

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Payne offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 19-77 and insert:

7 Section 1. Paragraphs (a) and (g) of subsection (2) of
8 section 394.463, Florida Statutes, are amended to read:

9 394.463 Involuntary examination.—

10 (2) INVOLUNTARY EXAMINATION.—

11 (a) An involuntary examination may be initiated by any one
12 of the following means:

13 1. A circuit or county court may enter an ex parte order
14 stating that a person appears to meet the criteria for
15 involuntary examination and specifying the findings on which
16 that conclusion is based. The ex parte order for involuntary

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17 examination must be based on written or oral sworn testimony
18 that includes specific facts that support the findings. If other
19 less restrictive means are not available, such as voluntary
20 appearance for outpatient evaluation, a law enforcement officer,
21 or other designated agent of the court, shall take the person
22 into custody and deliver him or her to an appropriate, or the
23 nearest, facility within the designated receiving system
24 pursuant to s. 394.462 for involuntary examination. The order of
25 the court shall be made a part of the patient's clinical record.
26 A fee may not be charged for the filing of an order under this
27 subsection. A facility accepting the patient based on this order
28 must send a copy of the order to the department within 5 the
29 ~~next~~ working days ~~day~~. The order may be submitted electronically
30 through existing data systems, if available. The order shall be
31 valid only until the person is delivered to the facility or for
32 the period specified in the order itself, whichever comes first.
33 If no time limit is specified in the order, the order shall be
34 valid for 7 days after the date that the order was signed.

35 2. A law enforcement officer shall take a person who
36 appears to meet the criteria for involuntary examination into
37 custody and deliver the person or have him or her delivered to
38 an appropriate, or the nearest, facility within the designated
39 receiving system pursuant to s. 394.462 for examination. The
40 officer shall execute a written report detailing the
41 circumstances under which the person was taken into custody,

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42 | which must be made a part of the patient's clinical record. Any
43 | facility accepting the patient based on this report must send a
44 | copy of the report to the department within 5 ~~the next~~ working
45 | days ~~day~~.

46 | 3. A physician, clinical psychologist, psychiatric nurse,
47 | mental health counselor, marriage and family therapist, or
48 | clinical social worker may execute a certificate stating that he
49 | or she has examined a person within the preceding 48 hours and
50 | finds that the person appears to meet the criteria for
51 | involuntary examination and stating the observations upon which
52 | that conclusion is based. If other less restrictive means, such
53 | as voluntary appearance for outpatient evaluation, are not
54 | available, a law enforcement officer shall take into custody the
55 | person named in the certificate and deliver him or her to the
56 | appropriate, or nearest, facility within the designated
57 | receiving system pursuant to s. 394.462 for involuntary
58 | examination. The law enforcement officer shall execute a written
59 | report detailing the circumstances under which the person was
60 | taken into custody. The report and certificate shall be made a
61 | part of the patient's clinical record. Any facility accepting
62 | the patient based on this certificate must send a copy of the
63 | certificate to the department within 5 ~~the next~~ working days
64 | ~~day~~. The document may be submitted electronically through
65 | existing data systems, if applicable.

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66 (g) The examination period must be for up to 72 hours. For
67 a minor, the assessment by a service provider or examination
68 shall be initiated within 12 hours after the patient's arrival
69 at the facility. Within the examination period or, if the
70 examination period ends on a weekend or holiday, no later than
71 the next working day thereafter, one of the following actions
72 must be taken, based on the individual needs of the patient:

73 1. The patient shall be released, unless he or she is
74 charged with a crime, in which case the patient shall be
75 returned to the custody of a law enforcement officer;

76 2. The patient shall be released, subject to subparagraph
77 1., for voluntary outpatient treatment;

78 3. The patient, unless he or she is charged with a crime,
79 shall be asked to give express and informed consent to placement
80 as a voluntary patient and, if such consent is given, the
81 patient shall be admitted as a voluntary patient; or

82 4. A petition for involuntary services shall be filed in
83 the circuit court if inpatient treatment is deemed necessary or
84 with the criminal county court, as defined in s. 394.4655(1), as
85 applicable. When inpatient treatment is deemed necessary, the
86 least restrictive treatment consistent with the optimum
87 improvement of the patient's condition shall be made available.
88 When a petition is to be filed for involuntary outpatient
89 placement, it shall be filed by one of the petitioners specified

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90 in s. 394.4655(4)(a). A petition for involuntary inpatient
91 placement shall be filed by the facility administrator.

92 Section 2. Paragraph (a) of subsection (4) of section
93 381.0056, Florida Statutes, is amended to read:

94 381.0056 School health services program.—

95 (4)(a) Each county health department shall develop,
96 jointly with the district school board and the local school
97 health advisory committee, a school health services plan. The
98 plan must include, at a minimum, provisions for all of the
99 following:

- 100 1. Health appraisal;
- 101 2. Records review;
- 102 3. Nurse assessment;
- 103 4. Nutrition assessment;
- 104 5. A preventive dental program;
- 105 6. Vision screening;
- 106 7. Hearing screening;
- 107 8. Scoliosis screening;
- 108 9. Growth and development screening;
- 109 10. Health counseling;
- 110 11. Referral and followup of suspected or confirmed health
111 problems by the local county health department;
- 112 12. Meeting emergency health needs in each school;
- 113 13. County health department personnel to assist school
114 personnel in health education curriculum development;

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115 14. Referral of students to appropriate health treatment,
116 in cooperation with the private health community whenever
117 possible;

