

By the Committees on Education Pre-K - 12 Appropriations; and Health Regulation; and Senators Peaden, Jones, Fasano, Sobel, Lawson, Detert, Storms, and Wilson

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

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

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

20 385.203 Diabetes Advisory Council; creation; function;
21 membership.-

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

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

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

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

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

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

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

49 (3) HEALTH ISSUES.—

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

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

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