

By Senator Garcia

36-00724-24

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1 A bill to be entitled
2 An act relating to exemptions from immunization
3 requirements; creating s. 381.0029, F.S.; defining
4 terms; authorizing persons to claim an exemption from
5 any immunization requirement if a vaccine meeting
6 specified criteria is not available to fulfill the
7 requirement; authorizing a person to claim the
8 exemption on one's own behalf or on behalf of one's
9 child or dependent; prohibiting employers, school
10 districts, the Department of Health, and certain
11 public entities from requiring a person to meet any
12 other conditions to claim the exemption; amending s.
13 1003.22, F.S.; conforming a provision to changes made
14 by the act; providing an effective date.

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

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18 Section 1. Section 381.0029, Florida Statutes, is created
19 to read:

20 381.0029 Limited exemption from required immunizations.-

21 (1) As used in this section, the term:

22 (a) "Department" means the Department of Health.

23 (b) "FDA" means the United States Food and Drug
24 Administration.

25 (c) "Licensure" means any license, certification, or
26 registration required by law to practice a profession in this
27 state.

28 (2) Notwithstanding any other law, a person who is required
29 to receive an immunization for any purpose, including as a

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30 condition of employment, school attendance, or licensure, may
31 claim an exemption from the immunization requirement if there is
32 no FDA-approved vaccine meeting the following criteria which can
33 fulfill the immunization requirement:

34 (a) The pivotal clinical trial the FDA relied upon to
35 approve the vaccine evaluated its safety for at least 1 year
36 after it was administered against a control group that received
37 either a placebo or another FDA-approved vaccine.

38 (b) The department posts on its website the injuries or
39 diseases caused by the vaccine and the rate at which each injury
40 or disease occurs as a result of the vaccine.

41 (c) The risk of permanent disability or death from the
42 vaccine has been proven to be less than that caused by the
43 infection it is intended to prevent.

44 (d) The vaccine's manufacturer assumes liability, including
45 for design defect claims, for any death or injury caused by the
46 vaccine.

47 (3) A person may claim the exemption in subsection (2) on
48 his or her own behalf or on behalf of the person's child or
49 dependent. An employer, a school district, the department, or
50 any other state agency, board, or commission may not require a
51 person to meet any other condition to claim the exemption.

52 Section 2. Subsection (5) of section 1003.22, Florida
53 Statutes, is amended to read:

54 1003.22 School-entry health examinations; immunization
55 against communicable diseases; exemptions; duties of Department
56 of Health.—

57 (5) ~~The provisions of~~ This section does ~~shall~~ not apply in
58 the following circumstances ~~if~~:

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59 (a) The parent of the child objects in writing that the
60 administration of immunizing agents conflicts with his or her
61 religious tenets or practices.~~†~~

62 (b) A physician licensed under the provisions of chapter
63 458 or chapter 459 certifies in writing, on a form approved and
64 provided by the Department of Health, that the child should be
65 permanently exempt from the required immunization for medical
66 reasons stated in writing, based upon valid clinical reasoning
67 or evidence, demonstrating the need for the permanent
68 exemption.~~†~~

69 (c) A physician licensed under the provisions of chapter
70 458, chapter 459, or chapter 460 certifies in writing, on a form
71 approved and provided by the Department of Health, that the
72 child has received as many immunizations as are medically
73 indicated at the time and is in the process of completing
74 necessary immunizations.~~†~~

75 (d) The Department of Health determines that, according to
76 recognized standards of medical practice, any required
77 immunization is unnecessary or hazardous.~~†~~~~or~~

78 (e) The parent of the child claims an exemption under s.
79 381.0029 for an immunization required under this section. The
80 exemption from the requirements of this section applies only to
81 the immunization for which the exemption is claimed.

82 (f) An authorized school official issues a temporary
83 exemption, for up to 30 school days, to permit a student who
84 transfers into a new county to attend class until his or her
85 records can be obtained. Children and youths who are
86 experiencing homelessness and children who are known to the
87 department, as defined in s. 39.0016, shall be given a temporary

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88 exemption for 30 school days. The public school health nurse or
89 authorized private school official is responsible for followup
90 of each such student until proper documentation or immunizations
91 are obtained. An exemption for 30 days may be issued for a
92 student who enters a juvenile justice program to permit the
93 student to attend class until his or her records can be obtained
94 or until the immunizations can be obtained. An authorized
95 juvenile justice official is responsible for followup of each
96 student who enters a juvenile justice program until proper
97 documentation or immunizations are obtained.

98 Section 3. This act shall take effect upon becoming a law.