

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 780

SPONSOR: Education Committee and Senator Dawson

SUBJECT: Parental Consent/Medical Treatment

DATE: March 13, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	O'Farrell	ED	Favorable/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill amends s. 232.465, F.S., to provide that students are exempt from any school health program service upon request of the parent or guardian. The bill specifies the circumstances for transporting a student by private vehicle or school district vehicle to a medical treatment facility when immediate medical treatment is needed. The bill provides an effective date (July 1, 2001).

This bill amends ss. 232.465, and 234.02, F.S.

II. Present Situation:

School Health Services Plans/Student Exemption and Parental Consent

Chapter 381, F.S., contains the general provisions for public health and includes s. 381.0056, F.S., the School Health Services Act. Each county health department must develop a school health services plan with the assistance of the district school board and the local school health advisory committee. The law specifies the minimum provisions of the plan, including meeting the emergency health needs in each school. The Department of Health, with the assistance of the Department of Education is responsible for administering the program and performing periodic program reviews. The principal has immediate supervisory authority over the health personnel working in the school.

The law (s. 381.0056(7)(d), F.S.) requires each school board to provide written information to parents or guardians that students in the district schools will receive the health services specified in the district health services plan. The notification must be provided at the beginning of each school year. A student is exempt from any of these services if his or her parent or guardian makes a written request for this exemption. However, this provision does not allow invasive screening. If there is a need for an invasive procedure, the student's parent or guardian must

provide written consent prior to the screening. There is an exception in that the laws and rules relating to contagious or communicable diseases and sanitary matters may not be violated. Section 381.0057, F.S., provides for rulemaking authority for the Department of Health, with the assistance of the Department of Education. The rules may include standards and requirements for meeting emergency health needs. Each district school board must establish emergency procedures, in accordance with s. 381.0056(5), F.S., for life-threatening emergencies.

Transportation of Ill or Injured Students for Emergency and Nonemergency Situations

Under s. 234.02(2), F.S., school boards, may allow students to be transported in privately owned motor vehicles on a case-by-case basis, only if the following conditions are met:

- A student is ill or injured and must be taken home or to a medical treatment facility under *nonemergency* circumstances; and
 - the school has been unable to contact the student's parent or guardian or the parent, guardian, or the designated responsible adult is not available to provide the transportation;
 - proper adult supervision is available at the location to which the student is being transported;
 - the transportation is approved by the school principal or a designated school administrator (or in the absence of the principal and designee, by the highest ranking school administrator or teacher available); and
 - if the school has been unable to contact the parent or guardian prior to transportation, the school must continue to make contact until the school successfully notifies the parent or guardian.

In an *emergency* situation that is an imminent threat to student health or safety, school personnel may take whatever action is needed to protect student health and safety. The law (s. 234.02(4), F.S.) allows school boards to further restrict the use of private motor vehicles and to establish more extensive requirements for parental notification.

III. Effect of Proposed Changes:

Section 1. The bill amends s. 232.465, F.S., to provide that a student is exempt (as provided for in s. 381.0056(7)(d), F.S.) from any of the services provided under the school health services program if his or her parent or guardian requests the exemption in writing.

Section 2. The bill amends s. 234.02, F.S., to clarify the requirements for the school to continue trying to contact the parent or guardian while the student is being taken home or to a medical treatment facility in a nonemergency situation. Transportation of students in a school district or a privately-owned vehicle to a medical treatment facility without parental consent is limited to those circumstances when immediate medical treatment is necessary for the health and safety of the student.

Section 3. The bill provides an effective date (July 1, 2001).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