118 15. Consultation with a student's parent or guardian
119 regarding the need for health attention by the family physician,
120 dentist, or other specialist when definitive diagnosis or
121 treatment is indicated;

122 16. Maintenance of records on incidents of health
123 problems, corrective measures taken, and such other information
124 as may be needed to plan and evaluate health programs; except,
125 however, that provisions in the plan for maintenance of health
126 records of individual students must be in accordance with s.
127 1002.22;

128 17. Health information which will be provided by the
129 school health nurses, when necessary, regarding the placement of
130 students in exceptional student programs and the reevaluation at
131 periodic intervals of students placed in such programs;

132 18. Notification to the local nonpublic schools of the
133 school health services program and the opportunity for
134 representatives of the local nonpublic schools to participate in
135 the development of the cooperative health services plan; and

136 19. Notification ~~Immediate notification~~ to a student's
137 parent, guardian, or caregiver if the student is removed from
138 school, school transportation, or a school-sponsored activity
139 and taken to a receiving facility for an involuntary examination

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140 pursuant to s. 394.463, including the requirements established
141 under ss. 1002.20(3) and 1002.33(9), as applicable. Such
142 notification shall include:

143 a. Notification prior to the student's removal for an
144 involuntary examination, if such notification will not cause a
145 delay that jeopardizes the student's or another individual's
146 physical or mental health or safety.

147 b. Immediate notification upon the student's removal for
148 an involuntary examination.

149 Section 3. Paragraph (1) of subsection (3) of section
150 1002.20, Florida Statutes, is amended to read:

151 1002.20 K-12 student and parent rights.—Parents of public
152 school students must receive accurate and timely information
153 regarding their child's academic progress and must be informed
154 of ways they can help their child to succeed in school. K-12
155 students and their parents are afforded numerous statutory
156 rights including, but not limited to, the following:

157 (3) HEALTH ISSUES.—

158 (1) Notification of involuntary examinations.—

159 1. The public school principal or the principal's designee
160 shall immediately notify the parent of a student who is removed
161 from school, school transportation, or a school-sponsored
162 activity and taken to a receiving facility for an involuntary
163 examination pursuant to s. 394.463. In addition, the principal
164 or the principal's designee shall explain to the parent the

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165 reason or situation that gave rise to such removal. The
166 principal or the principal's designee may delay notification for
167 no more than 24 hours after the student is removed if the
168 principal or designee deems the delay to be in the student's
169 best interest and if a report has been submitted to the central
170 abuse hotline, pursuant to s. 39.201, based upon knowledge or
171 suspicion of abuse, abandonment, or neglect.

172 2. Prior to removal of a student for an involuntary
173 examination, the principal or the principal's designee shall
174 notify the parent, if such notification will not cause a delay
175 that jeopardizes the student's or another individual's physical
176 or mental health or safety. However, the principal or the
177 principal's designee may omit notification prior to removal if
178 the principal or designee deems it to be in the student's best
179 interest and if a report has been submitted to the central abuse
180 hotline, pursuant to s. 39.201, based upon knowledge or
181 suspicion of abuse, abandonment, or neglect.

182 3. Each district school board shall develop a policy and
183 procedures for notification under this paragraph.

184 Section 4. Paragraph (q) of subsection (9) of section
185 1002.33, Florida Statutes, is amended to read:

186 1002.33 Charter schools.—

187 (9) CHARTER SCHOOL REQUIREMENTS.—

188 (q) The charter school principal or the principal's
189 designee shall immediately notify the parent of a student who is

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190 removed from school, school transportation, or a school-
191 sponsored activity and taken to a receiving facility for an
192 involuntary examination pursuant to s. 394.463. In addition, the
193 principal or the principal's designee shall explain to the
194 parent the reason or situation that gave rise to such removal.
195 The principal or the principal's designee may delay notification
196 for no more than 24 hours after the student is removed if the
197 principal or designee deems the delay to be in the student's
198 best interest and if a report has been submitted to the central
199 abuse hotline, pursuant to s. 39.201, based upon knowledge or
200 suspicion of abuse, abandonment, or neglect.

201 2. Prior to removal of a student for an involuntary
202 examination, the principal or the principal's designee shall
203 notify the parent, if such notification will not cause a delay
204 that jeopardizes the student's or another individual's physical
205 or mental health or safety. However, the principal or the
206 principal's designee may omit notification prior to removal if
207 the principal or designee deems it to be in the student's best
208 interest and if a report has been submitted to the central abuse
209 hotline, pursuant to s. 39.201, based upon knowledge or
210 suspicion of abuse, abandonment, or neglect.

211 3. Each charter school governing board shall develop a
212 policy and procedures for notification under this paragraph.
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215 **T I T L E A M E N D M E N T**

216 Remove lines 3-5 and insert:
217 amending s. 394.463, F.S.; revising deadlines for submission of
218 documentation regarding involuntary examinations; requiring an
219 assessment or examination to be initiated within 12 hours of a
220 minor patient's arrival at a facility; amending s. 381.0056,
221 F.S.; requiring parental notification prior to removing a
222 student for an involuntary examination in certain circumstances;
223 amending s. 1002.20, F.S.; requiring parental notification prior
224 to removing a student for an involuntary examination in certain
225 circumstances; amending s. 1002.33, F.S.; requiring parental
226 notification prior to removing a student for an involuntary
227 examination in certain circumstances; amending s. 1006.12, F.S.;
228 establishing