

By the Committee on Criminal Justice; and Senator Sharief

591-01745-26

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

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

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

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

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

(8) Notwithstanding any other law, records must be furnished to a law enforcement agency as defined in s. 914.28 for the purpose of investigating a violent offender as defined in s. 406.139, provided:

(a) Such release is limited to only those records that confirm whether the suspected person was ever treated with psychotropic drugs as defined in s. 406.139;

(b) The records reasonably relate to such treatment; and

(c) The law enforcement agency requests such records.

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

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the

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attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

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

(a) *School safety specialist*.—Each district school superintendent shall designate a school safety specialist for the district. The school safety specialist must be a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office located in the school district. Any school safety specialist designated from the sheriff's office must first be authorized and approved by the sheriff employing the law enforcement officer. Any school safety specialist designated from the sheriff's office remains the employee of the office for purposes of compensation, insurance, workers' compensation, and other benefits authorized by law for a law enforcement officer employed by the sheriff's office. The sheriff and the school superintendent may determine by agreement the reimbursement for such costs, or may share the costs, associated with employment of the law enforcement officer as a school safety specialist. The school safety specialist must earn a certificate of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment and is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district. The school

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117 safety specialist, or his or her designee, shall:

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

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

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

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

144 ~~5.4.~~ In collaboration with the appropriate public safety
145 agencies, as that term is defined in s. 365.171, by October 1 of

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each year, conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool developed by the Office of Safe Schools pursuant to s.

1006.1493. Based on the assessment findings, the district's school safety specialist shall provide recommendations to the district school superintendent and the district school board which identify strategies and activities that the district school board should implement in order to address the findings and improve school safety and security. Each district school board must receive such findings and the school safety specialist's recommendations at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the findings and recommendations. Each school safety specialist, through the district school superintendent, shall report such findings and school board action to the Office of Safe Schools within 30 days after the district school board meeting.

~~6.5.~~ Conduct annual unannounced inspections, using the form adopted by the Office of Safe Schools pursuant to s.

1001.212(13), of all public schools, including charter schools, while school is in session and investigate reports of noncompliance with school safety requirements.

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

Section 4. Subsection (6) of section 1006.12, Florida Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the

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175 protection and safety of school personnel, property, students,
176 and visitors, each district school board and school district
177 superintendent shall partner with law enforcement agencies or
178 security agencies to establish or assign one or more safe-school
179 officers at each school facility within the district, including
180 charter schools. A district school board must collaborate with
181 charter school governing boards to facilitate charter school
182 access to all safe-school officer options available under this
183 section. The school district may implement any combination of
184 the options in subsections (1)-(4) to best meet the needs of the
185 school district and charter schools.

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

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

195 (b) Each safe-school officer shall complete training on the
196 adverse effects of psychotropic drugs and intoxicating
197 substances as those terms are defined in s. 406.139, including
198 the irrational, violent, or suicidal behavior that may be
199 demonstrated by students under the influence of such drugs or
200 substances. The training must include instruction on how such a
201 safe-school officer can identify and safely interact with
202 students who may be under the influence of such drugs or
203 substances, including de-escalation techniques to ensure student

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204 and officer safety.

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206 If a district school board, through its adopted policies,
207 procedures, or actions, denies a charter school access to any
208 safe-school officer options pursuant to this section, the school
209 district must assign a school resource officer or school safety
210 officer to the charter school. Under such circumstances, the
211 charter school's share of the costs of the school resource
212 officer or school safety officer may not exceed the safe school
213 allocation funds provided to the charter school pursuant to s.
214 1011.62(12) and shall be retained by the school district.

215 Section 5. Paragraph (c) of subsection (7) of section
216 381.028, Florida Statutes, is amended to read:

217 381.028 Adverse medical incidents.—

218 (7) PRODUCTION OF RECORDS.—

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

230 2. Fees charged by a health care provider for copies of
231 records requested by a patient under s. 25, Art. X of the State
232 Constitution may not exceed the amount established under s.

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233 456.057(18) ~~s. 456.057(17)~~, which may include a reasonable
234 charge for the staff time necessary to prevent the disclosure of
235 the identity of any patient involved in the adverse medical
236 incident through redaction or other means as required by the
237 Health Insurance Portability and Accountability Act of 1996 or
238 its implementing regulations. The health care provider may
239 require payment, in full or in part, before acting on the
240 records request.

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