

By Senator Wilson

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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
5 state to present evidence of having received a
6 comprehensive vision examination; providing an
7 exemption; amending ss. 1002.20 and 1002.42, F.S.;
8 conforming provisions; requiring the imposition of a
9 fee on the retail sale of nonprescription eyeglasses;
10 providing for the fee to be used by the Department of
11 Health to assist parents in paying for school-entry
12 comprehensive vision examinations; requiring rules for
13 eligibility for and the distribution of funds;
14 providing effective dates.

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

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18 Section 1. Effective July 1, 2010, section 1003.22, Florida
19 Statutes, is amended to read:

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

23 (1) Each district school board and the governing authority
24 of each private school shall require that each child who is
25 entitled to admittance to kindergarten, or is entitled to any
26 other initial entrance into a public or private school in this
27 state, present a certification of a school-entry health
28 examination and a certification of a school-entry comprehensive
29 vision examination performed within 1 year prior to enrollment

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30 in school. The vision examination must be performed by an
31 optometrist licensed under chapter 463, an ophthalmologist
32 licensed under chapter 458 or chapter 459, or an optometrist or
33 ophthalmologist licensed in any other state in which the
34 requirements for licensure are equivalent to or more stringent
35 than those in this state. Each district school board, and the
36 governing authority of each private school, may establish a
37 policy that permits a student up to 30 school days to present a
38 certification of a school-entry health examination and up to 120
39 days to present a certification of a school-entry comprehensive
40 vision examination. A homeless child, as defined in s. 1003.01,
41 shall be given a temporary exemption for 30 school days. Any
42 district school board that establishes such a policy shall
43 include provisions in its local school health services plan to
44 assist students in obtaining the health or vision examinations.
45 However, any child shall be exempt from the requirement of a
46 health examination or a vision examination upon written request
47 of the parent of the child stating objections to the examination
48 on religious grounds.

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

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

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

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

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

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

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

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

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

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

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117 the immunizations can be obtained. An authorized juvenile
118 justice official is responsible for followup of each student who
119 enters a juvenile justice program until proper documentation or
120 immunizations are obtained.

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

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

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

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

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146 After consultation with the Department of Education, the
147 Department of Health shall establish by administrative rule the
148 dates for submission of these reports, the grades for which the
149 reports shall be required, and the forms to be used.

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

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

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

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

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

178 Section 2. Paragraph (a) of subsection (3) of section
179 1002.20, Florida Statutes, is amended to read:

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

186 (3) HEALTH ISSUES.—

187 (a) *School-entry health and vision examinations.*—The parent
188 of any child attending a public or private school shall be
189 exempt from the requirement of a health examination or a vision
190 examination upon written request stating objections on religious
191 grounds in accordance with the provisions of s. 1003.22(1) and
192 (2).

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

195 1002.42 Private schools.—

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

202 Section 4. Notwithstanding any other provision of law and
203 in addition to the sales tax imposed under chapter 212, Florida

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204 Statutes, a 25-cent fee shall be imposed on the retail sale of
205 nonprescription eyeglasses. Such fee shall be collected by the
206 dealer and remitted to the Department of Revenue for deposit
207 into the Administrative Trust Fund of the Department of Health
208 for the purpose of providing funds to parents in need of
209 financial assistance to pay for the school-entry comprehensive
210 vision examination required under s. 1003.22(1), Florida
211 Statutes. The Department of Health shall adopt rules relating to
212 eligibility for and distribution of such funds.

213 Section 5. Except as otherwise expressly provided in this
214 act, this act shall take effect July 1, 2009.