



637266

LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
04/01/2009	.	
	.	
	.	
	.	

---

The Committee on Health Regulation (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) Each district school board and the governing authority  
of each private school shall require that each child who is



637266

12 entitled to admittance to kindergarten, or is entitled to any  
13 other initial entrance into a public or private school in this  
14 state, present a certification of a school-entry health  
15 examination performed within 1 year prior to enrollment in  
16 school. Each district school board, and the governing authority  
17 of each private school, may establish a policy that permits a  
18 student up to 30 school days to present a certification of a  
19 school-entry health examination. A homeless child, as defined in  
20 s. 1003.01, shall be given a temporary exemption for 30 school  
21 days. Any district school board that establishes such a policy  
22 shall include provisions in its local school health services  
23 plan to assist students in obtaining the health examinations.  
24 However, any child shall be exempt from the requirement of a  
25 health examination upon written request of the parent of the  
26 child stating objections to the examination on religious  
27 grounds.

28 (2) The State Board of Education, subject to the  
29 concurrence of the Department of Health, shall adopt rules to  
30 govern medical examinations and immunizations performed under  
31 this section.

32 (3) The Department of Health may adopt rules necessary to  
33 administer and enforce this section. The Department of Health,  
34 after consultation with the Department of Education, shall adopt  
35 rules governing the immunization of children against, the  
36 testing for, and the control of preventable communicable  
37 diseases. The rules must include procedures for exempting a  
38 child from immunization requirements. Immunizations shall be  
39 required for poliomyelitis, diphtheria, rubeola, rubella,  
40 pertussis, mumps, tetanus, and other communicable diseases as



637266

41 determined by rules of the Department of Health. The manner and  
42 frequency of administration of the immunization or testing shall  
43 conform to recognized standards of medical practice. The  
44 Department of Health shall supervise and secure the enforcement  
45 of the required immunization. Immunizations required by this  
46 section shall be available at no cost from the county health  
47 departments.

48 (4) Each district school board and the governing authority  
49 of each private school shall establish and enforce as policy  
50 that, prior to admittance to or attendance in a public or  
51 private school, grades kindergarten through 12, or any other  
52 initial entrance into a Florida public or private school, each  
53 child present or have on file with the school a certification of  
54 immunization for the prevention of those communicable diseases  
55 for which immunization is required by the Department of Health  
56 and further shall provide for appropriate screening of its  
57 students for scoliosis at the proper age. Such certification  
58 shall be made on forms approved and provided by the Department  
59 of Health and shall become a part of each student's permanent  
60 record, to be transferred when the student transfers, is  
61 promoted, or changes schools. The transfer of such immunization  
62 certification by Florida public schools shall be accomplished  
63 using the Florida Automated System for Transferring Education  
64 Records and shall be deemed to meet the requirements of this  
65 section.

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

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



637266

70 (b) A physician licensed under the provisions of chapter  
71 458 or chapter 459 certifies in writing, on a form approved and  
72 provided by the Department of Health, that the child should be  
73 permanently exempt from the required immunization for medical  
74 reasons stated in writing, based upon valid clinical reasoning  
75 or evidence, demonstrating the need for the permanent exemption;

76 (c) A physician licensed under the provisions of chapter  
77 458, chapter 459, or chapter 460 certifies in writing, on a form  
78 approved and provided by the Department of Health, that the  
79 child has received as many immunizations as are medically  
80 indicated at the time and is in the process of completing  
81 necessary immunizations;

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

85 (e) An authorized school official issues a temporary  
86 exemption, for a period not to exceed 30 school days, to permit  
87 a student who transfers into a new county to attend class until  
88 his or her records can be obtained. A homeless child, as defined  
89 in s. 1003.01, shall be given a temporary exemption for 30  
90 school days. The public school health nurse or authorized  
91 private school official is responsible for followup of each such  
92 student until proper documentation or immunizations are  
93 obtained. An exemption for 30 days may be issued for a student  
94 who enters a juvenile justice program to permit the student to  
95 attend class until his or her records can be obtained or until  
96 the immunizations can be obtained. An authorized juvenile  
97 justice official is responsible for followup of each student who  
98 enters a juvenile justice program until proper documentation or



637266

99 immunizations are obtained.

100 (6) Prior to the administration of an immunization required  
101 by this section, a licensed health care provider must:

102 (a) Provide the child's parent, legal guardian, or other  
103 authorized person with a copy of the current vaccine information  
104 statement published about the vaccine by the Centers for Disease  
105 Control and Prevention of the United States Department of Health  
106 and Human Services;

107 (b) Have the child's parent, legal guardian, or other  
108 authorized person sign a statement in substantially the  
109 following form:

110  
111 I have received a copy of the vaccine information statement  
112 published by the Centers for Disease Control and Prevention. I  
113 have read or have had explained to me information about the  
114 vaccine to be administered, the benefits and risks of the  
115 vaccine, how to report an adverse reaction, the availability of  
116 the National Vaccine Injury Compensation Program, and how to get  
117 more information about childhood diseases and vaccines. I  
118 understand the benefits of the vaccine and ask that the vaccine  
119 be administered to ...(name of minor child)..., for whom I am  
120 authorized to make this request.

