

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

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

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 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 before enrollment in school
 27 and a certificate of having completed a school-entry class in
 28 swimming life skills conducted by a swimming instructor or
 29 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. Children and youths who are experiencing
37 homelessness and children who are known to the department, as
38 defined in s. 39.0016, shall be given a temporary exemption for
39 30 school days. Any district school board that establishes such
40 a policy shall include provisions in its local school health
41 services plan to assist students in obtaining the health
42 examinations. However, a child shall be exempted from the
43 requirement of a health examination or a class in swimming life
44 skills upon written request of the parent of the child stating
45 objections to the examination on religious grounds. Any child
46 shall also be exempt from the requirement to complete a class in
47 swimming life skills if a physician certifies in writing that
48 the child should be exempt from the required swimming class for
49 medical reasons based upon a valid clinical reason or evidence
50 that demonstrates the need for the exemption. An authorized
51 school official may issue a temporary exemption, for a period
52 not to exceed 90 school days, so that a student who transfers
53 from another state may attend a class and obtain the certificate
54 of completion or until a student's records can be obtained.

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

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

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

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88 student transfers, is promoted, or changes schools. The transfer
89 of such immunization certification by Florida public schools
90 shall be accomplished using the Florida Automated System for
91 Transferring Education Records and shall be deemed to meet the
92 requirements of this section.

93 (5) The provisions of this section do ~~shall~~ not apply if:

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

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

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

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

112 (e) An authorized school official issues a temporary
113 exemption, for up to 30 school days, to permit a student who
114 transfers into a new county to attend class until his or her
115 records can be obtained. Children and youths who are
116 experiencing homelessness and children who are known to the

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117 department, as defined in s. 39.0016, shall be given a temporary
118 exemption for 30 school days. The public school health nurse or
119 authorized private school official is responsible for following
120 up on such students ~~followup of each such student~~ until proper
121 documentation or immunizations are obtained. An exemption for 30
122 days may be issued for a student who enters a juvenile justice
123 program to permit the student to attend class until his or her
124 records can be obtained or until the immunizations can be
125 obtained. An authorized juvenile justice official is responsible
126 for following up on ~~followup of~~ each student who enters a
127 juvenile justice program until proper documentation or
128 immunizations are obtained.

129 (6) (a) A ~~No~~ person licensed by this state as a physician or
130 nurse is not ~~shall be~~ liable for any injury caused by his or her
131 action or failure to act in the administration of a vaccine or
132 other immunizing agent pursuant to ~~the provisions of~~ this
133 section if the person acts as a reasonably prudent person having
134 ~~with~~ similar professional training would have acted under the
135 same or similar circumstances.

136 (b) A ~~No~~ member of a district school board, or any of its
137 employees, or member of a governing board of a private school,
138 or any of its employees, is not ~~shall be~~ liable for any injury
139 caused by the administration of a vaccine to any student who is
140 required to be so immunized or for a failure to diagnose
141 scoliosis pursuant to ~~the provisions of~~ this section.

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

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146 (8) Each public school, including public kindergarten, and
147 each private school, including private kindergarten, shall ~~be~~
148 ~~required to~~ provide to the county health department director or
149 administrator annual reports of compliance with ~~the provisions~~
150 ~~of~~ this section. Reports shall be completed on forms provided by
151 the Department of Health for each kindergarten, and other grade
152 as specified; and the reports shall include the status of
153 children who were admitted at the beginning of the school year.
154 After consultation with the Department of Education, the
155 Department of Health shall establish by administrative rule the
156 dates for submission of these reports, the grades for which the
157 reports shall be required, and the forms to be used.

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

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

177 (a) Refuse to admit ~~admittance~~ to any child otherwise
178 entitled to admittance to kindergarten, or any other initial
179 entrance into a Florida public or private school, who is not in
180 compliance with the provisions of subsection (4).

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

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

186 Section 2. Paragraph (a) of subsection (3) of section
187 1002.20, Florida Statutes, is amended to read:

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

194 (3) HEALTH ISSUES.—

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

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204 for medical reasons based upon a valid clinical reason or
205 evidence that demonstrates the need for the exemption in
206 accordance with s. 1003.22(1).

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

209 1002.42 Private schools.—

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

216 Section 4. This act shall take effect July 1, 2010.