

By the Committee on Education and Senator Dawson

304-1498-01

1 A bill to be entitled
2 An act relating to parental consent; amending
3 s. 232.465, F.S.; providing that a student is
4 exempt from certain services under the school
5 health services program if his or her parent or
6 guardian requests such an exemption in writing;
7 amending s. 234.02, F.S.; limiting
8 transportation of a student to a medical
9 treatment facility without parental consent;
10 providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Present subsection (5) of section 232.465,
15 Florida Statutes, is renumbered as subsection (6), and a new
16 subsection (5) is added to that section to read:

17 232.465 Provision of medical services; restrictions.--
18 (5) Pursuant to s. 381.0056(7)(d), a student will be
19 exempt from any of the services provided under the school
20 health services program if his or her parent or guardian
21 requests such exemption in writing.

22 Section 2. Paragraph (a) of subsection (2) and
23 subsection (8) of section 234.02, Florida Statutes, are
24 amended to read:

25 234.02 Safety and health of pupils.--Maximum regard
26 for safety and adequate protection of health are primary
27 requirements that must be observed by school boards in routing
28 buses, appointing drivers, and providing and operating
29 equipment, in accordance with all requirements of law and
30 regulations of the commissioner in providing transportation
31 pursuant to s. 234.01:

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

5 (a) When a student is ill or injured and must be taken
6 home or to a medical treatment facility under nonemergency
7 circumstances; and

8 1. The school has been unable to contact the student's
9 parent or guardian or such parent, guardian, or responsible
10 adult designated by the parent or guardian is not available to
11 provide the transportation;

12 2. Proper adult supervision of the student is
13 available at the location to which the student is being
14 transported;

15 3. The transportation is approved by the school
16 principal, or a school administrator designated by the
17 principal to grant or deny such approval, or in the absence of
18 the principal and designee, by the highest ranking school
19 administrator or teacher available under the circumstances;
20 and

21 4. If the school has been unable to contact the parent
22 or guardian prior to the transportation, the school continues
23 ~~shall continue~~ to attempt seek to contact the parent or
24 guardian until the school is able to notify the parent or
25 guardian of the transportation and the pertinent
26 circumstances.

27 (8) Notwithstanding any other provision of this
28 section, in an emergency situation that constitutes an
29 imminent threat to student health or safety, school personnel
30 may take whatever action is necessary under the circumstances
31 to protect student health and safety; however, transportation

1 of a student in a school district vehicle or a privately owned
2 vehicle to a medical treatment facility without parental
3 consent is limited to those circumstances when immediate
4 medical treatment is necessary for the health and safety of
5 the student.

6 Section 3. This act shall take effect July 1, 2001.

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 SB 780

11 The committee substitute deletes the requirements for
12 administering nonprescription medication and designating the
13 school nurse to administer medication. The committee
14 substitute also deletes language related to transporting an
15 ill or injured student to a medical treatment facility in an
16 imminently life threatening situation.
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