

1                   A bill to be entitled  
2           An act relating to immunization registry; amending s.  
3           381.003, F.S.; revising provisions relating to the  
4           communicable disease prevention and control program  
5           under the Department of Health; providing that certain  
6           students who obtain vaccinations from a college or  
7           university student health center or clinic in the  
8           state may refuse to be included in the immunization  
9           registry; requiring a specified consent to treatment  
10          form to contain a certain notice; requiring that an  
11          opt-out form be provided to certain health care  
12          practitioners and entities upon administration of a  
13          vaccination; requiring that such form be submitted to  
14          the department; authorizing certain persons to submit  
15          such form directly to the department; requiring that  
16          any records or identifying information pertaining to a  
17          child or college or university student be removed from  
18          the registry under certain circumstances; providing  
19          requirements for electronic availability of, rather  
20          than transfer of, immunization records; requiring  
21          certain health care practitioners to report data to  
22          the immunization registry; authorizing the department  
23          to adopt rules; amending s. 1003.22, F.S.; revising  
24          school-entry health requirements to require students  
25          to have a certificate of immunization on file with the

26 department's immunization registry; requiring each  
27 district school board and the governing authority of  
28 each private school to establish and enforce a policy  
29 requiring the age-appropriate screening of students  
30 for scoliosis; providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Section 381.003, Florida Statutes, is amended  
35 to read:

36 381.003 Communicable disease and AIDS prevention and  
37 control.—

38 (1) The department shall conduct a communicable disease  
39 prevention and control program as part of fulfilling its public  
40 health mission. A communicable disease is any disease caused by  
41 transmission of a specific infectious agent, or its toxic  
42 products, from an infected person, an infected animal, or the  
43 environment to a susceptible host, either directly or  
44 indirectly. The communicable disease program must include, but  
45 need not be limited to:

46 (a) Programs for the prevention and control of  
47 tuberculosis in accordance with chapter 392.

48 (b) Programs for the prevention and control of human  
49 immunodeficiency virus infection and acquired immune deficiency  
50 syndrome in accordance with chapter 384 and this chapter.

51 (c) Programs for the prevention and control of sexually  
52 transmissible diseases in accordance with chapter 384.

53 (d) Programs for the prevention, control, and reporting of  
54 communicable diseases of public health significance as provided  
55 for in this chapter.

56 (e) Programs for the prevention and control of vaccine-  
57 preventable diseases, including programs to immunize school  
58 children as required by s. 1003.22(3)-(11) and the development  
59 of an automated, electronic, and centralized database and ~~or~~  
60 registry of immunizations. The department shall ensure that all  
61 children in this state are immunized against vaccine-preventable  
62 diseases. The immunization registry must ~~shall~~ allow the  
63 department to enhance current immunization activities for the  
64 purpose of improving the immunization of all children in this  
65 state.

66 1. Except as provided in subparagraph 2., the department  
67 shall include all children born in this state in the  
68 immunization registry by using the birth records from the Office  
69 of Vital Statistics. The department shall add other children to  
70 the registry as immunization services are provided.

71 2. The parent or guardian of a child may refuse to have  
72 the child included in the immunization registry by signing a  
73 form obtained from the department, or from the health care  
74 practitioner or entity that provides the immunization, which  
75 indicates that the parent or guardian does not wish to have the

76 | child included in the immunization registry. Each consent to  
77 | treatment form provided by a health care practitioner or by an  
78 | entity that administers vaccinations or causes vaccinations to  
79 | be administered to children from birth through 17 years of age  
80 | must contain a notice stating that the parent or guardian of a  
81 | child may refuse to have his or her child included in the  
82 | immunization registry. The parent or guardian must provide such  
83 | opt-out form to the health care practitioner or entity upon  
84 | administration of the vaccination. Such health care practitioner  
85 | or entity shall submit the form to the department. A parent or  
86 | guardian may submit the opt-out form directly to the department.  
87 | Any records or identifying information pertaining to the child  
88 | shall be removed from ~~The decision to not participate in the~~  
89 | ~~immunization registry must be noted in the registry,~~ if the  
90 | parent or guardian has refused to have his or her child included  
91 | in the immunization registry.

92 |       3. A college or university student, from 18 years of age  
93 | to 23 years of age, who obtains a vaccination from a college or  
94 | university student health center or clinic in the state may  
95 | refuse to be included in the immunization registry by signing a  
96 | form obtained from the department, health center, or clinic  
97 | which indicates that the student does not wish to be included in  
98 | the immunization registry. The student must provide such opt-out  
99 | form to the health center or clinic upon administration of the  
100 | vaccination. Such health center or clinic shall submit the form

101 to the department. A student may submit the opt-out form  
102 directly to the department. Any records or identifying  
103 information pertaining to the student shall be removed from the  
104 registry if the student has refused to be included in the  
105 immunization registry.

