

By Senator Gainer

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1                   A bill to be entitled  
2           An act relating to school health services; amending s.  
3           381.0056, F.S.; authorizing a district school board to  
4           contract with the county public health department or  
5           one or more other entities to provide school health  
6           services to students; providing for funding of such  
7           contracts with other entities; providing an effective  
8           date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Section 381.0056, Florida Statutes, is amended  
13   to read:

14           381.0056 School health services program.—

15           (1) This section may be cited as the "School Health  
16   Services Act."

17           (2) As used in this section, the term:

18           (a) "Emergency health needs" means onsite evaluation,  
19   management, and aid for illness or injury pending the student's  
20   return to the classroom or release to a parent, guardian,  
21   designated friend, law enforcement officer, or designated health  
22   care provider.

23           (b) "Entity" or "health care entity" means a unit of local  
24   government or a political subdivision of the state; a hospital  
25   licensed under chapter 395; a health maintenance organization  
26   certified under chapter 641; a health insurer authorized under  
27   the Florida Insurance Code; a community health center; a migrant  
28   health center; a federally qualified health center; an  
29   organization that meets the requirements for nonprofit status

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30 under s. 501(c)(3) of the Internal Revenue Code; a private  
31 industry or business; or a philanthropic foundation that agrees  
32 to participate in a public-private partnership with a county  
33 health department, local school district, or school in the  
34 delivery of school health services, and agrees to the terms and  
35 conditions for the delivery of such services as required by this  
36 section and as documented in the local school health services  
37 plan.

38 (c) "Invasive screening" means any screening procedure in  
39 which the skin or any body orifice is penetrated.

40 (d) "Physical examination" means a thorough evaluation of  
41 the health status of an individual.

42 (e) "School health services plan" means the document that  
43 describes the services to be provided, the responsibility for  
44 provision of the services, the anticipated expenditures to  
45 provide the services, and evidence of cooperative planning by  
46 local school districts and county health departments.

47 (f) "Screening" means presumptive identification of unknown  
48 or unrecognized diseases or defects by the application of tests  
49 that can be given with ease and rapidity to apparently healthy  
50 persons.

51 (3) The Department of Health shall have the responsibility,  
52 in cooperation with the Department of Education, to supervise  
53 the administration of the school health services program and  
54 perform periodic program reviews. However, the principal of each  
55 school shall have immediate supervisory authority over the  
56 health personnel working in the school.

57 (4) (a) Each county health department shall develop, jointly  
58 with the district school board and the local school health

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59 advisory committee, a school health services plan. The plan must  
60 include, at a minimum, provisions for all of the following:

- 61 1. Health appraisal;
- 62 2. Records review;
- 63 3. Nurse assessment;
- 64 4. Nutrition assessment;
- 65 5. A preventive dental program;
- 66 6. Vision screening;
- 67 7. Hearing screening;
- 68 8. Scoliosis screening;
- 69 9. Growth and development screening;
- 70 10. Health counseling;
- 71 11. Referral and followup of suspected or confirmed health  
72 problems by the local county health department;
- 73 12. Meeting emergency health needs in each school;
- 74 13. County health department personnel to assist school  
75 personnel in health education curriculum development;
- 76 14. Referral of students to appropriate health treatment,  
77 in cooperation with the private health community whenever  
78 possible;
- 79 15. Consultation with a student's parent or guardian  
80 regarding the need for health attention by the family physician,  
81 dentist, or other specialist when definitive diagnosis or  
82 treatment is indicated;
- 83 16. Maintenance of records on incidents of health problems,  
84 corrective measures taken, and such other information as may be  
85 needed to plan and evaluate health programs; except, however,  
86 that provisions in the plan for maintenance of health records of  
87 individual students must be in accordance with s. 1002.22;

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88           17. Health information that ~~which~~ will be provided by the  
89 school health nurses, when necessary, regarding the placement of  
90 students in exceptional student programs and the reevaluation at  
91 periodic intervals of students placed in such programs;

92           18. Notification to the local nonpublic schools of the  
93 school health services program and the opportunity for  
94 representatives of the local nonpublic schools to participate in  
95 the development of the cooperative health services plan; and

96           19. Immediate notification to a student's parent, guardian,  
97 or caregiver if the student is removed from school, school  
98 transportation, or a school-sponsored activity and taken to a  
99 receiving facility for an involuntary examination pursuant to s.  
100 394.463, including the requirements established under ss.  
101 1002.20(3) and 1002.33(9), as applicable.

102           (b) Each school health advisory committee must, at a  
103 minimum, include members who represent the eight component areas  
104 of the Coordinated School Health model as defined by the Centers  
105 for Disease Control and Prevention. School health advisory  
106 committees are encouraged to address the eight components of the  
107 Coordinated School Health model in the school district's school  
108 wellness policy pursuant to s. 1003.453.

