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

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

11
 12 Section 1. Section 1003.22, Florida Statutes, is amended
 13 to read:

14 1003.22 School-entry health and vision examinations;
 15 immunization against communicable diseases; exemptions; duties
 16 of Department of Health.--

17 (1) Each district school board and the governing authority
 18 of each private school shall require that each child who is
 19 entitled to admittance to kindergarten, or is entitled to any
 20 other initial entrance into a public or private school in this
 21 state, present a certification of a school-entry health
 22 examination and a certification of a school-entry comprehensive
 23 vision examination by an optometrist licensed pursuant to
 24 chapter 463 or an ophthalmologist licensed pursuant to chapter
 25 458 or chapter 459 performed within 1 year prior to enrollment
 26 in school. Each district school board, and the governing
 27 authority of each private school, may establish a policy that
 28 permits a student up to 30 school days to present a
 29 certification of a school-entry health examination and up to 120
 30 days to present a certification of a school-entry comprehensive

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31 vision examination. A homeless child, as defined in s. 1003.01,
32 shall be given a temporary exemption for 30 school days. Any
33 district school board that establishes such a policy shall
34 include provisions in its local school health services plan to
35 assist students in obtaining the health and vision examinations.
36 However, any child shall be exempt from the requirement of a
37 health examination or a vision examination upon written request
38 of the parent of the child stating objections to the examination
39 on religious grounds.

40 (2) The State Board of Education, subject to the
41 concurrence of the Department of Health, shall adopt rules to
42 govern medical examinations and immunizations performed under
43 this section.

44 (3) The Department of Health may adopt rules necessary to
45 administer and enforce this section. The Department of Health,
46 after consultation with the Department of Education, shall adopt
47 rules governing the immunization of children against, the
48 testing for, and the control of preventable communicable
49 diseases. The rules must include procedures for exempting a
50 child from immunization requirements. Immunizations shall be
51 required for poliomyelitis, diphtheria, rubeola, rubella,
52 pertussis, mumps, tetanus, and other communicable diseases as
53 determined by rules of the Department of Health. The manner and
54 frequency of administration of the immunization or testing shall
55 conform to recognized standards of medical practice. The
56 Department of Health shall supervise and secure the enforcement
57 of the required immunization. Immunizations required by this
58 section shall be available at no cost from the county health
59 departments.

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60 (4) Each district school board and the governing authority
61 of each private school shall establish and enforce as policy
62 that, prior to admittance to or attendance in a public or
63 private school, grades kindergarten through 12, each child
64 present or have on file with the school a certification of
65 immunization for the prevention of those communicable diseases
66 for which immunization is required by the Department of Health
67 and further shall provide for appropriate screening of its
68 students for scoliosis at the proper age. Such certification
69 shall be made on forms approved and provided by the Department
70 of Health and shall become a part of each student's permanent
71 record, to be transferred when the student transfers, is
72 promoted, or changes schools. The transfer of such immunization
73 certification by Florida public schools shall be accomplished
74 using the Florida Automated System for Transferring Education
75 Records and shall be deemed to meet the requirements of this
76 section.

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

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

81 (b) A physician licensed under the provisions of chapter
82 458 or chapter 459 certifies in writing, on a form approved and
83 provided by the Department of Health, that the child should be
84 permanently exempt from the required immunization for medical
85 reasons stated in writing, based upon valid clinical reasoning
86 or evidence, demonstrating the need for the permanent exemption;

87 (c) A physician licensed under the provisions of chapter
88 458, chapter 459, or chapter 460 certifies in writing, on a form
89 approved and provided by the Department of Health, that the

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90 child has received as many immunizations as are medically
 91 indicated at the time and is in the process of completing
 92 necessary immunizations;

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

96 (e) An authorized school official issues a temporary
 97 exemption, for a period not to exceed 30 school days, to permit
 98 a student who transfers into a new county to attend class until
 99 his or her records can be obtained. A homeless child, as defined
 100 in s. 1003.01, shall be given a temporary exemption for 30
 101 school days. The public school health nurse or authorized
 102 private school official is responsible for followup of each such
 103 student until proper documentation or immunizations are
 104 obtained. An exemption for 30 days may be issued for a student
 105 who enters a juvenile justice program to permit the student to
 106 attend class until his or her records can be obtained or until
 107 the immunizations can be obtained. An authorized juvenile
 108 justice official is responsible for followup of each student who
 109 enters a juvenile justice program until proper documentation or
 110 immunizations are obtained.

111 (6)(a) No person licensed by this state as a physician or
 112 nurse shall be liable for any injury caused by his or her action
 113 or failure to act in the administration of a vaccine or other
 114 immunizing agent pursuant to the provisions of this section if
 115 the person acts as a reasonably prudent person with similar
 116 professional training would have acted under the same or similar
 117 circumstances.

118 (b) No member of a district school board, or any of its
 119 employees, or member of a governing board of a private school,

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120 or any of its employees, shall be liable for any injury caused
 121 by the administration of a vaccine to any student who is
 122 required to be so immunized or for a failure to diagnose
 123 scoliosis pursuant to the provisions of this section.

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

128 (8) Each public school, including public kindergarten, and
 129 each private school, including private kindergarten, shall be
 130 required to provide to the county health department director or
 131 administrator annual reports of compliance with the provisions
 132 of this section. Reports shall be completed on forms provided by
 133 the Department of Health for each kindergarten, and other grade
 134 as specified; and the reports shall include the status of
 135 children who were admitted at the beginning of the school year.
 136 After consultation with the Department of Education, the
 137 Department of Health shall establish by administrative rule the
 138 dates for submission of these reports, the grades for which the
 139 reports shall be required, and the forms to be used.

140 (9) The presence of any of the communicable diseases for
 141 which immunization is required by the Department of Health in a
 142 Florida public or private school shall permit the county health
 143 department director or administrator or the State Health Officer
 144 to declare a communicable disease emergency. The declaration of
 145 such emergency shall mandate that all students in attendance in
 146 the school who are not in compliance with the provisions of this
 147 section be identified by the district school board or by the
 148 governing authority of the private school; and the school health
 149 and immunization records of such children shall be made

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150 available to the county health department director or
 151 administrator. Those children identified as not being immunized
 152 against the disease for which the emergency has been declared
 153 shall be temporarily excluded from school by the district school
 154 board, or the governing authority of the private school, until
 155 such time as is specified by the county health department
 156 director or administrator.

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

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

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

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

168 Section 2. Paragraph (a) of subsection (3) of section
 169 1002.20, Florida Statutes, is amended to read:

170 1002.20 K-12 student and parent rights.--Parents of public
 171 school students must receive accurate and timely information
 172 regarding their child's academic progress and must be informed
 173 of ways they can help their child to succeed in school. K-12
 174 students and their parents are afforded numerous statutory
 175 rights including, but not limited to, the following:

176 (3) HEALTH ISSUES.--

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

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180 vision examination upon written request stating objections on
181 religious grounds in accordance with the provisions of s.
182 1003.22(1) and (2).

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

185 1002.42 Private schools.--

186 (5) SCHOOL-ENTRY HEALTH AND VISION EXAMINATIONS.--The
187 governing authority of each private school shall require
188 students to present a certification of a school-entry health
189 examination and a certification of a school-entry comprehensive
190 vision examination in accordance with the provisions of s.
191 1003.22(1) and (2).

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