106 ~~4.3.~~ The immunization registry shall allow for  
107 immunization records to be electronically available ~~transferred~~  
108 to entities that are required by law to have such records,  
109 including, but not limited to, schools and, licensed child care  
110 facilities, ~~and any other entity that is required by law to~~  
111 ~~obtain proof of a child's immunizations.~~

112 ~~5.4.~~ A Any health care practitioner licensed under chapter  
113 458, chapter 459, or chapter 464 in this state who administers  
114 vaccinations or causes vaccinations to be administered to  
115 children from birth through 17 years of age is required to  
116 report vaccination data to the immunization registry, unless a  
117 parent or guardian of a child has refused to have the child  
118 included in the immunization registry by meeting the  
119 requirements of subparagraph 2. A health care practitioner  
120 licensed under chapter 458, chapter 459, or chapter 464 in this  
121 state who administers vaccinations or causes vaccinations to be  
122 administered to college or university students from 18 years of  
123 age to 23 years of age at a college or university student health  
124 center or clinic is required to report vaccination data to the  
125 immunization registry, unless the student has refused to be

126 | included in the immunization registry by meeting the  
127 | requirements of subparagraph 3. Vaccination data for students in  
128 | other age ranges may be submitted to the immunization registry  
129 | only if the student consents to inclusion in the immunization  
130 | registry. The upload of data from existing automated systems is  
131 | an acceptable method for updating immunization information in  
132 | the immunization registry ~~complies with rules adopted by the~~  
133 | ~~department to access the immunization registry may, through the~~  
134 | ~~immunization registry, directly access immunization records and~~  
135 | ~~update a child's immunization history or exchange immunization~~  
136 | ~~information with another authorized practitioner, entity, or~~  
137 | ~~agency involved in a child's care. The information included in~~  
138 | the immunization registry must include the child's name, date of  
139 | birth, address, and any other unique identifier necessary to  
140 | correctly identify the child; the immunization record, including  
141 | the date, type of administered vaccine, and vaccine lot number;  
142 | and the presence or absence of any adverse reaction or  
143 | contraindication related to the immunization. Information  
144 | received by the department for the immunization registry retains  
145 | its status as confidential medical information and the  
146 | department must maintain the confidentiality of that information  
147 | as otherwise required by law. A health care practitioner or  
148 | other agency that obtains information from the immunization  
149 | registry must maintain the confidentiality of any medical  
150 | records in accordance with s. 456.057 or as otherwise required

151 by law.

152 (2) The department may adopt rules pursuant to ss.  
153 120.536(1) and 120.54 to implement this section, ~~repeal, and~~  
154 ~~amend rules related to the prevention and control of~~  
155 ~~communicable diseases and the administration of the immunization~~  
156 ~~registry. Such rules may include procedures for investigating~~  
157 ~~disease, timeframes for reporting disease, definitions,~~  
158 ~~procedures for managing specific diseases, requirements for~~  
159 ~~followup reports of known or suspected exposure to disease, and~~  
160 ~~procedures for providing access to confidential information~~  
161 ~~necessary for disease investigations. For purposes of the~~  
162 ~~immunization registry, the rules may include procedures for a~~  
163 ~~health care practitioner to obtain authorization to use the~~  
164 ~~immunization registry, methods for a parent or guardian to elect~~  
165 ~~not to participate in the immunization registry, and procedures~~  
166 ~~for a health care practitioner licensed under chapter 458,~~  
167 ~~chapter 459, or chapter 464 to access and share electronic~~  
168 ~~immunization records with other entities allowed by law to have~~  
169 ~~access to the records.~~

170 Section 2. Subsection (4) of section 1003.22, Florida  
171 Statutes, is amended to read:

172 1003.22 School-entry health examinations; immunization  
173 against communicable diseases; exemptions; duties of Department  
174 of Health.—

175 (4) Each district school board and the governing authority

176 of each private school shall establish and enforce policies ~~as~~  
 177 ~~policy~~ that:

178 (a) Prior to admittance to or attendance in a public or  
 179 private school, grades kindergarten through 12, or any other  
 180 initial entrance into a Florida public or private school,  
 181 require each child to ~~present or~~ have on file with the  
 182 immunization registry ~~school~~ a certification of immunization for  
 183 the prevention of those communicable diseases for which  
 184 immunization is required by the Department of Health. Any child  
 185 who is excluded from participation in the immunization registry  
 186 pursuant to s. 381.003(1)(e)2. must present or have on file with  
 187 the school such certification of immunization and further shall  
 188 ~~provide for appropriate screening of its students for scoliosis~~  
 189 ~~at the proper age. Such~~ Certification of immunization shall be  
 190 made on forms approved and provided by the Department of Health  
 191 or be on file with the immunization registry and shall become a  
 192 part of each student's permanent record, to be transferred when  
 193 the student transfers, is promoted, or changes schools. The  
 194 transfer of such immunization certification by Florida public  
 195 schools shall be accomplished using the Florida Automated System  
 196 for Transferring Education Records and shall be deemed to meet  
 197 the requirements of this section.

198 (b) Require the screening of students for scoliosis at the  
 199 appropriate age.

200 Section 3. This act shall take effect January 1, 2021.