

By Representative Crow

1                                   A bill to be entitled  
2           An act relating to parental consent; amending  
3           s. 232.46, F.S.; revising provisions relating  
4           to the administration of medication by school  
5           district personnel; requiring district school  
6           boards to adopt policies and procedures  
7           governing the administration of nonprescription  
8           medication; requiring written parental  
9           permission for the administration of  
10          nonprescription medication; amending s.  
11          232.465, F.S.; providing that a student is  
12          exempt from certain services under the school  
13          health services program if parent or guardian  
14          requests such an exemption in writing; amending  
15          s. 234.02, F.S.; limiting transportation of a  
16          student to a medical treatment facility without  
17          parental consent; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21           Section 1. Subsection (1) of section 232.46, Florida  
22 Statutes, is amended to read:

23           232.46 Administration of medication by school district  
24 personnel.--

25           (1) Notwithstanding the provisions of the Nurse  
26 Practice Act, part I of chapter 464, school district personnel  
27 shall be authorized to assist students in the administration  
28 of prescription and nonprescription medication when the  
29 following conditions have been met:

30           (a) Each district school board shall include in its  
31 approved school health services plan a procedure to provide

1 training, by a registered nurse, a licensed practical nurse, a  
2 physician licensed pursuant to chapter 458 or chapter 459, or  
3 a physician assistant licensed pursuant to chapter 458 or  
4 chapter 459, to the school personnel designated by the  
5 principal to assist students in the administration of  
6 prescribed and nonprescription medication. Such training may  
7 be provided in collaboration with other school districts,  
8 through contract with an education consortium, or by any other  
9 arrangement consistent with the intent of this section.

10 (b) Each district school board shall adopt policies  
11 and procedures governing the administration of prescription  
12 and nonprescription medication by school district personnel.  
13 The policies and procedures shall include, but are not ~~be~~  
14 limited to, the following provisions:

15 1. For each prescribed and nonprescription medication,  
16 the student's parent or guardian shall provide to the school  
17 principal a written statement which shall grant to the  
18 principal, the school nurse, or the principal's designee  
19 permission to assist in the administration of such medication  
20 and which shall explain the necessity for such medication to  
21 be provided during the school day, including any occasion when  
22 the student is away from school property on official school  
23 business. The school principal or the principal's trained  
24 designee shall assist the student in the administration of  
25 prescribed and nonprescription ~~such~~ medication.

26 2. Each prescribed and nonprescription medication to  
27 be administered by school district personnel shall be  
28 received, counted, and stored in its original container. When  
29 the medication is not in use, it shall be stored in its  
30 original container in a secure fashion under lock and key in a  
31 location designated by the principal.

1           Section 2. Subsection (5) of section 232.465, Florida  
2 Statutes, is renumbered as subsection (6), and a new  
3 subsection (5) is added to said section to read:

4           232.465 Provision of medical services; restrictions.--

5           (5) Pursuant to s. 381.0056(7)(d), a student will be  
6 exempt from any of the services provided under the school  
7 health services program if his or her parent or guardian  
8 requests such exemption in writing.

9           Section 3. Paragraph (a) of subsection (2) and  
10 subsection (8) of section 234.02, Florida Statutes, are  
11 amended to read:

12           234.02 Safety and health of pupils.--Maximum regard  
13 for safety and adequate protection of health are primary  
14 requirements that must be observed by school boards in routing  
15 buses, appointing drivers, and providing and operating  
16 equipment, in accordance with all requirements of law and  
17 regulations of the commissioner in providing transportation  
18 pursuant to s. 234.01:

19           (2) Except as provided in subsection (1), school  
20 boards may authorize the transportation of students in  
21 privately owned motor vehicles on a case-by-case basis only in  
22 the following circumstances:

23           (a) When a student is ill or injured and must be taken  
24 home under nonemergency circumstances or to a medical  
25 treatment facility under imminently life-threatening  
26 ~~nonemergency~~ circumstances; and

27           1. The school has been unable to contact the student's  
28 parent or guardian or such parent, guardian, or responsible  
29 adult designated by the parent or guardian is not available to  
30 provide the transportation;

31

1           2. Proper adult supervision of the student is  
2 available at the location to which the student is being  
3 transported;

4           3. The transportation is approved by the school  
5 principal, or a school administrator designated by the  
6 principal to grant or deny such approval, or in the absence of  
7 the principal and designee, by the highest ranking school  
8 administrator or teacher available under the circumstances;  
9 and

10          4. If the school has been unable to contact the parent  
11 or guardian prior to the transportation, the school shall  
12 continue to seek to contact the parent or guardian until the  
13 school is able to notify the parent or guardian of the  
14 transportation and the pertinent circumstances.

15          (8) Notwithstanding any other provision of this  
16 section, in an emergency situation that constitutes an  
17 imminent threat to student health or safety, school personnel  
18 may take whatever action is necessary under the circumstances  
19 to protect student health and safety. However, transportation  
20 of a student in a school district vehicle or a privately owned  
21 vehicle to a medical treatment facility without parental  
22 consent is limited to those circumstances when immediate  
23 medical treatment is necessary for the health and safety of  
24 the student.

25           Section 4. This act shall take effect July 1, 2001.  
26  
27  
28  
29  
30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

HOUSE SUMMARY

Revises provisions relating to the administration of medication by school district personnel. Requires written parental permission for the administration of nonprescription medication. Provides that a student is exempt from certain services under the school health services program if parent or guardian requests such an exemption in writing. Limits transportation of a student to a medical treatment facility without parental consent.