

By Senator Constantine

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1 A bill to be entitled
2 An act relating to the influenza vaccine; amending ss.
3 402.305, 402.313, and 402.3131, F.S.; requiring
4 children receiving care at child care facilities,
5 family day care homes, and large family child care
6 homes to be vaccinated for the influenza virus;
7 requiring the Department of Health to adopt rules to
8 add the vaccine to its list of required vaccines;
9 requiring child care facilities, family day care
10 homes, and large family child care homes to furnish
11 proof of compliance to the department by a specified
12 date; providing an effective date.

13
14 WHEREAS, the state of Florida recognizes the importance of
15 the influenza vaccine for children enrolled or enrolling in
16 child care programs, and

17 WHEREAS, the Bureau of Immunization within the Department
18 of Health acknowledges that vaccines, including the influenza
19 vaccine, focus on disease prevention and are the most cost-
20 effective medical intervention, and

21 WHEREAS, the Centers for Disease Control and Prevention,
22 through the Advisory Committee on Immunization Practices,
23 recommends that annual vaccination of all children aged 6 months
24 through 4 years continue to be a primary focus of vaccination
25 efforts because these children are at higher risk for influenza
26 complications compared with older children, and

27 WHEREAS, vaccination against influenza each fall remains
28 the primary mechanism to prevent disease, NOW, THEREFORE,
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Present paragraphs (b) and (c) of subsection (9)
33 of section 402.305, Florida Statutes, are redesignated as
34 paragraphs (c) and (d), respectively, and a new paragraph (b) is
35 added to that subsection, to read:

36 402.305 Licensing standards; child care facilities.—

37 (9) ADMISSIONS AND RECORDKEEPING.—

38 (b) Beginning September 1, 2010, and subject to the
39 availability of an adequate supply of the influenza vaccine, as
40 recommended by the Advisory Committee on Immunization Practices
41 of the Centers for Disease Control and Prevention, the influenza
42 vaccine shall be administered each influenza season between
43 September 1 and February 28 to each child who is enrolled or
44 enrolling in a child care facility. The department shall adopt
45 rules to add the influenza vaccine to its current list of
46 required vaccines. A child care facility must furnish proof to
47 the department of compliance with this paragraph for each child
48 receiving care at the facility by March 31, 2010.

49 Section 2. Subsection (14) is added to section 402.313,
50 Florida Statutes, to read:

51 402.313 Family day care homes.—

52 (14) Beginning September 1, 2010, and subject to the
53 availability of an adequate supply of the influenza vaccine, as
54 recommended by the Advisory Committee on Immunization Practices
55 of the Centers for Disease Control and Prevention, the influenza
56 vaccine shall be administered each influenza season between
57 September 1 and February 28 to each child who is enrolled or
58 enrolling in a family day care home. The department shall adopt

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59 rules to add the influenza vaccine to its current list of
60 required vaccines. A family day care home must furnish proof to
61 the department of compliance with this subsection for each child
62 receiving care at the home by March 31, 2010.

63 Section 3. Subsection (9) is added to section 402.3131,
64 Florida Statutes, to read:

65 402.3131 Large family child care homes.-

66 (9) Beginning September 1, 2010, and subject to the
67 availability of an adequate supply of the influenza vaccine, as
68 recommended by the Advisory Committee on Immunization Practices
69 of the Centers for Disease Control and Prevention, the influenza
70 vaccine shall be administered each influenza season between
71 September 1 and February 28 to each child who is enrolled or
72 enrolling in a large family child care home. The department
73 shall adopt rules to add influenza vaccine to its current list
74 of required vaccines. A large family child care home must
75 furnish proof to the department of compliance with this
76 subsection for each child receiving care at the home by March
77 31, 2010.

78 Section 4. This act shall take effect July 1, 2009.