

By Senator Wilson

33-1186A-06

See HB

1                                   A bill to be entitled

2           An act relating to school-entry health and

3           vision examinations; amending s. 1003.22, F.S.;

4           requiring children who enter public or private

5           schools in the state to present evidence of

6           having received a comprehensive vision

7           examination; providing an exemption; amending

8           ss. 1002.20 and 1002.42, F.S.; conforming

9           provisions; providing for the imposition of a

10          fee on the retail sale of nonprescription

11          eyeglasses; providing for collection of fees

12          and remittance to the Department of Health to

13          assist parents in paying for school-entry

14          comprehensive vision examinations; requiring

15          rules for eligibility for and distribution of

16          funds; providing effective dates.

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

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20           Section 1. Effective July 1, 2007, section 1003.22,

21 Florida Statutes, is amended to read:

22           1003.22 School-entry health and vision examinations;

23 immunization against communicable diseases; exemptions; duties

24 of Department of Health.--

25           (1) Each district school board and the governing

26 authority of each private school shall require that each child

27 who is entitled to admittance to kindergarten, or is entitled

28 to any other initial entrance into a public or private school

29 in this state, present a certification of a school-entry

30 health examination and a certification of a school-entry

31 comprehensive vision examination by an optometrist licensed

1 under chapter 463 or an ophthalmologist licensed under chapter  
2 458 or chapter 459, or an optometrist or an ophthalmologist  
3 licensed in any other state in which the requirements for  
4 licensure are equivalent to or more stringent than those in  
5 this state, performed within 1 year prior to enrollment in  
6 school. Each district school board, and the governing  
7 authority of each private school, may establish a policy that  
8 permits a student up to 30 school days to present a  
9 certification of a school-entry health examination and up to  
10 120 days to present a certification of a school-entry  
11 comprehensive vision examination. A homeless child, as defined  
12 in s. 1003.01, shall be given a temporary exemption for 30  
13 school days. Any district school board that establishes such a  
14 policy shall include provisions in its local school health  
15 services plan to assist students in obtaining the health and  
16 vision examinations. However, any child shall be exempt from  
17 the requirement of a health examination or a vision  
18 examination upon written request of the parent of the child  
19 stating objections to the examination on religious grounds.

20 (2) The State Board of Education, subject to the  
21 concurrence of the Department of Health, shall adopt rules to  
22 govern medical examinations and immunizations performed under  
23 this section.

24 (3) The Department of Health may adopt rules necessary  
25 to administer and enforce this section. The Department of  
26 Health, after consultation with the Department of Education,  
27 shall adopt rules governing the immunization of children  
28 against, the testing for, and the control of preventable  
29 communicable diseases. The rules must include procedures for  
30 exempting a child from immunization requirements.

31 Immunizations shall be required for poliomyelitis, diphtheria,

1 | rubeola, rubella, pertussis, mumps, tetanus, and other  
2 | communicable diseases as determined by rules of the Department  
3 | of Health. The manner and frequency of administration of the  
4 | immunization or testing shall conform to recognized standards  
5 | of medical practice. The Department of Health shall supervise  
6 | and secure the enforcement of the required immunization.  
7 | Immunizations required by this section shall be available at  
8 | no cost from the county health departments.

9 |         (4) Each district school board and the governing  
10 | authority of each private school shall establish and enforce  
11 | as policy that, prior to admittance to or attendance in a  
12 | public or private school, grades kindergarten through 12, or  
13 | any other initial entrance into a Florida public or private  
14 | school, each child present or have on file with the school a  
15 | certification of immunization for the prevention of those  
16 | communicable diseases for which immunization is required by  
17 | the Department of Health and further shall provide for  
18 | appropriate screening of its students for scoliosis at the  
19 | proper age. Such certification shall be made on forms approved  
20 | and provided by the Department of Health and shall become a  
21 | part of each student's permanent record, to be transferred  
22 | when the student transfers, is promoted, or changes schools.  
23 | The transfer of such immunization certification by Florida  
24 | public schools shall be accomplished using the Florida  
25 | Automated System for Transferring Education Records and shall  
26 | be deemed to meet the requirements of this section.

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

28 |             (a) The parent of the child objects in writing that  
29 | the administration of immunizing agents conflicts with his or  
30 | her religious tenets or practices;

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

8           (c) A physician licensed under ~~the provisions of~~  
9 chapter 458, chapter 459, or chapter 460 certifies in writing,  
10 on a form approved and provided by the Department of Health,  
11 that the child has received as many immunizations as are  
12 medically indicated at the time and is in the process of  
13 completing necessary immunizations;

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

17           (e) An authorized school official issues a temporary  
18 exemption, for a period not to exceed 30 school days, to  
19 permit a student who transfers into a new county to attend  
20 class until his or her records can be obtained. A homeless  
21 child, as defined in s. 1003.01, shall be given a temporary  
22 exemption for 30 school days. The public school health nurse  
23 or authorized private school official is responsible for  
24 followup of each such student until proper documentation or  
25 immunizations are obtained. An exemption for 30 days may be  
26 issued for a student who enters a juvenile justice program to  
27 permit the student to attend class until his or her records  
28 can be obtained or until the immunizations can be obtained. An  
29 authorized juvenile justice official is responsible for  
30 followup of each student who enters a juvenile justice program  
31 until proper documentation or immunizations are obtained.

