

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.

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

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 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

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 the employees and
78 volunteers of those entities, shall be indemnified by the parent
79 of a student authorized to carry diabetic supplies or equipment
80 for any and all liability with respect to the student's use of
81 such supplies and equipment pursuant to this paragraph.

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