



633106

LEGISLATIVE ACTION

Senate

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House

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Senator Garcia moved the following:

**Senate Amendment (with title amendment)**

Delete lines 66 - 154

and insert:

must include, at a minimum, provisions for all of the following:

1. Health appraisal;
2. Records review;
3. Nurse assessment;
4. Nutrition assessment;
5. A preventive dental program;
6. Vision screening;



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- 12           7. Hearing screening;
- 13           8. Scoliosis screening;
- 14           9. Growth and development screening;
- 15           10. Health counseling;
- 16           11. Referral and followup of suspected or confirmed health  
17 problems by the local county health department;
- 18           12. Meeting emergency health needs in each school;
- 19           13. County health department personnel to assist school  
20 personnel in health education curriculum development;
- 21           14. Referral of students to appropriate health treatment,  
22 in cooperation with the private health community whenever  
23 possible;
- 24           15. Consultation with a student's parent or guardian  
25 regarding the need for health attention by the family physician,  
26 dentist, or other specialist when definitive diagnosis or  
27 treatment is indicated;
- 28           16. Maintenance of records on incidents of health problems,  
29 corrective measures taken, and such other information as may be  
30 needed to plan and evaluate health programs; except, however,  
31 that provisions in the plan for maintenance of health records of  
32 individual students must be in accordance with s. 1002.22;
- 33           17. Health information which will be provided by the school  
34 health nurses, when necessary, regarding the placement of  
35 students in exceptional student programs and the reevaluation at  
36 periodic intervals of students placed in such programs; ~~and~~
- 37           18. Notification to the local nonpublic schools of the  
38 school health services program and the opportunity for  
39 representatives of the local nonpublic schools to participate in  
40 the development of the cooperative health services plan; and-



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41 19. Immediate notification to a student's parent, guardian,  
42 or caregiver if the student is removed from school, school  
43 transportation, or a school-sponsored activity and taken to a  
44 receiving facility for an involuntary examination pursuant to s.  
45 394.463, including the requirements established under ss.  
46 1002.20(3) and 1002.33(9), as applicable.

47 Section 2. Section 394.4599, Florida Statutes, is amended  
48 to read:

49 394.4599 Notice.—

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

54 (2) INVOLUNTARY ADMISSION PATIENTS.—

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

59 1. When notice is required to be given to an individual a  
60 patient, it shall be given both orally and in writing, in the  
61 language and terminology that the individual patient can  
62 understand, and, if needed, the facility shall provide an  
63 interpreter for the individual patient.

64 2. Notice to an individual's a patient's guardian, guardian  
65 advocate, health care surrogate or proxy, attorney, and  
66 representative shall be given by ~~United States mail and by~~  
67 ~~registered or certified~~ mail with the date, time, and method of  
68 notice delivery documented in receipts attached to the patient's  
69 clinical record. Hand delivery by a facility employee may be



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70 used as an alternative, with the date and time of delivery  
71 documented in the clinical record. If notice is given by a state  
72 attorney or an attorney for the department, a certificate of  
73 service is ~~shall be~~ sufficient to document service.

74 (b) A receiving facility shall give prompt notice of the  
75 whereabouts of an individual ~~a patient~~ who is being  
76 involuntarily held for examination to the individual's guardian,  
77 guardian advocate, health care surrogate or proxy, attorney or  
78 representative, by telephone or in person within 24 hours after  
79 the individual's patient's arrival at the facility, ~~unless the~~  
80 ~~patient requests that no notification be made.~~ Contact attempts  
81 shall be documented in the individual's patient's clinical  
82 record and shall begin as soon as reasonably possible after the  
83 individual's patient's arrival. ~~Notice that a patient is being~~  
84 ~~admitted as an involuntary patient shall be given to the Florida~~  
85 ~~local advocacy council no later than the next working day after~~  
86 ~~the patient is admitted.~~

87 (c)1. A receiving facility shall give notice of the  
88 whereabouts of a minor who is being involuntarily held for  
89 examination pursuant to s. 394.463 to the minor's parent,  
90 guardian, caregiver, or guardian advocate, in person or by  
91 telephone or other form of electronic communication, immediately  
92 after the minor's arrival at the facility. The facility may  
93 delay notification for no more than 24 hours after the minor's  
94 arrival if the facility has submitted a report to the central  
95 abuse hotline, pursuant to s. 39.201, based upon knowledge or  
96 suspicion of abuse, abandonment, or neglect and if the facility  
97 deems a delay in notification to be in the minor's best  
98 interest.



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99           2. The receiving facility shall attempt to notify the  
100 minor's parent, guardian, caregiver, or guardian advocate until  
101 the receiving facility receives confirmation from the parent,  
102 guardian, caregiver, or guardian advocate, verbally, by  
103 telephone or other form of electronic communication, or by  
104 recorded message, that notification has been received. Attempts  
105 to notify the parent, guardian, caregiver, or guardian advocate  
106 must be repeated at least once every hour during the first 12  
107 hours after the minor's arrival and once every 24 hours  
108 thereafter and must continue until such confirmation is  
109 received, unless the minor is released at the end of the 72-hour  
110 examination period, or until a petition for involuntary  
111 placement is filed with the court pursuant to s. 394.463(2)(i).  
112 The receiving facility may seek assistance from a law  
113 enforcement agency to notify the minor's parent, guardian,  
114 caregiver, or guardian advocate if the facility has not received  
115 within the first 24 hours after the minor's arrival a  
116 confirmation by the parent, guardian, caregiver, or guardian  
117 advocate that notification has been received. The receiving  
118 facility must document notification attempts in the minor's  
119 clinical record.

120           (d)(e) The written notice of the filing of the petition for  
121 involuntary placement of an individual being held must contain  
122 the following:

123           1. Notice that the petition has been filed with the circuit  
124 court in the county in which the individual patient is  
125 hospitalized and the address of such court.

126           2. Notice that the office of the public defender has been  
127 appointed to represent the individual patient in the proceeding,



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128 if the individual patient is not otherwise represented by  
129 counsel.

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

133 4. Notice that the individual patient, the individual's  
134 patient's guardian, guardian advocate, health care surrogate or  
135 proxy, or representative, or the administrator may apply for a  
136 change of venue for the convenience of the parties or witnesses  
137 or because of the condition of the individual patient.

138 5. Notice that the individual patient is entitled to an  
139 independent expert examination and, if the individual patient  
140 cannot afford such an examination, that the court will provide  
141 for one.

142 ~~(e)~~ A treatment facility shall provide notice of an  
143 individual's ~~a patient's~~ involuntary admission on the next  
144 regular working day after the individual's ~~patient's~~ arrival at  
145 the facility.

146 ~~(f)~~ When an individual ~~a patient~~ is to be transferred  
147 from one facility to another, notice shall be given by the  
148 facility where the individual patient is located before ~~prior to~~  
149 the transfer.

150  
151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 Delete lines 9 - 13

154 and insert:

155 F.S.; including health care surrogates and proxies as  
156 individuals who may act on behalf of an individual



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157 involuntarily admitted to a facility; requiring a  
158 receiving facility to immediately notify the parent,  
159 guardian, caregiver, or guardian advocate of the  
160 whereabouts of a minor who is being held for  
161 involuntary examination; providing circumstances when  
162 notification may be delayed; requiring the receiving  
163 facility to make continuous notification attempts;  
164 authorizing the receiving facility to seek assistance  
165 from law enforcement under certain circumstances;  
166 requiring the receiving facility to document  
167 notification attempts in the minor's clinical record;  
168 amending ss.