

By Senator Bennett

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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
4 object to immunizing a minor on philosophical grounds;
5 requiring that the parent or guardian sign a form in
6 order to refuse to vaccinate the minor; providing
7 requirements for the form; requiring that the parent
8 or guardian periodically sign a new form in order to
9 continue the exemption; 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
29 vaccinations and of the possible consequences of refusing to

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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
57 private school official is responsible for followup of each such
58 student until proper documentation or immunizations are

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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.