

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
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
 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
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. A participating school district shall adopt a protocol
103 | developed by a licensed physician for the administration by
104 | school personnel who are trained to recognize an anaphylactic
105 | reaction and to administer an epinephrine auto-injection. The
106 | supply of epinephrine auto-injectors may be provided to and used
107 | by a 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 the physician who provides the standing protocol for
111 | school 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 trained school personnel's action is willful
117 and wanton;

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

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

125 Section 3. Subsections (16) and (17) are added to section
126 1002.42, Florida Statutes, to read:

127 1002.42 Private schools.—

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

135 (17) EPINEPHRINE SUPPLY.—

136 (a) A private school may purchase from a wholesale
137 distributor, as defined in s. 499.003, and maintain in a locked,
138 secure location on its premises a supply of epinephrine auto-
139 injectors for use if a student is having an anaphylactic
140 reaction. A participating private school shall adopt a protocol

141 developed by a licensed physician for the administration by
142 private school personnel who are trained to recognize an
143 anaphylactic reaction and to administer an epinephrine auto-
144 injection. The supply of epinephrine auto-injectors may be
145 provided to and used by a student authorized to self-administer
146 epinephrine by auto-injector under s. 1002.20(3)(i) or trained
147 school personnel.

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

155 1. Unless the trained school personnel's action is willful
156 and wanton;

157 2. Notwithstanding that the parent of the student to whom
158 the epinephrine is administered has not been provided notice or
159 has not signed a statement acknowledging that the school
160 district is not liable; and

161 3. Regardless of whether authorization has been given by
162 the student's parent or by the student's physician, physician's
163 assistant, or advanced registered nurse practitioner.

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