

By Senator Dawson

30-2A-01

See HB

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 his or her parent or
14 guardian requests such an exemption in writing;
15 amending s. 234.02, F.S.; limiting
16 transportation of a student to a medical
17 treatment facility without parental consent;
18 providing an effective date.

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

21
22 Section 1. Subsection (1) of section 232.46, Florida
23 Statutes, is amended to read:
24 232.46 Administration of medication by school district
25 personnel.--
26 (1) Notwithstanding the provisions of the Nurse
27 Practice Act, part I of chapter 464, school district personnel
28 shall be authorized to assist students in the administration
29 of prescription and nonprescription medication when the
30 following conditions have been met:

1 (a) Each district school board shall include in its
2 approved school health services plan a procedure to provide
3 training, by a registered nurse, a licensed practical nurse, a
4 physician licensed pursuant to chapter 458 or chapter 459, or
5 a physician assistant licensed pursuant to chapter 458 or
6 chapter 459, to the school personnel designated by the
7 principal to assist students in the administration of
8 prescribed and nonprescription medication. Such training may
9 be provided in collaboration with other school districts,
10 through contract with an education consortium, or by any other
11 arrangement consistent with the intent of this section.

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

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

28 2. Each prescribed and nonprescription medication to
29 be administered by school district personnel shall be
30 received, counted, and stored in its original container. When
31 the medication is not in use, it shall be stored in its

1 original container in a secure fashion under lock and key in a
2 location designated by the principal.

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

6 232.465 Provision of medical services; restrictions.--
7 (5) Pursuant to s. 381.0056(7)(d), a student will be
8 exempt from any of the services provided under the school
9 health services program if his or her parent or guardian
10 requests such exemption in writing.

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

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

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

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

29 1. The school has been unable to contact the student's
30 parent or guardian or such parent, guardian, or responsible
31

1 adult designated by the parent or guardian is not available to
2 provide the transportation;

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

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

12 4. If the school has been unable to contact the parent
13 or guardian prior to the transportation, the school continues
14 ~~shall continue~~ to attempt ~~seek~~ to contact the parent or
15 guardian until the school is able to notify the parent or
16 guardian of the transportation and the pertinent
17 circumstances.

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

28 Section 4. This act shall take effect July 1, 2001.
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

LEGISLATIVE 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 his or her parent or guardian requests such an exemption in writing. Limits transportation of a student to a medical treatment facility without parental consent.