

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Negron

583-02830-13

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1 A bill to be entitled
2 An act relating to school emergencies; amending s.
3 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 participating school district shall adopt a
103 protocol developed by a licensed physician for the
104 administration by school personnel who are trained to recognize
105 an anaphylactic reaction and to administer an epinephrine auto-
106 injection. The supply of epinephrine auto-injectors may be
107 provided to and used by a student authorized to self-administer
108 epinephrine by auto-injector under subparagraph 1. or trained
109 school personnel.

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

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117 a. Unless the trained school personnel's action is willful
118 and wanton;

119 b. Notwithstanding that the parents or guardians of the
120 student to whom the epinephrine is administered have not been
121 provided notice or have not signed a statement acknowledging
122 that the school district is not liable; and

123 c. Regardless of whether authorization has been given by
124 the student's parents or guardians or by the student's
125 physician, physician's assistant, or advanced registered nurse
126 practitioner.

127 Section 3. Subsections (16) and (17) are added to section
128 1002.42, Florida Statutes, to read:

129 1002.42 Private schools.—

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

137 (17) EPINEPHRINE SUPPLY.—

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

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146 epinephrine auto-injection. The supply of epinephrine auto-
147 injectors may be provided to and used by a student authorized to
148 self-administer epinephrine by auto-injector under s.
149 1002.20(3)(i) or trained school personnel.

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

157 1. Unless the trained school personnel's action action is
158 willful and wanton;

159 2. Notwithstanding that the parents or guardians of the
160 student to whom the epinephrine is administered have not been
161 provided notice or have not signed a statement acknowledging
162 that the school district is not liable; and

163 3. Regardless of whether authorization has been given by
164 the student's parents or guardians or by the student's
165 physician, physician's assistant, or advanced registered nurse
166 practitioner.

167 Section 4. This act shall take effect July 1, 2013.