

By Senator Wasserman Schultz

34-1404-04

See HB 47

1                                   A bill to be entitled  
2           An act relating to school-entry health and  
3           vision examinations; amending s. 1003.22, F.S.;  
4           requiring children who enter public or private  
5           schools in the state to present evidence of  
6           having received a comprehensive vision  
7           examination; providing an exemption; amending  
8           ss. 1002.20 and 1002.42, F.S.; conforming  
9           provisions; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Section 1003.22, Florida Statutes, is  
14 amended to read:15           1003.22 School-entry health and vision examinations;  
16 immunization against communicable diseases; exemptions; duties  
17 of Department of Health.--18           (1) Each district school board and the governing  
19 authority of each private school shall require that each child  
20 who is entitled to admittance to kindergarten, or is entitled  
21 to any other initial entrance into a public or private school  
22 in this state, present a certification of a school-entry  
23 health examination and a certification of a school-entry  
24 comprehensive vision examination by an optometrist licensed  
25 pursuant to chapter 463 or an ophthalmologist licensed  
26 pursuant to chapter 458 or chapter 459 performed within 1 year  
27 prior to enrollment in school. Each district school board, and  
28 the governing authority of each private school, may establish  
29 a policy that permits a student up to 30 school days to  
30 present a certification of a school-entry health examination  
31 and up to 120 days to present a certification of a

1 school-entry comprehensive vision examination. A homeless  
2 child, as defined in s. 1003.01, shall be given a temporary  
3 exemption for 30 school days. Any district school board that  
4 establishes such a policy shall include provisions in its  
5 local school health services plan to assist students in  
6 obtaining the health and vision examinations. However, any  
7 child shall be exempt from the requirement of a health  
8 examination or a vision examination upon written request of  
9 the parent of the child stating objections to the examination  
10 on religious grounds.

11 (2) The State Board of Education, subject to the  
12 concurrence of the Department of Health, shall adopt rules to  
13 govern medical examinations and immunizations performed under  
14 this section.

15 (3) The Department of Health may adopt rules necessary  
16 to administer and enforce this section. The Department of  
17 Health, after consultation with the Department of Education,  
18 shall adopt rules governing the immunization of children  
19 against, the testing for, and the control of preventable  
20 communicable diseases. The rules must include procedures for  
21 exempting a child from immunization requirements.  
22 Immunizations shall be required for poliomyelitis, diphtheria,  
23 rubeola, rubella, pertussis, mumps, tetanus, and other  
24 communicable diseases as determined by rules of the Department  
25 of Health. The manner and frequency of administration of the  
26 immunization or testing shall conform to recognized standards  
27 of medical practice. The Department of Health shall supervise  
28 and secure the enforcement of the required immunization.  
29 Immunizations required by this section shall be available at  
30 no cost from the county health departments.

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1           (4) Each district school board and the governing  
2 authority of each private school shall establish and enforce  
3 as policy that, prior to admittance to or attendance in a  
4 public or private school, grades kindergarten through 12, each  
5 child present or have on file with the school a certification  
6 of immunization for the prevention of those communicable  
7 diseases for which immunization is required by the Department  
8 of Health and further shall provide for appropriate screening  
9 of its students for scoliosis at the proper age. Such  
10 certification shall be made on forms approved and provided by  
11 the Department of Health and shall become a part of each  
12 student's permanent record, to be transferred when the student  
13 transfers, is promoted, or changes schools. The transfer of  
14 such immunization certification by Florida public schools  
15 shall be accomplished using the Florida Automated System for  
16 Transferring Education Records and shall be deemed to meet the  
17 requirements of this section.

18           (5) The provisions of this section shall not apply if:

19           (a) The parent of the child objects in writing that  
20 the administration of immunizing agents conflicts with his or  
21 her religious tenets or practices;

22           (b) A physician licensed under the provisions of  
23 chapter 458 or chapter 459 certifies in writing, on a form  
24 approved and provided by the Department of Health, that the  
25 child should be permanently exempt from the required  
26 immunization for medical reasons stated in writing, based upon  
27 valid clinical reasoning or evidence, demonstrating the need  
28 for the permanent exemption;

29           (c) A physician licensed under the provisions of  
30 chapter 458, chapter 459, or chapter 460 certifies in writing,  
31 on a form approved and provided by the Department of Health,

1 that the child has received as many immunizations as are  
2 medically indicated at the time and is in the process of  
3 completing necessary immunizations;

4 (d) The Department of Health determines that,  
5 according to recognized standards of medical practice, any  
6 required immunization is unnecessary or hazardous; or

7 (e) An authorized school official issues a temporary  
8 exemption, for a period not to exceed 30 school days, to  
9 permit a student who transfers into a new county to attend  
10 class until his or her records can be obtained. A homeless  
11 child, as defined in s. 1003.01, shall be given a temporary  
12 exemption for 30 school days. The public school health nurse  
13 or authorized private school official is responsible for  
14 followup of each such student until proper documentation or  
15 immunizations are obtained. An exemption for 30 days may be  
16 issued for a student who enters a juvenile justice program to  
17 permit the student to attend class until his or her records  
18 can be obtained or until the immunizations can be obtained. An  
19 authorized juvenile justice official is responsible for  
20 followup of each student who enters a juvenile justice program  
21 until proper documentation or immunizations are obtained.

