

HB 1203

2004

A bill to be entitled

An act relating to health services and education in the public schools; creating s. 1006.0625, F.S.; requiring district school boards to prohibit school district personnel from requiring a student to take certain medication as a condition of attending school; prohibiting the medical diagnosis and prescription of drugs, the practice or administration of mental health services, and the diagnosis of specified mental health disorders on school grounds; prohibiting certain referrals; providing restrictions on school district personnel; prohibiting nonacademic health education programs; providing for rulemaking; providing an effective date.

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

Section 1. Section 1006.0625, Florida Statutes, is created to read:

1006.0625 Prohibition of certain health services and education.--

(1) Each district school board shall prohibit school district personnel from requiring a student to obtain a prescription for, and take as medication, a controlled substance listed in Schedule II, s. 202(c) of the Controlled Substances Act, 21 U.S.C. s. 812(c), or any psychotropic or similar mind-altering drug as a condition of attending school or receiving educational services provided by the state. Nothing in this section shall be construed to prohibit school district personnel from consulting or sharing classroom-based observations with

HB 1203

2004

30 parents regarding a student's academic performance or behavior
 31 in the classroom or school or regarding the need for evaluation
 32 for special education or related services provided the
 33 evaluation is strictly academic and not psychologically or
 34 psychiatrically based.

35 (2) The medical diagnosis of students and subsequent
 36 prescription of drugs is prohibited on school grounds. It shall
 37 be solely the right of a parent to obtain such diagnosis and
 38 prescription outside of the public school system.

39 (3) Mental health services, including screening for mental
 40 health disorders and psychiatric or psychological testing and
 41 evaluation, shall not be practiced or administered on school
 42 grounds.

43 (4) No student shall be diagnosed on school grounds as
 44 having a disorder listed in the Diagnostic and Statistical
 45 Manual of Mental Disorders or in ICD-10. No school or school
 46 district personnel shall act as a referral service, or perform a
 47 similar activity, for a mental health practitioner or counselor
 48 or receive compensation for referral as prohibited in s.
 49 817.505, and no student may be referred to a mental health
 50 practitioner or counselor by school district personnel.

51 (5) No school district personnel shall evaluate the
 52 behavior of students which could constitute practicing medicine
 53 without a license.

54 (6) The school environment shall be strictly academic. No
 55 school shall provide nonacademic health education programs such
 56 as death education or sex education.

HB 1203

2004

57 (7) The State Board of Education shall adopt rules
58 pursuant to ss. 120.536(1) and 120.54 to implement the
59 provisions of this section.

60 Section 2. This act shall take effect July 1, 2004.