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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
04/01/2009	.	
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The Committee on Health Regulation (Bennett) recommended the following:

1 **Senate Amendment to Amendment (637266) (with title**
2 **amendment)**

3
4 Delete lines 66 - 197
5 and insert:

6 (5) In vaccinating his or her child, a parent, legal
7 guardian, or other authorized person, in consultation with his
8 or her pediatrician, has the right to choose an alternative
9 immunization schedule to the immunization schedule recommended
10 by the Centers for Disease Control and Prevention, as long as
11 the child is vaccinated before beginning school.



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12 (6)~~(5)~~ The provisions of this section shall not apply if:

13 (a) The parent of the child objects in writing that the
14 administration of immunizing agents conflicts with his or her
15 religious tenets or practices;

16 (b) A physician licensed under the provisions of chapter
17 458 or chapter 459 certifies in writing, on a form approved and
18 provided by the Department of Health, that the child should be
19 permanently exempt from the required immunization for medical
20 reasons stated in writing, based upon valid clinical reasoning
21 or evidence, demonstrating the need for the permanent exemption;

22 (c) A physician licensed under the provisions of chapter
23 458, chapter 459, or chapter 460 certifies in writing, on a form
24 approved and provided by the Department of Health, that the
25 child has received as many immunizations as are medically
26 indicated at the time and is in the process of completing
27 necessary immunizations;

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

31 (e) An authorized school official issues a temporary
32 exemption, for a period not to exceed 30 school days, to permit
33 a student who transfers into a new county to attend class until
34 his or her records can be obtained. A homeless child, as defined
35 in s. 1003.01, shall be given a temporary exemption for 30
36 school days. The public school health nurse or authorized
37 private school official is responsible for followup of each such
38 student until proper documentation or immunizations are
39 obtained. An exemption for 30 days may be issued for a student
40 who enters a juvenile justice program to permit the student to



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41 attend class until his or her records can be obtained or until
42 the immunizations can be obtained. An authorized juvenile
43 justice official is responsible for followup of each student who
44 enters a juvenile justice program until proper documentation or
45 immunizations are obtained.

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

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

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

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

69 Signature: ...(signature)....



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99 by the administration of a vaccine to any student who is
100 required to be so immunized or for a failure to diagnose
101 scoliosis pursuant to the provisions of this section.

102 ~~(9)~~(7) The parents of any child admitted to or in
103 attendance at a Florida public or private school, grades
104 prekindergarten through 12, are responsible for assuring that
105 the child is in compliance with the provisions of this section.

106 ~~(10)~~(8) Each public school, including public kindergarten,
107 and each private school, including private kindergarten, shall
108 be required to provide to the county health department director
109 or administrator annual reports of compliance with the
110 provisions of this section. Reports shall be completed on forms
111 provided by the Department of Health for each kindergarten, and
112 other grade as specified; and the reports shall include the
113 status of children who were admitted at the beginning of the
114 school year. After consultation with the Department of
115 Education, the Department of Health shall establish by
116 administrative rule the dates for submission of these reports,
117 the grades for which the reports shall be required, and the
118 forms to be used.

119 ~~(11)~~(9) The presence of any of the communicable diseases
120 for which immunization is required by the Department of Health
121 in a Florida public or private school shall permit the county
122 health department director or administrator or the State Health
123 Officer to declare a communicable disease emergency. The
124 declaration of such emergency shall mandate that all students in
125 attendance in the school who are not in compliance with the
126 provisions of this section be identified by the district school
127 board or by the governing authority of the private school; and



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128 the school health and immunization records of such children
129 shall be made available to the county health department director
130 or administrator. Those children identified as not being
131 immunized against the disease for which the emergency has been
132 declared shall be temporarily excluded from school by the
133 district school board, or the governing authority of the private
134 school, until such time as is specified by the county health
135 department director or administrator.

136 (12)~~(10)~~ Each district school board and the governing
137 authority of each private school shall:

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

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

144 (13)~~(11)~~ The provisions of this section do not apply to
145 those persons admitted to or attending adult education classes
146 unless the adult students are under 21 years of age.