22 (6)(a) No person licensed by this state as a physician  
23 or nurse shall be liable for any injury caused by his or her  
24 action or failure to act in the administration of a vaccine or  
25 other immunizing agent pursuant to the provisions of this  
26 section if the person acts as a reasonably prudent person with  
27 similar professional training would have acted under the same  
28 or similar circumstances.

29 (b) No member of a district school board, or any of  
30 its employees, or member of a governing board of a private  
31 school, or any of its employees, shall be liable for any

1 injury caused by the administration of a vaccine to any  
2 student who is required to be so immunized or for a failure to  
3 diagnose scoliosis pursuant to the provisions of this section.

4 (7) The parents of any child admitted to or in  
5 attendance at a Florida public or private school, grades  
6 kindergarten through 12, are responsible for assuring that the  
7 child is in compliance with the provisions of this section.

8 (8) Each public school, including public kindergarten,  
9 and each private school, including private kindergarten, shall  
10 be required to provide to the county health department  
11 director or administrator annual reports of compliance with  
12 the provisions of this section. Reports shall be completed on  
13 forms provided by the Department of Health for each  
14 kindergarten, and other grade as specified; and the reports  
15 shall include the status of children who were admitted at the  
16 beginning of the school year. After consultation with the  
17 Department of Education, the Department of Health shall  
18 establish by administrative rule the dates for submission of  
19 these reports, the grades for which the reports shall be  
20 required, and the forms to be used.

21 (9) The presence of any of the communicable diseases  
22 for which immunization is required by the Department of Health  
23 in a Florida public or private school shall permit the county  
24 health department director or administrator or the State  
25 Health Officer to declare a communicable disease emergency.  
26 The declaration of such emergency shall mandate that all  
27 students in attendance in the school who are not in compliance  
28 with the provisions of this section be identified by the  
29 district school board or by the governing authority of the  
30 private school; and the school health and immunization records  
31 of such children shall be made available to the county health

1 department director or administrator. Those children  
2 identified as not being immunized against the disease for  
3 which the emergency has been declared shall be temporarily  
4 excluded from school by the district school board, or the  
5 governing authority of the private school, until such time as  
6 is specified by the county health department director or  
7 administrator.

8 (10) Each district school board and the governing  
9 authority of each private school shall:

10 (a) Refuse admittance to any child otherwise entitled  
11 to admittance to kindergarten, or any other initial entrance  
12 into a Florida public or private school, who is not in  
13 compliance with the provisions of subsection (4).

14 (b) Temporarily exclude from attendance any student  
15 who is not in compliance with the provisions of subsection  
16 (4).

17 (11) The provisions of this section do not apply to  
18 those persons admitted to or attending adult education classes  
19 unless the adult students are under 21 years of age.

20 Section 2. Paragraph (a) of subsection (3) of section  
21 1002.20, Florida Statutes, is amended to read:

22 1002.20 K-12 student and parent rights.--Parents of  
23 public school students must receive accurate and timely  
24 information regarding their child's academic progress and must  
25 be informed of ways they can help their child to succeed in  
26 school. K-12 students and their parents are afforded numerous  
27 statutory rights including, but not limited to, the following:

28 (3) HEALTH ISSUES.--

29 (a) School-entry health and vision examinations.--The  
30 parent of any child attending a public or private school shall  
31 be exempt from the requirement of a health examination or a

1 vision examination upon written request stating objections on  
2 religious grounds in accordance with the provisions of s.  
3 1003.22(1) and (2).

4 Section 3. Subsection (5) of section 1002.42, Florida  
5 Statutes, is amended to read:

6 1002.42 Private schools.--

7 (5) SCHOOL-ENTRY HEALTH AND VISION EXAMINATIONS.--The  
8 governing authority of each private school shall require  
9 students to present a certification of a school-entry health  
10 examination and a certification of a school-entry  
11 comprehensive vision examination in accordance with the  
12 provisions of s. 1003.22(1) and (2).

13 Section 4. This act shall take effect July 1, 2004.  
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