

By the Committees on Military Affairs, Space, and Domestic Security; and Education Pre-K - 12; and Senators Negrón and Altman

583-03558A-12

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1 A bill to be entitled
2 An act relating to student health and safety; amending
3 s. 1006.07, F.S.; requiring district school board
4 policies to list the emergency response agencies that
5 are responsible for notifying the school district of
6 emergencies; amending s. 1002.20, F.S.; authorizing a
7 public school to purchase and maintain a supply of
8 epinephrine auto-injectors; requiring that the school
9 district adopt a protocol developed by a licensed
10 physician for the administration of epinephrine auto-
11 injectors for emergency use when a student is having
12 an anaphylactic reaction; providing that the supply of
13 epinephrine auto-injectors may be provided to and used
14 by a student authorized to self-administer epinephrine
15 by auto-injector or trained school personnel;
16 providing that a school district and its employees and
17 agents, including a physician providing a standing
18 protocol for school epinephrine auto-injectors, are
19 not liable for an injury to a student arising from the
20 use of an epinephrine auto-injector under certain
21 circumstances; amending s. 1002.42, F.S.; requiring
22 the emergency response agencies to notify private
23 schools in the school district of emergencies under
24 certain circumstances; authorizing a private school to
25 purchase and maintain a supply of epinephrine auto-
26 injectors; requiring that the private school adopt a
27 protocol developed by a licensed physician for the
28 administration of epinephrine auto-injectors for
29 emergency use when a student is having an anaphylactic

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30 reaction; providing that the supply of epinephrine
31 auto-injectors may be provided to and used by a
32 student authorized to self-administer epinephrine by
33 auto-injector or trained school personnel; providing
34 that a private school and its employees and agents,
35 including a physician providing a standing protocol
36 for school epinephrine auto-injectors, are not liable
37 for an injury to a student arising from the use of an
38 epinephrine auto-injector under certain circumstances;
39 providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Subsection (4) of section 1006.07, Florida
44 Statutes, is amended to read:

45 1006.07 District school board duties relating to student
46 discipline and school safety.—The district school board shall
47 provide for the proper accounting for all students, for the
48 attendance and control of students at school, and for proper
49 attention to health, safety, and other matters relating to the
50 welfare of students, including:

51 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

52 (a) Formulate and prescribe policies and procedures for
53 emergency drills and for actual emergencies, including, but not
54 limited to, fires, natural disasters, and bomb threats, for all
55 the public schools of the district which comprise grades K-12.
56 District school board policies shall include commonly used alarm
57 system responses for specific types of emergencies and
58 verification by each school that drills have been provided as

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59 required by law and fire protection codes. The emergency
60 response agency that is responsible for notifying the school
61 district for each type of emergency must be listed in the
62 district's emergency response policy.

63 (b) ~~The district school board shall~~ Establish model
64 emergency management and emergency preparedness procedures,
65 including emergency notification procedures pursuant to
66 paragraph (a), for the following life-threatening emergencies:

- 67 1. Weapon-use and hostage situations.
- 68 2. Hazardous materials or toxic chemical spills.
- 69 3. Weather emergencies, including hurricanes, tornadoes,
70 and severe storms.
- 71 4. Exposure as a result of a manmade emergency.

72 Section 2. Paragraph (i) of subsection (3) of section
73 1002.20, Florida Statutes, is amended to read:

74 1002.20 K-12 student and parent rights.—Parents of public
75 school students must receive accurate and timely information
76 regarding their child's academic progress and must be informed
77 of ways they can help their child to succeed in school. K-12
78 students and their parents are afforded numerous statutory
79 rights including, but not limited to, the following:

80 (3) HEALTH ISSUES.—

81 (i) Epinephrine use and supply.—

82 1. A student who has experienced or is at risk for life-
83 threatening allergic reactions may carry an epinephrine auto-
84 injector and self-administer epinephrine by auto-injector while
85 in school, participating in school-sponsored activities, or in
86 transit to or from school or school-sponsored activities if the
87 school has been provided with parental and physician

