, or a school-
249 sponsored activity and taken to a receiving facility for an
250 involuntary examination pursuant to s. 394.463. The principal or
251 the principal's designee may delay notification for no more than
252 24 hours after the student is removed if the principal or
253 designee deems the delay to be in the student's best interest
254 and if a report has been submitted to the central abuse hotline,
255 pursuant to s. 39.201, based upon knowledge or suspicion of
256 abuse, abandonment, or neglect. Each charter school governing
257 board shall develop a policy and procedures for notification
258 under this paragraph.

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