

By Senator Wilson

33-00950-10

20101262\_\_

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.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Effective July 1, 2011, 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 before enrollment in

33-00950-10

20101262

30 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. Children and youths who are experiencing  
41 homelessness and children who are known to the department, as  
42 defined in s. 39.0016, shall be given a temporary exemption for  
43 30 school days. Any district school board that establishes such  
44 a policy shall include provisions in its local school health  
45 services plan to assist students in obtaining the health or  
46 vision examinations. However, a child shall be exempted from the  
47 requirement of a health examination or a vision examination upon  
48 written request of the parent of the child stating objections to  
49 the examination on religious grounds.

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

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

33-00950-10

20101262

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

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

33-00950-10

20101262\_\_

88           (5) ~~The provisions of~~ This section does ~~shall~~ not apply if:

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

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

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

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

107           (e) An authorized school official issues a temporary  
108 exemption, for up to 30 school days, to permit a student who  
109 transfers into a new county to attend class until his or her  
110 records can be obtained. Children and youths who are  
111 experiencing homelessness and children who are known to the  
112 department, as defined in s. 39.0016, shall be given a temporary  
113 exemption for 30 school days. The public school health nurse or  
114 authorized private school official is responsible for followup  
115 of each such student until proper documentation or immunizations  
116 are obtained. An exemption for 30 days may be issued for a

33-00950-10

20101262\_\_

117 student who enters a juvenile justice program to permit the  
118 student to attend class until his or her records can be obtained  
119 or until the immunizations can be obtained. An authorized  
120 juvenile justice official is responsible for followup of each  
121 student who enters a juvenile justice program until proper  
122 documentation or immunizations are obtained.

123 (6) (a) A ~~Ne~~ person licensed by this state as a physician or  
124 nurse is not ~~shall be~~ liable for any injury caused by his or her  
125 action or failure to act in the administration of a vaccine or  
126 other immunizing agent pursuant to the provisions of this  
127 section if the person acts as a reasonably prudent person with  
128 similar professional training would have acted under the same or  
129 similar circumstances.

130 (b) A ~~Ne~~ member of a district school board, or any of its  
131 employees, or member of a governing board of a private school,  
132 or any of its employees, is not ~~shall be~~ liable for any injury  
133 caused by the administration of a vaccine to any student who is  
134 required to be so immunized or for a failure to diagnose  
135 scoliosis pursuant to the provisions of this section.

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

140 (8) Each public school, including public kindergarten, and  
141 each private school, including private kindergarten, shall be  
142 required to provide to the county health department director or  
143 administrator annual reports of compliance with the provisions  
144 of this section. Reports shall be completed on forms provided by  
145 the Department of Health for each kindergarten, and other grade

33-00950-10

20101262

146 as specified; and the reports shall include the status of  
147 children who were admitted at the beginning of the school year.  
148 After consultation with the Department of Education, the  
149 Department of Health shall establish by administrative rule the  
150 dates for submission of these reports, the grades for which the  
151 reports shall be required, and the forms to be used.

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

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

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

33-00950-10

20101262

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

177 (11) ~~The provisions of~~ This section does ~~de~~ not apply to  
178 those persons admitted to or attending adult education classes  
179 unless the adult students are under 21 years of age.

180 Section 2. Paragraph (a) of subsection (3) of section  
181 1002.20, Florida Statutes, is amended to read:

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

188 (3) HEALTH ISSUES.—

189 (a) *School-entry health and vision examinations.*—The parent  
190 of any child attending a public or private school shall be  
191 exempt from the requirement of a health examination or a vision  
192 examination upon written request stating objections on religious  
193 grounds in accordance with ~~the provisions of~~ s. 1003.22(1) and  
194 (2).

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

197 1002.42 Private schools.—

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

33-00950-10

20101262

204       Section 4. Notwithstanding any other provision of law and  
205 in addition to the sales tax imposed under chapter 212, Florida  
206 Statutes, a fee of 25 cents shall be imposed on the retail sale  
207 of nonprescription eyeglasses. Such fee shall be collected by  
208 the dealer and remitted to the Department of Revenue for deposit  
209 into the Administrative Trust Fund of the Department of Health  
210 for the purpose of providing funds to parents in need of  
211 financial assistance to pay for the school-entry comprehensive  
212 vision examination required under s. 1003.22(1), Florida  
213 Statutes. The Department of Health shall adopt rules relating to  
214 eligibility for and distribution of such funds.

215       Section 5. Except as otherwise expressly provided in this  
216 act, this act shall take effect July 1, 2010.