

1                                   A bill to be entitled  
 2       An act relating to the treatment of diabetes; amending s.  
 3       385.203, F.S.; revising the Diabetes Advisory Council  
 4       membership; amending s. 1002.20, F.S.; prohibiting school  
 5       districts from restricting the assignment of diabetic  
 6       students to certain schools for certain reasons;  
 7       authorizing a student to manage diabetes while at school,  
 8       at school-sponsored activities, or in transit to or from  
 9       school or school-sponsored activities with written  
 10      authorization from the parent and physician; requiring the  
 11      State Board of Education to adopt rules; providing for  
 12      indemnification of specified employees, volunteers, and  
 13      entities; providing an effective date.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Subsection (3) of section 385.203, Florida  
 18   Statutes, is amended to read:

19           385.203 Diabetes Advisory Council; creation; function;  
 20   membership.—

21           (3) The council shall be composed of 26 ~~25~~ citizens of the  
 22   state who have knowledge of, or work in, the area of diabetes  
 23   mellitus as follows:

24           (a) Five interested citizens, three of whom are affected  
 25   by diabetes.

26           (b) Twenty-one ~~Twenty~~ members, who must include one  
 27   representative from each of the following areas: nursing with  
 28   diabetes-educator certification; dietary with diabetes educator

29 certification; podiatry; ophthalmology or optometry; psychology;  
 30 pharmacy; adult endocrinology; pediatric endocrinology; the  
 31 American Diabetes Association (ADA); the Juvenile Diabetes  
 32 Foundation (JDF); the Florida Academy of Family Physicians; a  
 33 community health center; a county health department; an American  
 34 Diabetes Association recognized community education program;  
 35 each medical school in the state; an osteopathic medical school;  
 36 the insurance industry; a Children's Medical Services diabetes  
 37 regional program; and an employer.

38 (c) One or more representatives from the Department of  
 39 Health, who shall serve on the council as ex officio members.

40 Section 2. Paragraph (j) is added to subsection (3) of  
 41 section 1002.20, Florida Statutes, to read:

42 1002.20 K-12 student and parent rights.—Parents of public  
 43 school students must receive accurate and timely information  
 44 regarding their child's academic progress and must be informed  
 45 of ways they can help their child to succeed in school. K-12  
 46 students and their parents are afforded numerous statutory  
 47 rights including, but not limited to, the following:

48 (3) HEALTH ISSUES.—

49 (j) Diabetes management.—A school district may not  
 50 restrict the assignment of a student who has diabetes to a  
 51 particular school on the basis that the student has diabetes,  
 52 that the school does not have a full-time school nurse, or that  
 53 the school does not have trained diabetes personnel. Diabetic  
 54 students whose parent and physician provide their written  
 55 authorization to the school principal may carry diabetic  
 56 supplies and equipment on their person and attend to the

CS/HB 747

2010

57 management and care of their diabetes while in school,  
58 participating in school-sponsored activities, or in transit to  
59 or from school or school-sponsored activities to the extent  
60 authorized by the parent and physician and within the parameters  
61 set forth by State Board of Education rule. The written  
62 authorization shall identify the diabetic supplies and equipment  
63 that the student is authorized to carry and shall describe the  
64 activities the child is capable of performing without  
65 assistance, such as performing blood-glucose level checks and  
66 urine ketone testing, administering insulin through the insulin-  
67 delivery system used by the student, and treating hypoglycemia  
68 and hyperglycemia. The State Board of Education, in cooperation  
69 with the Department of Health, shall adopt rules to encourage  
70 every school in which a student with diabetes is enrolled to  
71 have personnel trained in routine and emergency diabetes care.  
72 The State Board of Education, in cooperation with the Department  
73 of Health, shall also adopt rules for the management and care of  
74 diabetes by students in schools that include provisions to  
75 protect the safety of all students from the misuse or abuse of  
76 diabetic supplies or equipment. A school district, county health  
77 department, and public-private partner and their employees and  
78 volunteers shall be indemnified by the parent of a student  
79 authorized to carry diabetic supplies or equipment for any and  
80 all liability with respect to the student's use of such supplies  
81 and equipment pursuant to this paragraph.

82 Section 3. This act shall take effect July 1, 2010.