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586-04537B-09

Proposed Committee Substitute by the Committee on Children,
Families, and Elder Affairs

1 A bill to be entitled
2 An act relating to childhood vaccinations; amending s.
3 1003.22, F.S.; revising requirements for the
4 administration of certain vaccines required for school
5 entry; authorizing a parent, legal guardian, or
6 authorized person to choose an alternative
7 immunization schedule under certain conditions;
8 requiring licensed health care providers to provide
9 certain vaccine information statements to parents,
10 legal guardians, and legal representatives before the
11 administration of certain vaccines to children;
12 requiring health care providers to obtain a signed
13 statement from parents, legal guardians, and legal
14 representatives documenting that the vaccine
15 information statements are provided; specifying the
16 required contents of the signed statement; requiring
17 health care providers to record the batch and lot
18 number of each vaccine on the signed statement;
19 requiring health care providers to maintain certain
20 records; providing for application of the act to
21 certain vaccine information statements; authorizing
22 the use of a single signed statement for the
23 administration of multiple vaccines under certain
24 circumstances; amending ss. 381.003 and 1002.42, F.S.;
25 conforming cross-references; providing an effective
26 date.
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28 Be It Enacted by the Legislature of the State of Florida:

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30 Section 1. Present subsections (6) through (11) of section
31 1003.22, Florida Statutes, are renumbered as subsections (8)
32 through (13), respectively, and new subsections (6) and (7) are
33 added to that section, to read:

34 1003.22 School-entry health examinations; immunization
35 against communicable diseases; exemptions; duties of Department
36 of Health.—

37 (6) In vaccinating his or her child, a parent, legal
38 guardian, or other authorized person, in consultation with his
39 or her pediatrician, has the right to choose an alternative
40 immunization schedule to the immunization schedule recommended
41 by the Centers for Disease Control and Prevention, as long as
42 the child completes the required immunizations before beginning
43 kindergarten or initial entry into a public or private school,
44 whichever occurs earlier.

45 (7) Before administration of a vaccine for an immunization
46 required by this section, a licensed health care provider must:

47 (a) Provide the child's parent, legal guardian, or other
48 legal representative with a copy of the current vaccine
49 information statement published about the vaccine by the Centers
50 for Disease Control and Prevention of the United States
51 Department of Health and Human Services.

52 (b) Have the child's parent, legal guardian, or other legal
53 representative sign a statement in substantially the following
54 form:

55

56 I have received a copy of the vaccine information statement



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57 published by the Centers for Disease Control and Prevention. I
58 have read or have had explained to me information about the
59 vaccine to be administered, the benefits and risks of the
60 vaccine, how to report an adverse reaction, the availability of
61 the National Vaccine Injury Compensation Program, and how to
62 obtain more information about childhood diseases and vaccines. I
63 understand the benefits of the vaccine and ask that the vaccine
64 be administered to ...(name of child)..., for whom I am
65 authorized to make this request.

66 Signature: ...(signature)....

67 Name: ...(printed name of parent, legal guardian,
68 or other legal representative)....

69 Date: ...(date)....

70
71 (c) Keep a copy of the parent's, legal guardian's, or legal
72 representative's signed statement as part of the child's
73 permanent medical record.

74 (d) Record a notation on the statement of the batch and lot
75 number for each vaccine administered to the child.

76
77 This subsection applies to each vaccine information statement
78 published by the Centers for Disease Control and Prevention,
79 whether or not the statement is covered by the federal National
80 Vaccine Injury Compensation Program, 42 U.S.C. s. 300aa-26. If
81 the Centers for Disease Control and Prevention publish a vaccine
82 information statement that covers multiple vaccines, the health
83 care provider may have the child's parent, legal guardian, or
84 other legal representative sign a single statement for the
85 vaccines covered by the vaccine information statement.



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86 Section 2. Paragraph (e) of subsection (1) of section
87 381.003, Florida Statutes, is amended to read:

88 381.003 Communicable disease and AIDS prevention and
89 control.—

90 (1) The department shall conduct a communicable disease
91 prevention and control program as part of fulfilling its public
92 health mission. A communicable disease is any disease caused by
93 transmission of a specific infectious agent, or its toxic
94 products, from an infected person, an infected animal, or the
95 environment to a susceptible host, either directly or
96 indirectly. The communicable disease program must include, but
97 need not be limited to:

98 (e) Programs for the prevention and control of vaccine-
99 preventable diseases, including programs to immunize school
100 children as required by s. 1003.22 ~~s. 1003.22(3)-(11)~~ and the
101 development of an automated, electronic, and centralized
102 database or registry of immunizations. The department shall
103 ensure that all children in this state are immunized against
104 vaccine-preventable diseases. The immunization registry shall
105 allow the department to enhance current immunization activities
106 for the purpose of improving the immunization of all children in
107 this state.

108 1. Except as provided in subparagraph 2., the department
109 shall include all children born in this state in the
110 immunization registry by using the birth records from the Office
111 of Vital Statistics. The department shall add other children to
112 the registry as immunization services are provided.

113 2. The parent or guardian of a child may refuse to have the
114 child included in the immunization registry by signing a form



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115 obtained from the department, or from the health care
116 practitioner or entity that provides the immunization, which
117 indicates that the parent or guardian does not wish to have the
118 child included in the immunization registry. The decision to not
119 participate in the immunization registry must be noted in the
120 registry.

121 3. The immunization registry shall allow for immunization
122 records to be electronically transferred to entities that are
123 required by law to have such records, including schools,
124 licensed child care facilities, and any other entity that is
125 required by law to obtain proof of a child's immunizations.

126 4. Any health care practitioner licensed under chapter 458,
127 chapter 459, or chapter 464 in this state who complies with
128 rules adopted by the department to access the immunization
129 registry may, through the immunization registry, directly access
130 immunization records and update a child's immunization history
131 or exchange immunization information with another authorized
132 practitioner, entity, or agency involved in a child's care. The
133 information included in the immunization registry must include
134 the child's name, date of birth, address, and any other unique
135 identifier necessary to correctly identify the child; the
136 immunization record, including the date, type of administered
137 vaccine, and vaccine lot number; and the presence or absence of
138 any adverse reaction or contraindication related to the
139 immunization. Information received by the department for the
140 immunization registry retains its status as confidential medical
141 information and the department must maintain the confidentiality
142 of that information as otherwise required by law. A health care
143 practitioner or other agency that obtains information from the



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144 immunization registry must maintain the confidentiality of any
145 medical records in accordance with s. 456.057 or as otherwise
146 required by law.

147 Section 3. Paragraph (a) of subsection (6) of section
148 1002.42, Florida Statutes, is amended to read:

149 1002.42 Private schools.—

150 (6) IMMUNIZATIONS.—The governing authority of each private
151 school shall:

152 (a) Require students to present a certification of
153 immunization in accordance with the provisions of s. 1003.22 ~~s.~~
154 ~~1003.22(3)–(11)~~.

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