

By Representatives Cusack, Joyner, Bendross-Mindingall,  
Brutus and Richardson

1                                   A bill to be entitled  
2           An act relating to public school health care  
3           services; creating s. 381.00593, F.S.; creating  
4           a public school volunteer health care  
5           practitioner program; providing a short title;  
6           providing purpose; providing a definition;  
7           providing for waiver of biennial active license  
8           renewal fees for specified health care  
9           practitioners who provide their services,  
10          without compensation, in the public schools;  
11          providing program and eligibility requirements;  
12          providing immunity from liability and workers'  
13          compensation protection; providing for payment  
14          of any resulting increase in liability  
15          insurance premiums; providing administrative  
16          responsibilities; providing rulemaking  
17          authority; providing for implementation;  
18          providing an effective date.

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

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22           Section 1. Section 381.00593, Florida Statutes, is  
23           created to read:

24                   381.00593 Public school volunteer health care  
25           practitioner program.--

26                   (1) This section may be cited as the "Public School  
27           Volunteer Health Care Practitioner Act."

28                   (2) The purpose of this section is to establish an  
29           incentive program to encourage health care practitioners to  
30           provide their services, without compensation, in the public  
31           schools, and such program is intended to complement other

1 programs designed to provide health services or increase the  
2 level of health care in the public schools.

3 (3) For purposes of this section, the term "health  
4 care practitioner" means a physician licensed under chapter  
5 458, an osteopathic physician licensed under chapter 459, a  
6 physician assistant licensed under chapter 458 or chapter 459,  
7 or an advanced registered nurse practitioner, registered  
8 nurse, or licensed practical nurse licensed under chapter 464.

9 (4)(a) Notwithstanding any provision of chapter 456,  
10 chapter 458, chapter 459, or chapter 464 to the contrary, the  
11 biennial license renewal fee for an active license is waived  
12 for any health care practitioner who participates in the  
13 program established in this section and thereby agrees to  
14 provide his or her services, without compensation, in a public  
15 school for at least 8 hours a month for each school year  
16 during that licensure period, or, if the health care  
17 practitioner is retired, for at least 40 hours a month for  
18 each school year during that licensure period.

19 (b) A health care practitioner must complete all forms  
20 and procedures for participation in the program prior to the  
21 applicable license renewal date, and a health care  
22 practitioner who fails at any time during the applicable  
23 licensure period to provide the services agreed to under  
24 paragraph (a) shall be required to pay the entire biennial  
25 licensure fee that was waived for that licensure period.

26 (5) To participate in the program, a health care  
27 practitioner must:

28 (a) Have a valid, active license to practice his or  
29 her profession in this state.

30 (b) Submit fingerprints and have a background  
31 screening in accordance with the requirements of s. 381.0059,

1 unless already provided and completed for practitioner  
2 licensing, profiling, or credentialing purposes.

3 (6)(a) A health care practitioner providing health  
4 care services in a public school under the program established  
5 in this section shall be considered an agent of the school  
6 district for the purposes of tort liability under s. 768.28  
7 and workers' compensation under chapter 440.

8 (b) The school district, through its self-insurance  
9 program, shall bear the cost of any increase in premiums for  
10 liability protection for health care practitioners  
11 participating in the program other than those employed by the  
12 school or school district. If funds of the school district in  
13 any fiscal year are insufficient to cover any increase in  
14 premiums resulting from operation of the program established  
15 under this section, the school board may secure a loan to  
16 cover such obligation as provided in s. 237.151.

17 (7)(a) The Department of Education shall have the  
18 responsibility, in cooperation with the Department of Health,  
19 to supervise the administration of the program established  
20 under this section and perform periodic program reviews.  
21 However, the principal of each public school shall have  
22 immediate supervisory authority over any health care  
23 practitioner working in the school under this program.

24 (b) The Department of Health, in cooperation with the  
25 Department of Education, shall publicize the availability of  
26 the program and its benefits.

27 (8) The Department of Education, in cooperation with  
28 the Department of Health, may adopt rules necessary to  
29 implement this section. The rules shall include the forms to  
30 be completed and procedures to be followed by applicants and  
31 school personnel under the program.

1           Section 2. Implementation of the public school  
2 volunteer health care practitioner program under s. 381.00593,  
3 Florida Statutes, as created by this act, shall be according  
4 to the following schedule:

5           (1) The forms and procedures required by s.  
6 381.00593(8), Florida Statutes, must be completed and  
7 distributed to the school districts by June 1, 2002.

8           (2) Each school district must make the application  
9 forms and any other materials required by s. 381.00593(8),  
10 Florida Statutes, available to all public schools in the  
11 district by July 1, 2002.

12           (3) Publication of the program, as required by s.  
13 381.00593(7)(b), Florida Statutes, must begin no later than  
14 July 1, 2002.

15           Section 3. This act shall take effect upon becoming a  
16 law.

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19           HOUSE SUMMARY

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21           Creates a public school volunteer health care  
22 practitioner program as a complementary incentive program  
23 to encourage specified health care practitioners to  
24 provide their services, without compensation, in the  
25 public schools. Provides health care practitioners  
26 participating in the program with a waiver of biennial  
27 active license renewal fees, immunity from liability, and  
28 workers' compensation protection. Provides for payment  
29 of any resulting increase in liability insurance  
30 premiums. Provides program and practitioner  
31 requirements. See bill for details.