

By Senator Bullard

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1 A bill to be entitled
2 An act relating to requirements for school entry;
3 amending s. 1003.22, F.S.; requiring children who
4 enter public or private schools in the state to
5 present evidence of having completed a class in
6 swimming life skills conducted by a certified
7 instructor; providing for certain exemptions from the
8 requirement; amending ss. 1002.20 and 1002.42, F.S.,
9 relating to student and parent rights and requirements
10 for private schools; conforming provisions to changes
11 made by the act; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 1003.22, Florida Statutes, is amended to
16 read:

17 1003.22 School-entry health examinations and school-entry
18 classes in swimming life skills; immunization against
19 communicable diseases; exemptions; duties of Department of
20 Health.-

21 (1) Each district school board and the governing authority
22 of each private school shall require that each child who is
23 entitled to admittance to kindergarten, or is entitled to any
24 other initial entrance into a public or private school in this
25 state, present a certification of a school-entry health
26 examination performed within 1 year prior to enrollment in
27 school, and a certificate of having completed a school-entry
28 class in swimming life skills conducted by a swimming instructor
29 or lifeguard who is certified by the American Red Cross, the

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30 Y.M.C.A., or other nationally recognized aquatic training
31 program. Each district school board, and the governing authority
32 of each private school, may establish a policy that permits a
33 student up to 30 school days to present a certification of a
34 school-entry health examination and up to 120 days to present a
35 certificate of completion of a school-entry class in swimming
36 life skills. A homeless child, as defined in s. 1003.01, shall
37 be given a temporary exemption for 30 school days. Any district
38 school board that establishes such a policy shall include
39 provisions in its local school health services plan to assist
40 students in obtaining the health examinations. However, any
41 child shall be exempt from the requirement of a health
42 examination or a class in swimming life skills upon written
43 request of the parent of the child stating objections to the
44 examination on religious grounds. Any child shall also be exempt
45 from the requirement to complete a class in swimming life skills
46 if a physician certifies in writing that the child should be
47 exempt from the required swimming class for medical reasons
48 based upon a valid clinical reason or evidence that demonstrates
49 the need for the exemption. An authorized school official may
50 issue a temporary exemption, for a period not to exceed 90
51 school days, so that a student who transfers from another state
52 may attend a class and obtain the certificate of completion or
53 until a student's records can be obtained.

54 (2) The State Board of Education, subject to the
55 concurrence of the Department of Health, shall adopt rules to
56 govern medical examinations and immunizations performed under
57 this section.

58 (3) The Department of Health may adopt rules necessary to

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59 administer and enforce this section. The Department of Health,
60 after consultation with the Department of Education, shall adopt
61 rules governing the immunization of children against, the
62 testing for, and the control of preventable communicable
63 diseases. The rules must include procedures for exempting a
64 child from immunization requirements. Immunizations shall be
65 required for poliomyelitis, diphtheria, rubeola, rubella,
66 pertussis, mumps, tetanus, and other communicable diseases as
67 determined by rules of the Department of Health. The manner and
68 frequency of administration of the immunization or testing shall
69 conform to recognized standards of medical practice. The
70 Department of Health shall supervise and secure the enforcement
71 of the required immunization. Immunizations required by this
72 section shall be available at no cost from the county health
73 departments.

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

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88 certification by Florida public schools shall be accomplished
89 using the Florida Automated System for Transferring Education
90 Records and shall be deemed to meet the requirements of this
91 section.

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

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

96 (b) A physician licensed under ~~the provisions of~~ chapter
97 458 or chapter 459 certifies in writing, on a form approved and
98 provided by the Department of Health, that the child should be
99 permanently exempt from the required immunization for medical
100 reasons stated in writing, based upon valid clinical reasoning
101 or evidence, demonstrating the need for the permanent exemption;

102 (c) A physician licensed under ~~the provisions of~~ chapter
103 458, chapter 459, or chapter 460 certifies in writing, on a form
104 approved and provided by the Department of Health, that the
105 child has received as many immunizations as are medically
106 indicated at the time and is in the process of completing
107 necessary immunizations;

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

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

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117 private school official is responsible for followup of each such
118 student until proper documentation or immunizations are
119 obtained. An exemption for 30 days may be issued for a student
120 who enters a juvenile justice program to permit the student to
121 attend class until his or her records can be obtained or until
122 the immunizations can be obtained. An authorized juvenile
123 justice official is responsible for followup of each student who
124 enters a juvenile justice program until proper documentation or
125 immunizations are obtained.

126 (6) (a) No person licensed by this state as a physician or
127 nurse shall be liable for any injury caused by his or her action
128 or failure to act in the administration of a vaccine or other
129 immunizing agent pursuant to the provisions of this section if
130 the person acts as a reasonably prudent person with similar
131 professional training would have acted under the same or similar
132 circumstances.

133 (b) No member of a district school board, or any of its
134 employees, or member of a governing board of a private school,
135 or any of its employees, shall be liable for any injury caused
136 by the administration of a vaccine to any student who is
137 required to be so immunized or for a failure to diagnose
138 scoliosis pursuant to the provisions of this section.

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

143 (8) Each public school, including public kindergarten, and
144 each private school, including private kindergarten, shall be
145 required to provide to the county health department director or

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146 administrator annual reports of compliance with the provisions
147 of this section. Reports shall be completed on forms provided by
148 the Department of Health for each kindergarten, and other grade
149 as specified; and the reports shall include the status of
150 children who were admitted at the beginning of the school year.
151 After consultation with the Department of Education, the
152 Department of Health shall establish by administrative rule the
153 dates for submission of these reports, the grades for which the
154 reports shall be required, and the forms to be used.

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

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

174 (a) Refuse admittance to any child otherwise entitled to

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175 admittance to kindergarten, or any other initial entrance into a
176 Florida public or private school, who is not in compliance with
177 the provisions of subsection (4).

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

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

183 Section 2. Paragraph (a) of subsection (3) of section
184 1002.20, Florida Statutes, is amended to read:

185 1002.20 K-12 student and parent rights.—Parents of public
186 school students must receive accurate and timely information
187 regarding their child's academic progress and must be informed
188 of ways they can help their child to succeed in school. K-12
189 students and their parents are afforded numerous statutory
190 rights including, but not limited to, the following:

191 (3) HEALTH ISSUES.—

192 (a) *School-entry health examinations and school-entry*
193 *classes in swimming life skills.*—The parent of any child
194 attending a public or private school shall be exempt from the
195 requirement of a health examination or a school-entry class in
196 swimming life skills upon written request stating objections on
197 religious grounds in accordance with ~~the provisions of~~ s.
198 1003.22(1) and (2). A child shall also be exempt from the
199 requirement to complete a class in swimming life skills if a
200 physician certifies in writing that the child should be exempt
201 for medical reasons based upon a valid clinical reason or
202 evidence that demonstrates the need for the exemption in
203 accordance with s. 1003.22(1).

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

206 1002.42 Private schools.—

207 (5) SCHOOL-ENTRY HEALTH EXAMINATIONS AND SCHOOL-ENTRY
208 CLASSES IN SWIMMING LIFE SKILLS.—The governing authority of each
209 private school shall require students to present a certification
210 of a school-entry health examination and a certificate of
211 completion of a school-entry class in swimming life skills in
212 accordance with the provisions of s. 1003.22(1) and (2).

213 Section 4. This act shall take effect July 1, 2009.