

By Senator Hays

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1 A bill to be entitled
2 An act relating to childhood immunizations; amending
3 s. 1003.22, F.S.; requiring certain immunization
4 records to be on file with the State Health Online
5 Tracking System by a specified date; providing for
6 rulemaking; revising exemptions to the school-entry
7 health examination and immunization requirements;
8 requiring the Department of Health, in collaboration
9 with the Florida Chapter of the American Academy of
10 Pediatrics, to prepare an informational video on
11 immunizations for a parent or guardian to view before
12 requesting an exemption; requiring the department to
13 establish other medically appropriate exemptions by
14 rule; providing that certain exemptions are valid only
15 for a specified timeframe; requiring the department to
16 publish immunization and exemption rates for each
17 public and private school on its website by a
18 specified date; requiring a public or private school
19 with a website to post the school's immunization and
20 exemption rates on its website by a specified date;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Subsections (4), (5), and (8) of section
26 1003.22, Florida Statutes, are amended to read:
27 1003.22 School-entry health examinations; immunization
28 against communicable diseases; exemptions; duties of Department
29 of Health.—

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30 (4) Each district school board and the governing authority
31 of each private school shall establish and enforce as policy
32 that, before ~~prior to~~ admittance to or attendance in a public or
33 private school, ~~grades~~ kindergarten through grade 12, or any
34 other initial entrance into a Florida public or private school;7

35 (a) Each child present or have on file with the school a
36 certification of immunization for the prevention of those
37 communicable diseases for which immunization is required by the
38 Department of Health and further shall provide for appropriate
39 screening of its students for scoliosis at the proper age. Such
40 certification shall be made on forms approved and provided by
41 the Department of Health and shall become a part of each
42 student's permanent record, to be transferred when the student
43 transfers, is promoted, or changes schools. The transfer of such
44 immunization certification by Florida public schools shall be
45 accomplished using the Florida Automated System for Transferring
46 Education Records and shall be deemed to meet the requirements
47 of this section.

48 (b) Before the 2017-2018 school year, each child have on
49 file with the State Health Online Tracking System, or Florida
50 SHOTS, a record of immunization for the prevention of those
51 communicable diseases for which immunization is required by the
52 Department of Health. The Department of Health shall adopt rules
53 to implement this paragraph.

54 (5) (a) The provisions of This section does ~~shall~~ not apply
55 if one of the following occurs:

56 1.-(a) The parent of the child objects in writing on the
57 basis that the administration of immunizing agents conflicts
58 with his or her religious tenets or practices. Before receiving

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59 this exemption, the parent or guardian of the child must review
60 an informational video provided by the Department of Health on
61 the benefits and risks of the immunization and the health risks
62 of the vaccine-preventable diseases to the child and to the
63 community. This informational video shall be prepared by the
64 Department of Health in collaboration with the Florida Chapter
65 of the American Academy of Pediatrics. This exemption shall be
66 entered into Florida SHOTS by Department of Health personnel.†

67 2. (b) A physician licensed under ~~the provisions of~~ chapter
68 458 or chapter 459 certifies in writing, on a form approved and
69 provided by the Department of Health which is accessible through
70 Florida SHOTS, that the child has been diagnosed with T cell or
71 combined T and B cell immunodeficiency, has been diagnosed with
72 any other immunodeficiency for which live virus vaccines are
73 contraindicated, or is undergoing a solid organ or bone marrow
74 transplant and should be permanently exempt from the required
75 immunization. The Department of Health shall adopt by rule a
76 list of additional diseases or other medical conditions for
77 which a permanent exemption from the required immunizations is
78 medically appropriate. ~~for medical reasons stated in writing,~~
79 ~~based upon valid clinical reasoning or evidence, demonstrating~~
80 ~~the need for the permanent exemption;~~

81 3. (e) A physician licensed under chapter 458 or chapter 459
82 certifies in writing, on a form approved and provided by the
83 Department of Health which is accessible through Florida SHOTS,
84 that the child should be exempt from the required immunization
85 for medical reasons that are stated in writing, based upon valid
86 clinical reasoning or evidence, and demonstrate the need for the
87 exemption. Before receiving this exemption, the parent or

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88 guardian of the child must review the informational video
89 provided in subparagraph 1. at his or her physician's office on
90 the benefits and risks of the immunization and the health risks
91 of the vaccine-preventable diseases to the child and to the
92 community.

93 4. A physician licensed under ~~the provisions of~~ chapter
94 458, chapter 459, or chapter 460 certifies ~~in writing,~~ on a form
95 approved ~~and provided~~ by the Department of Health which is
96 accessible through Florida SHOTS, that the child has received as
97 many immunizations as are medically indicated at the time and is
98 in the process of completing necessary immunizations.~~†~~

99 5.~~(d)~~ The Department of Health determines that, according
100 to the United States Centers for Disease Control and Prevention
101 ~~recognized standards of medical practice,~~ any required
102 immunization is no longer recommended or necessary. ~~unnecessary~~
103 ~~or hazardous; or~~

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

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117 juvenile justice official is responsible for followup of each
118 student who enters a juvenile justice program until proper
119 documentation or immunizations are obtained.

120 (b) A certificate of exemption issued pursuant to
121 subparagraph 1. or subparagraph 3. is valid only for 2 years.
122 The Department of Health may adopt a form to be used for the
123 renewal of a certificate of exemption.

124 (8) The Department of Health shall determine compliance
125 with this section through the use of Florida SHOTS. The
126 Department of Health shall publish the immunization and
127 exemption rates for each public and private school by November 1
128 of each year. Additionally, each school that maintains a website
129 shall post the school's immunization and exemption rates on its
130 website by November 1 of each year ~~Each public school, including~~
131 ~~public kindergarten, and each private school, including private~~
132 ~~kindergarten, shall be required to provide to the county health~~
133 ~~department director or administrator annual reports of~~
134 ~~compliance with the provisions of this section. Reports shall be~~
135 ~~completed on forms provided by the Department of Health for each~~
136 ~~kindergarten, and other grade as specified; and the reports~~
137 ~~shall include the status of children who were admitted at the~~
138 ~~beginning of the school year. After consultation with the~~
139 ~~Department of Education, the Department of Health shall~~
140 ~~establish by administrative rule the dates for submission of~~
141 ~~these reports, the grades for which the reports shall be~~
142 ~~required, and the forms to be used.~~

143 Section 2. This act shall take effect July 1, 2016.