1           (6)(a) No person licensed by this state as a physician  
2 or nurse shall be liable for any injury caused by his or her  
3 action or failure to act in the administration of a vaccine or  
4 other immunizing agent pursuant to the provisions of this  
5 section if the person acts as a reasonably prudent person with  
6 similar professional training would have acted under the same  
7 or similar circumstances.

8           (b) No member of a district school board, or any of  
9 its employees, or member of a governing board of a private  
10 school, or any of its employees, shall be liable for any  
11 injury caused by the administration of a vaccine to any  
12 student who is required to be so immunized or for a failure to  
13 diagnose scoliosis pursuant to the provisions of this section.

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

19           (8) Each public school, including public kindergarten,  
20 and each private school, including private kindergarten, shall  
21 be required to provide to the county health department  
22 director or administrator annual reports of compliance with  
23 the provisions of this section. Reports shall be completed on  
24 forms provided by the Department of Health for each  
25 kindergarten, and other grade as specified; and the reports  
26 shall include the status of children who were admitted at the  
27 beginning of the school year. After consultation with the  
28 Department of Education, the Department of Health shall  
29 establish by administrative rule the dates for submission of  
30 these reports, the grades for which the reports shall be  
31 required, and the forms to be used.

1           (9) The presence of any of the communicable diseases  
2 for which immunization is required by the Department of Health  
3 in a Florida public or private school shall permit the county  
4 health department director or administrator or the State  
5 Health Officer to declare a communicable disease emergency.  
6 The declaration of such emergency shall mandate that all  
7 students in attendance in the school who are not in compliance  
8 with the provisions of this section be identified by the  
9 district school board or by the governing authority of the  
10 private school; and the school health and immunization records  
11 of such children shall be made available to the county health  
12 department director or administrator. Those children  
13 identified as not being immunized against the disease for  
14 which the emergency has been declared shall be temporarily  
15 excluded from school by the district school board, or the  
16 governing authority of the private school, until such time as  
17 is specified by the county health department director or  
18 administrator.

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

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

25           (b) Temporarily exclude from attendance any student  
26 who is not in compliance with the provisions of subsection  
27 (4).

28           (11) The provisions of this section do not apply to  
29 those persons admitted to or attending adult education classes  
30 unless the adult students are under 21 years of age.  
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1           Section 2. Effective July 1, 2007, paragraph (a) of  
2 subsection (3) of section 1002.20, Florida Statutes, is  
3 amended to read:

4           1002.20 K-12 student and parent rights.--Parents of  
5 public school students must receive accurate and timely  
6 information regarding their child's academic progress and must  
7 be informed of ways they can help their child to succeed in  
8 school. K-12 students and their parents are afforded numerous  
9 statutory rights including, but not limited to, the following:

10           (3) HEALTH ISSUES.--

11           (a) School-entry health and vision examinations.--The  
12 parent of any child attending a public or private school shall  
13 be exempt from the requirement of a health examination or a  
14 vision examination upon written request stating objections on  
15 religious grounds in accordance with the provisions of s.  
16 1003.22(1) and (2).

17           Section 3. Effective July 1, 2007, subsection (5) of  
18 section 1002.42, Florida Statutes, is amended to read:

19           1002.42 Private schools.--

20           (5) SCHOOL-ENTRY HEALTH AND VISION EXAMINATIONS.--The  
21 governing authority of each private school shall require  
22 students to present a certification of a school-entry health  
23 examination and a certification of a school-entry  
24 comprehensive vision examination in accordance with the  
25 provisions of s. 1003.22(1) and (2).

26           Section 4. Notwithstanding any other provision of law  
27 and in addition to the sales tax imposed under chapter 212,  
28 Florida Statutes, a 25-cent fee shall be imposed on the retail  
29 sale of nonprescription eyeglasses. Such fee shall be  
30 collected by the dealer and remitted to the Department of  
31 Health for the purpose of providing funds to parents in need

1 of financial assistance to pay for the school-entry  
2 comprehensive vision examination required under s. 1003.22(1),  
3 Florida Statutes. Fees imposed pursuant to this section shall  
4 be deposited in a separate account in the Department of Health  
5 Administrative Trust Fund. The Department of Health shall  
6 adopt rules relating to eligibility for and distribution of  
7 such funds.

8           Section 5. Except as otherwise expressly provided in  
9 this act, this act shall take effect July 1, 2006.

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