

HB 1457

2009

1                   A bill to be entitled  
 2           An act relating to childhood vaccinations; amending s.  
 3           1003.22, F.S.; authorizing a parent or guardian to object  
 4           to immunizing a minor on philosophical grounds; requiring  
 5           that the parent or guardian sign a form in order to refuse  
 6           to vaccinate the minor; providing requirements for the  
 7           form; requiring that the parent or guardian periodically  
 8           sign a new form in order to continue the exemption;  
 9           providing an effective date.

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

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13           Section 1. Subsection (5) of section 1003.22, Florida  
 14 Statutes, is amended to read:

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

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

19           (a) The parent or guardian of the child objects in writing  
 20 that the administration of immunizing agents conflicts with his  
 21 or her religious or philosophical tenets or practices. If the  
 22 parent or guardian objects on philosophical grounds, he or she  
 23 shall sign a refusal-to-vaccinate form, adopted by the American  
 24 Academy of Pediatrics, provided by a health care provider who is  
 25 licensed in this state and who, as part of his or her scope of  
 26 practice, administers childhood vaccinations. This form must  
 27 indicate that the parent or guardian has been informed by the  
 28 health care provider of the risks, benefits, and purposes of the

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29 vaccinations and of the possible consequences of refusing to  
30 vaccinate the child, using the vaccine-information statement  
31 from the Centers for Disease Control and Prevention for each  
32 vaccine that is declined. An exemption based on philosophical  
33 grounds is valid for 2 years, and the parent or guardian must  
34 sign a new refusal-to-vaccinate form in order to continue the  
35 exemption;

36 (b) A physician licensed under the provisions of chapter  
37 458 or chapter 459 certifies in writing, on a form approved and  
38 provided by the Department of Health, that the child should be  
39 permanently exempt from the required immunization for medical  
40 reasons stated in writing, based upon valid clinical reasoning  
41 or evidence, demonstrating the need for the permanent exemption;

42 (c) A physician licensed under the provisions of chapter  
43 458, chapter 459, or chapter 460 certifies in writing, on a form  
44 approved and provided by the Department of Health, that the  
45 child has received as many immunizations as are medically  
46 indicated at the time and is in the process of completing  
47 necessary immunizations;

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

51 (e) An authorized school official issues a temporary  
52 exemption, for a period not to exceed 30 school days, to permit  
53 a student who transfers into a new county to attend class until  
54 his or her records can be obtained. A homeless child, as defined  
55 in s. 1003.01, shall be given a temporary exemption for 30  
56 school days. The public school health nurse or authorized

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57 private school official is responsible for followup of each such  
58 student until proper documentation or immunizations are  
59 obtained. An exemption for 30 days may be issued for a student  
60 who enters a juvenile justice program to permit the student to  
61 attend class until his or her records can be obtained or until  
62 the immunizations can be obtained. An authorized juvenile  
63 justice official is responsible for followup of each student who  
64 enters a juvenile justice program until proper documentation or  
65 immunizations are obtained.

66 Section 2. This act shall take effect July 1, 2009.