147 Section 2. Paragraph (e) of subsection (1) of section
148 381.003, Florida Statutes, is amended to read:

149 381.003 Communicable disease and AIDS prevention and
150 control.—

151 (1) The department shall conduct a communicable disease
152 prevention and control program as part of fulfilling its public
153 health mission. A communicable disease is any disease caused by
154 transmission of a specific infectious agent, or its toxic
155 products, from an infected person, an infected animal, or the
156 environment to a susceptible host, either directly or



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157 indirectly. The communicable disease program must include, but
158 need not be limited to:

159 (e) Programs for the prevention and control of vaccine-
160 preventable diseases, including programs to immunize school
161 children as required by s. 1003.22(3)-(13) ~~s. 1003.22(3)-(11)~~
162 and the development of an automated, electronic, and centralized
163 database or registry of immunizations. The department shall
164 ensure that all children in this state are immunized against
165 vaccine-preventable diseases. The immunization registry shall
166 allow the department to enhance current immunization activities
167 for the purpose of improving the immunization of all children in
168 this state.

169 1. Except as provided in subparagraph 2., the department
170 shall include all children born in this state in the
171 immunization registry by using the birth records from the Office
172 of Vital Statistics. The department shall add other children to
173 the registry as immunization services are provided.

174 2. The parent or guardian of a child may refuse to have the
175 child included in the immunization registry by signing a form
176 obtained from the department, or from the health care
177 practitioner or entity that provides the immunization, which
178 indicates that the parent or guardian does not wish to have the
179 child included in the immunization registry. The decision to not
180 participate in the immunization registry must be noted in the
181 registry.

182 3. The immunization registry shall allow for immunization
183 records to be electronically transferred to entities that are
184 required by law to have such records, including schools,
185 licensed child care facilities, and any other entity that is



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186 required by law to obtain proof of a child's immunizations.

187 4. Any health care practitioner licensed under chapter 458,
188 chapter 459, or chapter 464 in this state who complies with
189 rules adopted by the department to access the immunization
190 registry may, through the immunization registry, directly access
191 immunization records and update a child's immunization history
192 or exchange immunization information with another authorized
193 practitioner, entity, or agency involved in a child's care. The
194 information included in the immunization registry must include
195 the child's name, date of birth, address, and any other unique
196 identifier necessary to correctly identify the child; the
197 immunization record, including the date, type of administered
198 vaccine, and vaccine lot number; and the presence or absence of
199 any adverse reaction or contraindication related to the
200 immunization. Information received by the department for the
201 immunization registry retains its status as confidential medical
202 information and the department must maintain the confidentiality
203 of that information as otherwise required by law. A health care
204 practitioner or other agency that obtains information from the
205 immunization registry must maintain the confidentiality of any
206 medical records in accordance with s. 456.057 or as otherwise
207 required by law.

208 Section 3. Paragraph (b) of subsection (3) of section
209 1002.20, Florida Statutes, is amended to read:

210 1002.20 K-12 student and parent rights.—Parents of public
211 school students must receive accurate and timely information
212 regarding their child's academic progress and must be informed
213 of ways they can help their child to succeed in school. K-12
214 students and their parents are afforded numerous statutory



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215 rights including, but not limited to, the following:

216 (3) HEALTH ISSUES.—

217 (b) *Immunizations*.—The parent of any child attending a
218 public or private school shall be exempt from the school
219 immunization requirements upon meeting any of the exemptions in
220 accordance with the provisions of s. 1003.22(6) ~~s. 1003.22(5)~~.

221 Section 4. Paragraph (a) of subsection (6) of section
222 1002.42, Florida Statutes, is amended to read:

223 1002.42 Private schools.—

224 (6) IMMUNIZATIONS.—The governing authority of each private
225 school shall:

226 (a) Require students to present a certification of
227 immunization in accordance with the provisions of s. 1003.22(3)-
228 (13) ~~s. 1003.22(3)-(11)~~.

229
230 ===== T I T L E A M E N D M E N T =====

231 And the title is amended as follows:

232 Delete lines 204 - 215

233 and insert:

234 An act relating to childhood vaccinations; amending s.
235 1003.22, F.S.; authorizing a parent, legal guardian,
236 or authorized person to choose an alternative
237 immunization schedule under certain conditions;
238 requiring health care providers to provide certain
239 information to parents, guardians, and authorized
240 persons before administration of certain immunizations
241 to children; requiring health care providers to obtain
242 a signed statement from the parents, guardians, and
243 authorized persons documenting provision of the



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244 information; requiring health care providers to use a
245 standard form for the signed statement; requiring
246 health care providers to record the batch and lot
247 number of each vaccine on the statement; requiring
248 health care providers to maintain certain records;
249 providing for a single signed statement for the
250 administration of multiple vaccines; amending ss.
251 381.003, 1002.20, and 1002.42, F.S.; conforming cross-
252 references; providing an effective