

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: CS/SB 284

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security and Senator Negron

SUBJECT: Student Safety

DATE: March 22, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Favorable
2.	Ryon	Ryon	MS	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 284 establishes a process through which a private school can register to be notified at the same time the public school district is notified about an emergency occurrence in the local area that could threaten student safety.

The bill requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board’s emergency response policy and model emergency management and emergency preparedness procedures. The emergency response agencies identified by a district school board must notify private schools within the school district of occurrences that threaten student safety if such private schools request notification of emergencies by opting into the district school board’s emergency notification procedures. Currently, Florida law does not expressly authorize private schools to opt into district school board emergency notification procedures for the purpose of receiving emergency notifications.

The bill authorizes both public and private schools to maintain a supply of epinephrine auto-injectors in a secure location for use in an emergency situation by authorized students and trained school personnel. Schools that choose to purchase and maintain a supply of epinephrine auto-

injectors must adopt a protocol developed by a licensed physician for the administration of an epinephrine auto-injection by trained school personnel.

The bill also provides immunity from liability for public and private school employees and agents for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel.

The bill takes effect July 1, 2013.

The bill amends sections 1002.20, 1002.42, and 1006.07 of the Florida Statutes.

II. Present Situation:

Florida law requires each district school board to establish emergency response policies and model emergency management and emergency preparedness procedures. Emergency response policies must include procedures for responding to fires, natural disasters, and bomb threats. Additionally, district school board policies must include commonly used alarm system responses for specific types of emergencies and verification by each school that emergency drills are provided in accordance with law and fire protection codes.¹

District school boards must also establish model emergency management and preparedness procedures for weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure resulting from manmade emergencies.²

Florida law does not expressly require that a district school board's emergency response policies and model emergency management and emergency preparedness procedures list the agencies responsible for notifying the school district regarding emergencies. However, cooperation with emergency response agencies is incorporated into the *District Safety and Security Best Practices*, a self-assessment tool that each school district must use to annually assess the effectiveness of a district school board's emergency response policies.³ Among other "best practices," the self-assessment tool suggests that school districts:⁴

- Make arrangements to work with local emergency officials, including, without limitation, law enforcement; fire department; emergency management; hospital, mental health, health, and social services agencies; and court officials.

¹ Section 1006.07(4)(a), F.S.

² Section 1006.07(4)(b), F.S.

³ Section 1006.07(6), F.S.; Florida Department of Education, *2012 Safety and Security Best Practices (Year 11)*, <http://www.fldoe.org/EM/security-practices.asp> (last visited March 10, 2013). The Best Practices are developed by the Office of Program Policy Analysis and Government Accountability. Each district school superintendent must make recommendations to the district school board regarding strategies and activities to improve school safety and security based on the self-assessment results. The results of the self-assessment and any action by a district school board based on the district school superintendent's recommendations must be reported to the Commissioner of Education within 30 days after the district school board meeting. Section 1006.07(6), F.S.

⁴ Florida Department of Education, *2012 Safety and Security Best Practices (Year 11)*, <http://www.fldoe.org/EM/security-practices.asp> (last visited March 10, 2013).

- Share comprehensive school safety plans and emergency procedures with appropriate emergency response agencies.
- Implement procedures for contacting all schools simultaneously in the event of a districtwide emergency.

Private schools' emergency response policies are not regulated by the state.⁵ Private schools typically make arrangements to receive notification of emergencies from the appropriate emergency response agency. Despite such arrangements, private schools do not always receive notification of emergencies.⁶ Florida law does not expressly authorize private schools to opt into district school board emergency notification procedures for the purpose of receiving notification of emergencies from an emergency response agency.⁷

Epinephrine Auto-injection

Epinephrine is prescribed by a physician to be used in emergencies to treat very serious allergic reactions (anaphylactic reaction) to insect stings or bites, foods, drugs, or other substances. It is normally administered by a one-dose auto-injector, known as an EpiPen or Twinject.⁸ Epinephrine acts quickly to improve breathing, stimulate the heart, raise a dropping blood pressure, reverse hives, and reduce swelling of the face, lips, and throat. The effects of epinephrine are rapid, but not long-lasting.⁹

State Board of Education rule for the use of epinephrine auto-injectors dispensation is based solely on self-administration.¹⁰ The rule provides that the auto-injector is a prescription medication in a specific dose-for-weight device that is packaged for self-delivery in the event of a life-threatening allergic reaction. Written authorization is required from the physician and parent for a student to carry an epinephrine auto-injector and self-administer epinephrine. The rule requires a school nurse to develop an annual child-specific action plan for an anticipated health emergency in the school setting.¹¹

III. Effect of Proposed Changes:

CS/SB 284 requires the agency responsible for notifying a school district for each type of emergency to be listed in each district school board's emergency response policy and model emergency management and emergency preparedness procedures. The emergency response agencies identified by a district school board must notify private schools within the school district of occurrences that threaten student safety if such private schools request notification of emergencies by opting into the district school board's emergency notification procedures. The

⁵ Telephone interview with staff, Governmental Relations, Florida Department of Education (March 11, 2013).

⁶ Telephone interview with the Executive Director, Florida Council of Independent Schools (March 7, 2013).

⁷ See Section 1002.42, F.S.; see also Florida Department of Education, *2013 Agency Legislative Bill Analysis for SB 284* (Feb. 18, 2013).

⁸ U.S. Department of Health and Human Services, National Institutes of Health, U.S. National Library of Medicine. See: <http://www.nlm.nih.gov/medlineplus/druginfo/meds/a603002.html>.

⁹ *Id.*

¹⁰ Rule 6A-6.0251, F.A.C., pursuant to s. 1002.20(3)(i), F.S.

¹¹ *Id.* The annual plan is developed in cooperation with the student, parent, healthcare provider, and school personnel for the student with life-threatening allergies and must specify that the emergency number 911 will be called immediately for an anaphylaxis event. It must also describe a plan of action if the student is unable to perform self-administration of the epinephrine auto-injector.

bill enables private schools to receive notification of emergencies on the same basis as district public schools.

The bill also authorizes both public and private schools to purchase from a wholesale distributor and maintain in a secure location a supply of epinephrine auto-injectors for use in an emergency situation by students authorized to self-administer epinephrine or by trained school personnel. An authorized student would be one who has previously been evaluated by a physician and prescribed epinephrine to be used in the event of a severe allergic reaction.

The bill requires school districts and private schools that choose to purchase and maintain a supply of epinephrine auto-injectors to adopt a protocol developed by a licensed physician for the administration by school personnel who are trained to recognize an anaphylactic reaction and to administer an epinephrine auto-injection.

Public and private school employees and agents cannot be held liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who followed the adopted protocol and determined the need to administer the epinephrine. Additionally, the bill provides that public and private school employees and agents thereof cannot be held liable:

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Military and Veterans Affairs, Space, and Domestic Security on March 20, 2013:**

The committee substitute:

- Authorizes both public and private schools to maintain a supply of epinephrine auto-injectors in a secure location for use by authorized students in an emergency situation;
- Specifies that public and private schools may purchase a supply of epinephrine auto-injectors from a wholesale distributor as defined in s. 499.003, F.S.;
- Requires school districts and private schools that choose to maintain a supply of epinephrine auto-injectors to adopt a protocol for the administration of an epinephrine auto-injection; and
- Provides for immunity from liability for public and private school employees and agents for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel.

B. Amendments:

None.