

By Senator Book

32-00057B-21

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1 A bill to be entitled
2 An act relating to exemptions from school-entry health
3 requirements; amending s. 1003.22, F.S.; deleting an
4 exemption from school-entry health examinations for
5 religious reasons; revising provisions relating to
6 immunization requirements for children; authorizing
7 the Department of Health to adopt certain emergency
8 rules; requiring the Board of Medicine and the Board
9 of Osteopathic Medicine, jointly, to create a medical
10 exemption review panel; requiring the panel to review
11 certain medical exemptions filed with the Department
12 of Health; providing an effective date.

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

15
16 Section 1. Subsections (1), (3), and (5) of section
17 1003.22, Florida Statutes, are amended to read:

18 1003.22 School-entry health examinations; immunization
19 against communicable diseases; exemptions; duties of Department
20 of 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 Each district school board, and the governing authority of each
28 private school, may establish a policy that permits a student up
29 to 30 school days to present a certification of a school-entry

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30 health examination. Children and youths who are experiencing
31 homelessness and children who are known to the department, as
32 defined in s. 39.0016, shall be given a temporary exemption for
33 30 school days. Any district school board that establishes such
34 a policy shall include provisions in its local school health
35 services plan to assist students in obtaining the health
36 examinations. ~~However, a child shall be exempted from the~~
37 ~~requirement of a health examination upon written request of the~~
38 ~~parent of the child stating objections to the examination on~~
39 ~~religious grounds.~~

40 (3) The Department of Health may adopt rules necessary to
41 administer and enforce this section. The Department of Health,
42 after consultation with the Department of Education, shall adopt
43 rules governing the immunization of children against, the
44 testing for, and the control of preventable communicable
45 diseases. The rules must include procedures for exempting a
46 child from immunization requirements. ~~Immunizations shall be~~
47 ~~required for poliomyelitis, diphtheria, rubella, rubella,~~
48 ~~pertussis, mumps, tetanus, and other communicable diseases as~~
49 ~~determined by rules of the Department of Health.~~ The manner and
50 frequency of administration of the immunization or testing must
51 ~~shall~~ conform to recognized standards of medical practice. The
52 Department of Health shall supervise and secure the enforcement
53 of the required immunization. County health departments shall
54 make available at no cost immunizations required by this section
55 ~~shall be available at no cost from the county health~~
56 ~~departments.~~

57 (a) All of the following immunizations are required for
58 children, except as provided in subparagraphs (5) (a)2.-5.:

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- 59 1. Diphtheria.
60 2. Haemophilus influenzae type b.
61 3. Hepatitis B.
62 4. Mumps.
63 5. Pertussis.
64 6. Poliomyelitis.
65 7. Rubella.
66 8. Rubeola.
67 9. Tetanus.
68 10. Varicella.

69 (b) The Department of Health may require by rule, including
70 by emergency rule under s. 120.54(4), immunization of children
71 for any other communicable disease to protect the health,
72 safety, or welfare of the public.

73 (5) (a) The provisions of This section does shall not apply
74 if any of the following occurs:

75 1. (a) The parent of the child objects in writing that the
76 administration of an immunizing agent required under paragraph
77 (3) (b) agents conflicts with his or her religious tenets or
78 practices. An exemption under this subparagraph is applicable
79 only to the immunizing agent specified in the objection and may
80 not be applied to an immunizing agent required under paragraph
81 (3) (a) or introduced into the market before January 1, 2021.

82 2. (b) A physician licensed under the provisions of chapter
83 458 or chapter 459 certifies in writing, on a form approved and
84 provided by the Department of Health, that the child should be
85 permanently exempt from the required immunization for medical
86 reasons stated in writing, based upon valid clinical reasoning
87 or evidence, demonstrating the need for the permanent

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88 exemption.~~†~~

89 3.~~(e)~~ A physician licensed under ~~the provisions of~~ chapter
90 458, chapter 459, or chapter 460 certifies in writing, on a form
91 approved and provided by the Department of Health, that the
92 child has received as many immunizations as are medically
93 indicated at the time and is in the process of completing
94 necessary immunizations.~~†~~

95 4.~~(d)~~ The Department of Health determines that, according
96 to recognized standards of medical practice, any required
97 immunization is unnecessary or hazardous.~~†~~~~or~~

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

114 (b) The Board of Medicine and the Board of Osteopathic
115 Medicine, jointly, shall create a medical exemption review panel
116 that shall review all medical exemptions filed with the

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117 Department of Health pursuant to subparagraphs (a)2. and 3.

118 Section 2. This act shall take effect July 1, 2021.