

By Senator Wilson

33-00362-08

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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 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          parents in paying for school-entry comprehensive vision  
12          examinations; requiring rules for eligibility for and  
13          distribution of funds; providing effective dates.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Effective July 1, 2009, section 1003.22, Florida  
18           Statutes, is amended to read:

19           1003.22 School-entry health and vision examinations;  
20           immunization against communicable diseases; exemptions; duties of  
21           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  
29           or an ophthalmologist licensed under chapter 458 or chapter 459,

33-00362-08

2008510\_\_

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 establish  
35 a policy that permits a student up to 30 school days to present a  
36 certification of a school-entry health examination and up to 120  
37 days to present a certification of a school-entry comprehensive  
38 vision examination. A homeless child, as defined in s. 1003.01,  
39 shall be given a temporary exemption for 30 school days. Any  
40 district school board that establishes such a policy shall  
41 include provisions in its local school health services plan to  
42 assist students in obtaining the health and vision examinations.  
43 However, any child shall be exempt from the requirement of a  
44 health examination or a vision examination upon written request  
45 of the parent of the child stating objections to the examination  
46 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 testing  
55 for, and the control of preventable communicable diseases. The  
56 rules must include procedures for exempting a child from  
57 immunization requirements. Immunizations shall be required for  
58 poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps,

33-00362-08

2008510\_\_

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

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

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

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

33-00362-08

2008510\_\_

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

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

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

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

33-00362-08

2008510\_\_

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

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

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

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

33-00362-08

2008510\_\_

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

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

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

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

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

174 Section 2. Effective July 1, 2009, paragraph (a) of

33-00362-08

2008510\_\_

175 subsection (3) of section 1002.20, Florida Statutes, is amended  
176 to read:

177 1002.20 K-12 student and parent rights.--Parents of public  
178 school students must receive accurate and timely information  
179 regarding their child's academic progress and must be informed of  
180 ways they can help their child to succeed in school. K-12  
181 students and their parents are afforded numerous statutory rights  
182 including, but not limited to, the following:

183 (3) HEALTH ISSUES.--

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

190 Section 3. Effective July 1, 2009, subsection (5) of  
191 section 1002.42, Florida Statutes, is amended to read:

192 1002.42 Private schools.--

193 (5) SCHOOL-ENTRY HEALTH AND VISION EXAMINATIONS.--The  
194 governing authority of each private school shall require students  
195 to present a certification of a school-entry health examination  
196 and a certification of a school-entry comprehensive vision  
197 examination in accordance with the provisions of s. 1003.22(1)  
198 and (2).

199 Section 4. Notwithstanding any other provision of law and  
200 in addition to the sales tax imposed under chapter 212, Florida  
201 Statutes, a 25-cent fee shall be imposed on the retail sale of  
202 nonprescription eyeglasses. Such fee shall be collected by the  
203 dealer and remitted to the Department of Health for the purpose

33-00362-08

2008510\_\_

204 of providing funds to parents in need of financial assistance to  
205 pay for the school-entry comprehensive vision examination  
206 required under s. 1003.22(1), Florida Statutes. Fees imposed  
207 pursuant to this section shall be deposited in a separate account  
208 in the Department of Health Administrative Trust Fund. The  
209 Department of Health shall adopt rules relating to eligibility  
210 for and distribution of such funds.

211       Section 5. Except as otherwise expressly provided in this  
212 act, this act shall take effect July 1, 2008.