121 Signature: ...(signature)....

122 Name: ...(printed name of parent, legal guardian,  
123 or other authorized person)....

124 Date: ...(date)....

125 (c) Keep a copy of the parent's, legal guardian's, or  
126 authorized person's signed statement as part of the minor  
127 child's permanent medical record; and



637266

128           (d) Record a notation on the statement of the batch and lot  
129 number for each vaccine administered to the child.

130  
131           This section applies to each vaccine information statement  
132 published by the Centers for Disease Control and Prevention,  
133 whether or not the statement is covered by the federal National  
134 Childhood Vaccine Injury Act of 1986, 42 U.S.C. s. 300aa-26. If  
135 the Centers for Disease Control and Prevention publish a vaccine  
136 information statement that covers multiple vaccines, the health  
137 care provider may have the child's parent, legal guardian, or  
138 other authorized person sign a single statement for the vaccines  
139 covered by the vaccine information statement.

140           ~~(7)~~ (a) No person licensed by this state as a physician  
141 or nurse shall be liable for any injury caused by his or her  
142 action or failure to act in the administration of a vaccine or  
143 other immunizing agent pursuant to the provisions of this  
144 section if the person acts as a reasonably prudent person with  
145 similar professional training would have acted under the same or  
146 similar circumstances.

147           (b) No member of a district school board, or any of its  
148 employees, or member of a governing board of a private school,  
149 or any of its employees, shall be liable for any injury caused  
150 by the administration of a vaccine to any student who is  
151 required to be so immunized or for a failure to diagnose  
152 scoliosis pursuant to the provisions of this section.

153           ~~(8)~~ (7) The parents of any child admitted to or in  
154 attendance at a Florida public or private school, grades  
155 prekindergarten through 12, are responsible for assuring that  
156 the child is in compliance with the provisions of this section.



637266

157        (9)~~(8)~~ Each public school, including public kindergarten,  
158 and each private school, including private kindergarten, shall  
159 be required to provide to the county health department director  
160 or administrator annual reports of compliance with the  
161 provisions of this section. Reports shall be completed on forms  
162 provided by the Department of Health for each kindergarten, and  
163 other grade as specified; and the reports shall include the  
164 status of children who were admitted at the beginning of the  
165 school year. After consultation with the Department of  
166 Education, the Department of Health shall establish by  
167 administrative rule the dates for submission of these reports,  
168 the grades for which the reports shall be required, and the  
169 forms to be used.

170        (10)~~(9)~~ The presence of any of the communicable diseases  
171 for which immunization is required by the Department of Health  
172 in a Florida public or private school shall permit the county  
173 health department director or administrator or the State Health  
174 Officer to declare a communicable disease emergency. The  
175 declaration of such emergency shall mandate that all students in  
176 attendance in the school who are not in compliance with the  
177 provisions of this section be identified by the district school  
178 board or by the governing authority of the private school; and  
179 the school health and immunization records of such children  
180 shall be made available to the county health department director  
181 or administrator. Those children identified as not being  
182 immunized against the disease for which the emergency has been  
183 declared shall be temporarily excluded from school by the  
184 district school board, or the governing authority of the private  
185 school, until such time as is specified by the county health



637266

186 department director or administrator.

187 ~~(11)~~~~(10)~~ Each district school board and the governing  
188 authority of each private school shall:

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

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

195 ~~(12)~~~~(11)~~ The provisions of this section do not apply to  
196 those persons admitted to or attending adult education classes  
197 unless the adult students are under 21 years of age.

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

199  
200 ===== T I T L E A M E N D M E N T =====

201 And the title is amended as follows:

202 Delete everything before the enacting clause  
203 and insert:

204 An act relating to childhood vaccinations; amending s. 1003.22,  
205 F.S.; requiring health care providers to provide certain  
206 information to parents, guardians and authorized persons before  
207 administration of certain immunizations to children; requiring  
208 health care providers to obtain a signed statement from the  
209 parents, guardians and authorized persons documenting provision  
210 of the information; requiring health care providers to use a  
211 standard form for the signed statement; requiring health care  
212 providers to record the batch and lot number of each vaccine on  
213 the statement; requiring health care providers to maintain  
214 certain records; providing for a single signed statement for the





637266

215 administration of multiple vaccines; providing an effective  
216 date.