

By Senator Wilson

33-1324-05

See HB 199

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A bill to be entitled

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

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

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

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

(1) Each district school board and the governing authority of each private school shall require that each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public or private school in this state, present a certification of a school-entry health examination and a certification of a school-entry comprehensive vision examination by an optometrist licensed pursuant to chapter 463 or an ophthalmologist licensed pursuant to chapter 458 or chapter 459 performed within 1 year prior to enrollment in school. Each district school board, and the governing authority of each private school, may establish a policy that permits a student up to 30 school days to present a certification of a school-entry health examination 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, or  
5 any other initial entrance into a Florida public or private  
6 school, each child present or have on file with the school a  
7 certification of immunization for the prevention of those  
8 communicable diseases for which immunization is required by  
9 the Department of Health and further shall provide for  
10 appropriate screening of its students for scoliosis at the  
11 proper age. Such certification shall be made on forms approved  
12 and provided by the Department of Health and shall become a  
13 part of each student's permanent record, to be transferred  
14 when the student transfers, is promoted, or changes schools.  
15 The transfer of such immunization certification by Florida  
16 public schools shall be accomplished using the Florida  
17 Automated System for Transferring Education Records and shall  
18 be deemed to meet the requirements of this section.

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

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

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

30           (c) A physician licensed under the provisions of  
31 chapter 458, chapter 459, or chapter 460 certifies in writing,

1 on a form approved and provided by the Department of Health,  
2 that the child has received as many immunizations as are  
3 medically indicated at the time and is in the process of  
4 completing necessary immunizations;

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

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

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

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

1 | school, or any of its employees, shall be liable for any  
2 | injury caused by the administration of a vaccine to any  
3 | student who is required to be so immunized or for a failure to  
4 | diagnose scoliosis pursuant to the provisions of this section.

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

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

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

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

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

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

16 (b) Temporarily exclude from attendance any student  
17 who is not in compliance with the provisions of subsection  
18 (4).

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

22 Section 2. Paragraph (a) of subsection (3) of section  
23 1002.20, Florida Statutes, is amended to read:

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

30 (3) HEALTH ISSUES.--  
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1           (a) School-entry health and vision examinations.--The  
2 parent of any child attending a public or private school shall  
3 be exempt from the requirement of a health examination or a  
4 vision examination upon written request stating objections on  
5 religious grounds in accordance with the provisions of s.  
6 1003.22(1) and (2).

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

9           1002.42 Private schools.--

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

16           Section 4. This act shall take effect July 1, 2005.  
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