



404658

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2013	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 42 - 51  
and insert:

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

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



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13 (3) HEALTH ISSUES.—

14 (i) *Epinephrine use and supply*.—

15 1. A student who has experienced or is at risk for life-  
16 threatening allergic reactions may carry an epinephrine auto-  
17 injector and self-administer epinephrine by auto-injector while  
18 in school, participating in school-sponsored activities, or in  
19 transit to or from school or school-sponsored activities if the  
20 school has been provided with parental and physician  
21 authorization. The State Board of Education, in cooperation with  
22 the Department of Health, shall adopt rules for such use of  
23 epinephrine auto-injectors that shall include provisions to  
24 protect the safety of all students from the misuse or abuse of  
25 auto-injectors. A school district, county health department,  
26 public-private partner, and their employees and volunteers shall  
27 be indemnified by the parent of a student authorized to carry an  
28 epinephrine auto-injector for any and all liability with respect  
29 to the student's use of an epinephrine auto-injector pursuant to  
30 this paragraph.

31 2. A public school may purchase from a wholesale  
32 distributor as defined in s. 499.003 and maintain in a locked,  
33 secure location on its premises a supply of epinephrine auto-  
34 injectors for use if a student is having an anaphylactic  
35 reaction. The participating school district shall adopt a  
36 protocol developed by a licensed physician for the  
37 administration by school personnel who are trained to recognize  
38 an anaphylactic reaction and to administer an epinephrine auto-  
39 injection. The supply of epinephrine auto-injectors may be  
40 provided to and used by a student authorized to self-administer  
41 epinephrine by auto-injector under subparagraph 1. or trained



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42 school personnel.

43 3. The school district and its employees and agents,  
44 including the physician who provides the standing protocol for  
45 school epinephrine auto-injectors, are not liable for any injury  
46 arising from the use of an epinephrine auto-injector  
47 administered by trained school personnel who follow the adopted  
48 protocol and whose professional opinion is that the student is  
49 having an anaphylactic reaction:

50 a. Unless the trained school personnel's action is willful  
51 and wanton;

52 b. Notwithstanding that the parents or guardians of the  
53 student to whom the epinephrine is administered have not been  
54 provided notice or have not signed a statement acknowledging  
55 that the school district is not liable; and

56 c. Regardless of whether authorization has been given by  
57 the student's parents or guardians or by the student's  
58 physician, physician's assistant, or advanced registered nurse  
59 practitioner.

60 Section 3. Subsections (16) and (17) are added to section  
61 1002.42, Florida Statutes, to read:

62 1002.42 Private schools.—

63 (16) EMERGENCY PROCEDURES.—The emergency response agencies  
64 identified in a district school board's emergency response  
65 policy pursuant to s. 1006.07(4) which are responsible for  
66 notifying the school district of an occurrence that threatens  
67 student safety shall also notify private schools in the district  
68 that request such notification by opting into the district  
69 school board's emergency notification procedures.

70 (17) EPINEPHRINE SUPPLY.—



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71           (a) A private school may purchase from a wholesale  
72 distributor as defined in s. 499.003 and maintain in a locked,  
73 secure location on its premises a supply of epinephrine auto-  
74 injectors for use if a student is having an anaphylactic  
75 reaction. The participating private school shall adopt a  
76 protocol developed by a licensed physician for the  
77 administration by private school personnel who are trained to  
78 recognize an anaphylactic reaction and to administer an  
79 epinephrine auto-injection. The supply of epinephrine auto-  
80 injectors may be provided to and used by a student authorized to  
81 self-administer epinephrine by auto-injector under s.  
82 1002.20(3)(i) or trained school personnel.

83           (b) The private school and its employees and agents,  
84 including the physician who provides the standing protocol for  
85 school epinephrine auto-injectors, are not liable for any injury  
86 arising from the use of an epinephrine auto-injector  
87 administered by trained school personnel who follow the adopted  
88 protocol and whose professional opinion is that the student is  
89 having an anaphylactic reaction:

90           1. Unless the trained school personnel's action action is  
91 willful and wanton;

92           2. Notwithstanding that the parents or guardians of the  
93 student to whom the epinephrine is administered have not been  
94 provided notice or have not signed a statement acknowledging  
95 that the school district is not liable; and

96           3. Regardless of whether authorization has been given by  
97 the student's parents or guardians or by the student's  
98 physician, physician's assistant, or advanced registered nurse  
99 practitioner.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 8

and insert:

An act relating to school emergencies; amending s. 1006.07, F.S.; requiring district school board policies to list the emergency response agencies that are responsible for notifying the school district of emergencies; amending s. 1002.20, F.S.; authorizing a public school to purchase and maintain a supply of epinephrine auto-injectors; requiring that the school district adopt a protocol developed by a licensed physician for the administration of epinephrine auto-injectors for emergency use when a student is having an anaphylactic reaction; providing that the supply of epinephrine auto-injectors may be provided to and used by a student authorized to self-administer epinephrine by auto-injector or trained school personnel; providing that a school district and its employees and agents, including a physician providing a standing protocol for school epinephrine auto-injectors, are not liable for an injury to a student arising from the use of an epinephrine auto-injector under certain circumstances; amending s. 1002.42, F.S.; requiring the emergency response agencies to notify private schools in the school district of emergencies under certain circumstances; authorizing a private school to purchase and maintain a supply of epinephrine auto-



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129 injectors; requiring that the private school adopt a  
130 protocol developed by a licensed physician for the  
131 administration of epinephrine auto-injectors for  
132 emergency use when a student is having an anaphylactic  
133 reaction; providing that the supply of epinephrine  
134 auto-injectors may be provided to and used by a  
135 student authorized to self-administer epinephrine by  
136 auto-injector or trained school personnel; providing  
137 that a private school and its employees and agents,  
138 including a physician providing a standing protocol  
139 for school epinephrine auto-injectors, are not liable  
140 for an injury to a student arising from the use of an  
141 epinephrine auto-injector under certain circumstances;