

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 for the imposition of a fee on the retail sale
 9 of nonprescription eyeglasses; providing for collection of
 10 fees and remittance to the Department of Health to assist
 11 families in paying for school-entry comprehensive vision
 12 examinations; requiring rules for eligibility for and
 13 distribution of funds; providing effective dates.

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

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 17 Section 1. Effective July 1, 2007, section 1003.22,
 18 Florida Statutes, is amended to read:

19 1003.22 School-entry health and vision examinations;
 20 immunization against communicable diseases; exemptions; duties
 21 of Department of Health.--

22 (1) Each district school board and the governing authority
 23 of each private school shall require that each child who is
 24 entitled to admittance to kindergarten, or is entitled to any
 25 other initial entrance into a public or private school in this
 26 state, present a certification of a school-entry health
 27 examination and a certification of a school-entry comprehensive
 28 vision examination by an optometrist licensed under chapter 463

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29 or an ophthalmologist licensed under chapter 458 or chapter 459,
30 or an optometrist or an ophthalmologist licensed in any other
31 state in which the requirements for licensure are equivalent to
32 or more stringent than those in this state, performed within 1
33 year prior to enrollment in school. Each district school board,
34 and the governing authority of each private school, may
35 establish a policy that permits a student up to 30 school days
36 to present a certification of a school-entry health examination
37 and up to 120 days to present a certification of a school-entry
38 comprehensive vision examination. A homeless child, as defined
39 in s. 1003.01, shall be given a temporary exemption for 30
40 school days. Any district school board that establishes such a
41 policy shall include provisions in its local school health
42 services plan to assist students in obtaining the health and
43 vision examinations. However, any child shall be exempt from the
44 requirement of a health examination or a vision examination upon
45 written request of the parent of the child stating objections to
46 the examination on religious grounds.

47 (2) The State Board of Education, subject to the
48 concurrence of the Department of Health, shall adopt rules to
49 govern medical examinations and immunizations performed under
50 this section.

51 (3) The Department of Health may adopt rules necessary to
52 administer and enforce this section. The Department of Health,
53 after consultation with the Department of Education, shall adopt
54 rules governing the immunization of children against, the
55 testing for, and the control of preventable communicable
56 diseases. The rules must include procedures for exempting a

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57 | child from immunization requirements. Immunizations shall be
58 | required for poliomyelitis, diphtheria, rubeola, rubella,
59 | pertussis, mumps, tetanus, and other communicable diseases as
60 | determined by rules of the Department of Health. The manner and
61 | frequency of administration of the immunization or testing shall
62 | conform to recognized standards of medical practice. The
63 | Department of Health shall supervise and secure the enforcement
64 | of the required immunization. Immunizations required by this
65 | section shall be available at no cost from the county health
66 | departments.

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

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

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

89 (b) A physician licensed under ~~the provisions of~~ chapter
90 458 or chapter 459 certifies in writing, on a form approved and
91 provided by the Department of Health, that the child should be
92 permanently exempt from the required immunization for medical
93 reasons stated in writing, based upon valid clinical reasoning
94 or evidence, demonstrating the need for the permanent exemption;

95 (c) A physician licensed under ~~the provisions of~~ chapter
96 458, chapter 459, or chapter 460 certifies in writing, on a form
97 approved and provided by the Department of Health, that the
98 child has received as many immunizations as are medically
99 indicated at the time and is in the process of completing
100 necessary immunizations;

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

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

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113 | who enters a juvenile justice program to permit the student to
114 | attend class until his or her records can be obtained or until
115 | the immunizations can be obtained. An authorized juvenile
116 | justice official is responsible for followup of each student who
117 | enters a juvenile justice program until proper documentation or
118 | immunizations are obtained.

119 | (6) (a) No person licensed by this state as a physician or
120 | nurse shall be liable for any injury caused by his or her action
121 | or failure to act in the administration of a vaccine or other
122 | immunizing agent pursuant to the provisions of this section if
123 | the person acts as a reasonably prudent person with similar
124 | professional training would have acted under the same or similar
125 | circumstances.

126 | (b) No member of a district school board, or any of its
127 | employees, or member of a governing board of a private school,
128 | or any of its employees, shall be liable for any injury caused
129 | by the administration of a vaccine to any student who is
130 | required to be so immunized or for a failure to diagnose
131 | scoliosis pursuant to the provisions of this section.

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

136 | (8) Each public school, including public kindergarten, and
137 | each private school, including private kindergarten, shall be
138 | required to provide to the county health department director or
139 | administrator annual reports of compliance with the provisions
140 | of this section. Reports shall be completed on forms provided by

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141 the Department of Health for each kindergarten, and other grade
142 as specified; and the reports shall include the status of
143 children who were admitted at the beginning of the school year.
144 After consultation with the Department of Education, the
145 Department of Health shall establish by administrative rule the
146 dates for submission of these reports, the grades for which the
147 reports shall be required, and the forms to be used.

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

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

167 (a) Refuse admittance to any child otherwise entitled to
168 admittance to kindergarten, or any other initial entrance into a

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169 Florida public or private school, who is not in compliance with
 170 the provisions of subsection (4).

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

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

176 Section 2. Effective July 1, 2007, paragraph (a) of
 177 subsection (3) of section 1002.20, Florida Statutes, is amended
 178 to read:

179 1002.20 K-12 student and parent rights.--Parents of public
 180 school students must receive accurate and timely information
 181 regarding their child's academic progress and must be informed
 182 of ways they can help their child to succeed in school. K-12
 183 students and their parents are afforded numerous statutory
 184 rights including, but not limited to, the following:

185 (3) HEALTH ISSUES.--

186 (a) School-entry health and vision examinations.--The
 187 parent of any child attending a public or private school shall
 188 be exempt from the requirement of a health examination or a
 189 vision examination upon written request stating objections on
 190 religious grounds in accordance with the provisions of s.
 191 1003.22(1) and (2).

192 Section 3. Effective July 1, 2007, subsection (5) of
 193 section 1002.42, Florida Statutes, is amended to read:

194 1002.42 Private schools.--

195 (5) SCHOOL-ENTRY HEALTH AND VISION EXAMINATIONS.--The
 196 governing authority of each private school shall require

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197 students to present a certification of a school-entry health
198 examination and a certification of a school-entry comprehensive
199 vision examination in accordance with the provisions of s.
200 1003.22(1) and (2).

201 Section 4. Notwithstanding any other provision of law and
202 in addition to the sales tax imposed under chapter 212, Florida
203 Statutes, a 25-cent fee shall be imposed on the retail sale of
204 nonprescription eyeglasses. Such fee shall be collected by the
205 dealer and remitted to the Department of Health for the purpose
206 of providing assistance to low-income families that are
207 uninsured or underinsured or whose insurance does not cover the
208 costs of the school-entry comprehensive vision examination
209 required under s. 1003.22(1), Florida Statutes. Fees imposed
210 pursuant to this section shall be deposited in a separate
211 account in the Department of Health Administrative Trust Fund.
212 The Department of Health shall adopt rules relating to
213 eligibility for and distribution of such funds.

214 Section 5. Except as otherwise expressly provided in this
215 act, this act shall take effect July 1, 2006.