109           (5) A nonpublic school may request to participate in the  
110 school health services program. A nonpublic school voluntarily  
111 participating in the school health services program shall:

112           (a) Cooperate with the county health department and  
113 district school board in the development of the cooperative  
114 health services plan;

115           (b) Make available adequate physical facilities for health  
116 services;

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- 117 (c) Provide inservice health training to school personnel;
- 118 (d) Cooperate with public health personnel in the  
119 implementation of the school health services plan;
- 120 (e) Be subject to health service program reviews by the  
121 Department of Health and the Department of Education;
- 122 (f) At the beginning of each school year, provide parents  
123 and guardians with information concerning ways that they can  
124 help their children to be physically active and to eat healthful  
125 foods; and
- 126 (g) At the beginning of each school year, inform parents or  
127 guardians in writing that their children who are students in the  
128 school will receive specified health services as provided for in  
129 the district health services plan. A student will be exempt from  
130 any of these services if his or her parent or guardian requests  
131 such exemption in writing. This paragraph may ~~shall~~ not be  
132 construed to authorize invasive screening; if there is a need  
133 for such procedure, the consent of the student's parent or  
134 guardian shall be obtained in writing before ~~prior to~~ performing  
135 the screening. However, the laws and rules relating to  
136 contagious or communicable diseases and sanitary matters may  
137 ~~shall~~ not be violated.
- 138 (6) The district school board shall:
- 139 (a) Include health services and health education as part of  
140 the comprehensive plan for the school district;
- 141 (b) Provide inservice health training for school personnel;
- 142 (c) Make available adequate physical facilities for health  
143 services;
- 144 (d) At the beginning of each school year, provide parents  
145 and guardians with information concerning ways that they can

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146 help their children to be physically active and to eat healthful  
147 foods; and

148 (e) At the beginning of each school year, inform parents or  
149 guardians in writing that their children who are students in the  
150 district schools will receive specified health services as  
151 provided for in the district health services plan. A student  
152 will be exempt from any of these services if his or her parent  
153 or guardian requests such exemption in writing. This paragraph  
154 may ~~shall~~ not be construed to authorize invasive screening; if  
155 there is a need for such procedure, the consent of the student's  
156 parent or guardian shall be obtained in writing before ~~prior to~~  
157 performing the screening. However, the laws and rules relating  
158 to contagious or communicable diseases and sanitary matters may  
159 ~~shall~~ not be violated.

160 (7) The district school board may contract with the county  
161 health department or one or more other entities for the delivery  
162 of all or a portion of the services provided to students under  
163 the school health services program. If the district school board  
164 contracts with another entity, all school health funding  
165 available for the contracted services shall be directed from the  
166 county health department to the district school board.

167 (8) ~~(7)~~ The Department of Health, in cooperation with the  
168 Department of Education, may adopt rules necessary to implement  
169 this section. The rules may include standards and requirements  
170 for developing school health services plans, conducting school  
171 health screening, meeting emergency health needs, maintaining  
172 school health records, and coordinating with education programs  
173 for exceptional students.

174 (9) ~~(8)~~ In the absence of negligence, no person shall be

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175 liable for any injury caused by an act or omission in the  
176 administration of school health services.

177 (10)~~(9)~~ Any health care entity that provides school health  
178 services under contract with the department pursuant to a school  
179 health services plan developed under this section, and as part  
180 of a school nurse services public-private partnership, is deemed  
181 to be a corporation acting primarily as an instrumentality of  
182 the state solely for the purpose of limiting liability pursuant  
183 to s. 768.28(5). The limitations on tort actions contained in s.  
184 768.28(5) shall apply to any action against the entity with  
185 respect to the provision of school health services, if the  
186 entity is acting within the scope of and pursuant to guidelines  
187 established in the contract or by rule of the department. The  
188 contract must require the entity, or the partnership on behalf  
189 of the entity, to obtain general liability insurance coverage,  
190 with any additional endorsement necessary to insure the entity  
191 for liability assumed by its contract with the department. The  
192 Legislature intends that insurance be purchased by entities, or  
193 by partnerships on behalf of the entity, to cover all liability  
194 claims, and under no circumstances shall the state or the  
195 department be responsible for payment of any claims or defense  
196 costs for claims brought against the entity or its subcontractor  
197 for services performed under the contract with the department.  
198 This subsection does not preclude consideration by the  
199 Legislature for payment by the state of any claims bill  
200 involving an entity contracting with the department pursuant to  
201 this section.

202 Section 2. This act shall take effect July 1, 2019.