

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.

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

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 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

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29 certification of a school-entry health examination and up to 120  
30 days to present a certification of a school-entry comprehensive  
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.

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, or any other  
64 | initial entrance into a Florida public or private school, each  
65 | child present or have on file with the school a certification of  
66 | immunization for the prevention of those communicable diseases  
67 | for which immunization is required by the Department of Health  
68 | and further shall provide for appropriate screening of its  
69 | students for scoliosis at the proper age. Such certification  
70 | shall be made on forms approved and provided by the Department  
71 | of Health and shall become a part of each student's permanent  
72 | record, to be transferred when the student transfers, is  
73 | promoted, or changes schools. The transfer of such immunization  
74 | certification by Florida public schools shall be accomplished  
75 | using the Florida Automated System for Transferring Education  
76 | Records and shall be deemed to meet the requirements of this  
77 | section.

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

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

82 |       (b) A physician licensed under the provisions of chapter  
83 | 458 or chapter 459 certifies in writing, on a form approved and  
84 | provided by the Department of Health, that the child should be

85 permanently exempt from the required immunization for medical  
86 reasons stated in writing, based upon valid clinical reasoning  
87 or evidence, demonstrating the need for the permanent exemption;

88 (c) A physician licensed under the provisions of chapter  
89 458, chapter 459, or chapter 460 certifies in writing, on a form  
90 approved and provided by the Department of Health, that the  
91 child has received as many immunizations as are medically  
92 indicated at the time and is in the process of completing  
93 necessary immunizations;

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

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

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

119           (b) No member of a district school board, or any of its  
120 employees, or member of a governing board of a private school,  
121 or any of its employees, shall be liable for any injury caused  
122 by the administration of a vaccine to any student who is  
123 required to be so immunized or for a failure to diagnose  
124 scoliosis pursuant to the provisions of this section.

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

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

139 | dates for submission of these reports, the grades for which the  
140 | reports shall be required, and the forms to be used.

141 |       (9) The presence of any of the communicable diseases for  
142 | which immunization is required by the Department of Health in a  
143 | Florida public or private school shall permit the county health  
144 | department director or administrator or the State Health Officer  
145 | to declare a communicable disease emergency. The declaration of  
146 | such emergency shall mandate that all students in attendance in  
147 | the school who are not in compliance with the provisions of this  
148 | section be identified by the district school board or by the  
149 | governing authority of the private school; and the school health  
150 | and immunization records of such children shall be made  
151 | available to the county health department director or  
152 | administrator. Those children identified as not being immunized  
153 | against the disease for which the emergency has been declared  
154 | shall be temporarily excluded from school by the district school  
155 | board, or the governing authority of the private school, until  
156 | such time as is specified by the county health department  
157 | director or administrator.

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

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

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

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

169 Section 2. Paragraph (a) of subsection (3) of section  
 170 1002.20, Florida Statutes, is amended to read:

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

177 (3) HEALTH ISSUES.--

178 (a) School-entry health and vision examinations.--The  
 179 parent of any child attending a public or private school shall  
 180 be exempt from the requirement of a health examination or a  
 181 vision examination upon written request stating objections on  
 182 religious grounds in accordance with the provisions of s.  
 183 1003.22(1) and (2).

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

186 1002.42 Private schools.--

187 (5) SCHOOL-ENTRY HEALTH AND VISION EXAMINATIONS.--The  
 188 governing authority of each private school shall require  
 189 students to present a certification of a school-entry health  
 190 examination and a certification of a school-entry comprehensive  
 191 vision examination in accordance with the provisions of s.  
 192 1003.22(1) and (2).

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