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88 authorization. The State Board of Education, in cooperation with
89 the Department of Health, shall adopt rules for such use of
90 epinephrine auto-injectors that shall include provisions to
91 protect the safety of all students from the misuse or abuse of
92 auto-injectors. A school district, county health department,
93 public-private partner, and their employees and volunteers shall
94 be indemnified by the parent of a student authorized to carry an
95 epinephrine auto-injector for any and all liability with respect
96 to the student's use of an epinephrine auto-injector pursuant to
97 this paragraph.

98 2. A public school may purchase from a wholesale
99 distributor as defined in s. 499.003 and maintain in a locked,
100 secure location on its premises a supply of epinephrine auto-
101 injectors for use if a student is having an anaphylactic
102 reaction. The school district shall adopt a protocol developed
103 by a licensed physician for the administration by school
104 personnel who are trained to recognize an anaphylactic reaction
105 and to administer an epinephrine auto-injection. The supply of
106 epinephrine auto-injectors may be provided to and used by a
107 student authorized to self-administer epinephrine by auto-
108 injector under subparagraph 1. or trained school personnel.

109 3. The school district and its employees and agents,
110 including a physician providing a standing protocol for school
111 epinephrine auto-injectors, are not liable for any injury
112 arising from the use of an epinephrine auto-injector
113 administered by trained school personnel who follow the adopted
114 protocol and whose professional opinion is that the student is
115 having an anaphylactic reaction:

116 a. Unless the action was willful and wanton;

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117 b. Notwithstanding that the parents or guardians of the
118 pupil to whom the epinephrine was administered were not provided
119 notice or did not sign a statement acknowledging that the school
120 district is not liable; and

121 c. Regardless of whether authorization was given by the
122 student's parents or guardians or by the student's physician,
123 physician's assistant, or advanced practice registered nurse.

124 Section 3. Subsections (16) and (17) are added to section
125 1002.42, Florida Statutes, to read:

126 1002.42 Private schools.—

127 (16) EMERGENCY PROCEDURES.—The emergency response agencies
128 that are identified in a district school board's emergency
129 response policy pursuant to s. 1006.07(4) and that are
130 responsible for notifying the school district of an occurrence
131 that threatens student safety shall also notify private schools
132 in the district that request such notification by opting into
133 the district school board's emergency notification procedures.

134 (17) EPINEPHRINE SUPPLY.—

135 (a) A private school may purchase from a wholesale
136 distributor as defined in s. 499.003 and maintain in a locked,
137 secure location on its premises a supply of epinephrine auto-
138 injectors for use if a student is having an anaphylactic
139 reaction. The private school shall adopt a protocol developed by
140 a licensed physician for the administration by private school
141 personnel who are trained to recognize an anaphylactic reaction
142 and to administer an epinephrine auto-injection. The supply of
143 epinephrine auto-injectors may be provided to and used by a
144 student authorized to self-administer epinephrine by auto-
145 injector under s. 1002.20(3)(i) or trained school personnel.

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146 (b) The private school and its employees and agents,
147 including a physician providing a standing protocol for school
148 epinephrine auto-injectors, are not liable for any injury
149 arising from the use of an epinephrine auto-injector
150 administered by trained school personnel who follow the adopted
151 protocol and whose professional opinion is that the student is
152 having an anaphylactic reaction:

- 153 1. Unless the action was willful and wanton;
154 2. Notwithstanding that the parents or guardians of the
155 pupil to whom the epinephrine was administered were not provided
156 notice or did not sign a statement acknowledging that the school
157 district is not liable; and
158 3. Regardless of whether authorization was given by the
159 student's parents or guardians or by the student's physician,
160 physician's assistant, or advanced practice registered nurse.

161 Section 4. This act shall take effect July 1, 2012.