

By Senator Montford

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2019354__

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 programs
5 under the Department of Health; establishing that a
6 certain student who obtains a vaccination from a
7 Florida college or university student health center
8 may refuse to be included in the immunization
9 registry; providing requirements for electronic
10 availability of, rather than transfer of, immunization
11 records; requiring certain health care practitioners
12 to report data to the immunization registry;
13 authorizing the department to adopt rules; amending s.
14 1003.22, F.S.; revising school-entry health
15 requirements to require students to have a certificate
16 of immunization on file with the department's
17 immunization registry; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 381.003, Florida Statutes, is amended to
22 read:

23 381.003 Communicable disease and AIDS prevention and
24 control.—

25 (1) The department shall conduct a communicable disease
26 prevention and control program as part of fulfilling its public
27 health mission. A communicable disease is any disease caused by
28 transmission of a specific infectious agent, or its toxic
29 products, from an infected person, an infected animal, or the

3-00364-19

2019354__

30 environment to a susceptible host, either directly or
31 indirectly. The communicable disease program must include, but
32 need not be limited to:

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

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

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

40 (d) Programs for the prevention, control, and reporting of
41 communicable diseases of public health significance as provided
42 for in this chapter.

43 (e) Programs for the prevention and control of vaccine-
44 preventable diseases, including programs to immunize school
45 children as required by s. 1003.22(3)-(11) and the development
46 of an automated, electronic, and centralized database and ~~or~~
47 registry of immunizations. The department shall ensure that all
48 children in this state are immunized against vaccine-preventable
49 diseases. The immunization registry must ~~shall~~ allow the
50 department to enhance current immunization activities for the
51 purpose of improving the immunization of all children in this
52 state.

53 1. Except as provided in subparagraph 2., the department
54 shall include all children born in this state in the
55 immunization registry by using the birth records from the Office
56 of Vital Statistics. The department shall add other children to
57 the registry as immunization services are provided.

58 2. The parent or guardian of a child may refuse to have the

3-00364-19

2019354__

59 child included in the immunization registry by signing a form
60 obtained from the department, or from the health care
61 practitioner or entity that provides the immunization, which
62 indicates that the parent or guardian does not wish to have the
63 child included in the immunization registry. The decision not to
64 ~~not~~ participate in the immunization registry must be noted in
65 the registry.

66 3. A college or university student, from 19 years of age to
67 23 years of age, who obtains a vaccination from a Florida
68 college or university student health center may refuse to be
69 included in the immunization registry by signing a form obtained
70 from the department, or from a Florida college or university
71 student health center, which indicates that the student does not
72 wish to be included in the immunization registry. The decision
73 not to participate in the immunization registry must be noted in
74 the registry.

75 4.3. The immunization registry shall allow for immunization
76 records to be electronically available ~~transferred~~ to entities
77 that are required by law to have such records, including, but
78 not limited to, schools and ~~7~~ licensed child care facilities, ~~and~~
79 ~~any other entity that is required by law to obtain proof of a~~
80 ~~child's immunizations.~~

81 5.4. A ~~Any~~ health care practitioner licensed under chapter
82 458, chapter 459, or chapter 464 in this state who administers
83 vaccinations or causes vaccinations to be administered to
84 children from birth to 18 years of age is required to report
85 vaccination data to the immunization registry, unless a parent
86 or guardian of a child has refused to have the child included in
87 the immunization registry by meeting the requirements of

3-00364-19

2019354__

88 subparagraph 2. A health care practitioner licensed under
89 chapter 458, chapter 459, or chapter 464 in this state who
90 administers vaccinations or causes vaccinations to be
91 administered to college or university students from 19 years of
92 age to 23 years of age at a Florida college or university
93 student health center is required to report vaccination data to
94 the immunization registry, unless the student has refused to be
95 included in the immunization registry by meeting the
96 requirements of subparagraph 3. Vaccination data for other age
97 ranges may be submitted to the immunization registry on a
98 voluntary basis. The upload of data from existing automated
99 systems is an acceptable method for updating immunization
100 information in the immunization registry. ~~complies with rules~~
101 ~~adopted by the department to access the immunization registry~~
102 ~~may, through the immunization registry, directly access~~
103 ~~immunization records and update a child's immunization history~~
104 ~~or exchange immunization information with another authorized~~
105 ~~practitioner, entity, or agency involved in a child's care. The~~
106 information ~~included~~ in the immunization registry must include
107 the child's name, date of birth, address, and any other unique
108 identifier necessary to correctly identify the child; the
109 immunization record, including the date, type of administered
110 vaccine, and vaccine lot number; and the presence or absence of
111 any adverse reaction or contraindication related to the
112 immunization. Information received by the department for the
113 immunization registry retains its status as confidential medical
114 information and the department must maintain the confidentiality
115 of that information as otherwise required by law. A health care
116 practitioner or other agency that obtains information from the

3-00364-19

2019354__

117 immunization registry must maintain the confidentiality of any
118 medical records in accordance with s. 456.057 or as otherwise
119 required by law.

120 (2) The department may adopt rules pursuant to ss.
121 120.536(1) and 120.54 to implement this section, ~~repeal, and~~
122 ~~amend rules related to the prevention and control of~~
123 ~~communicable diseases and the administration of the immunization~~
124 ~~registry. Such rules may include procedures for investigating~~
125 ~~disease, timeframes for reporting disease, definitions,~~
126 ~~procedures for managing specific diseases, requirements for~~
127 ~~followup reports of known or suspected exposure to disease, and~~
128 ~~procedures for providing access to confidential information~~
129 ~~necessary for disease investigations. For purposes of the~~
130 ~~immunization registry, the rules may include procedures for a~~
131 ~~health care practitioner to obtain authorization to use the~~
132 ~~immunization registry, methods for a parent or guardian to elect~~
133 ~~not to participate in the immunization registry, and procedures~~
134 ~~for a health care practitioner licensed under chapter 458,~~
135 ~~chapter 459, or chapter 464 to access and share electronic~~
136 ~~immunization records with other entities allowed by law to have~~
137 ~~access to the records.~~

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

140 1003.22 School-entry health examinations; immunization
141 against communicable diseases; exemptions; duties of Department
142 of Health.—

143 (4) Each district school board and the governing authority
144 of each private school shall establish and enforce a ~~as~~ policy
145 that: r

3-00364-19

2019354__

146 (a) Prior to admittance to or attendance in a public or
147 private school, grades kindergarten through 12, or any other
148 initial entrance into a Florida public or private school, each
149 child ~~present or~~ have on file with the immunization registry
150 ~~school~~ a certification of immunization for the prevention of
151 those communicable diseases for which immunization is required
152 by the Department of Health. Any child who is excluded from
153 participation in the immunization registry pursuant to s.
154 381.003(1)(e)2. must present or have on file with the school
155 such certification of immunization and further shall provide for
156 ~~appropriate screening of its students for scoliosis at the~~
157 ~~proper age. Such Certification of immunization~~ shall be made on
158 forms approved and provided by the Department of Health or be on
159 file with the immunization registry and shall become a part of
160 each student's permanent record, to be transferred when the
161 student transfers, is promoted, or changes schools. The transfer
162 of such immunization certification by Florida public schools
163 shall be accomplished using the Florida Automated System for
164 Transferring Education Records and shall be deemed to meet the
165 requirements of this section.

166 (b) Provides for appropriate screening of its students for
167 scoliosis at the proper age.

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