

By the Committee on Education; and Senator Montford

581-03501-19

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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

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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

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59 child included in the immunization registry by signing an opt-
60 out ~~a~~ form 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 opt-out form
64 must be provided to the department and to the healthcare
65 practitioner upon the administration of the vaccination. If the
66 parent or guardian of a child has refused to include the child
67 on in the registry, all records regarding the child must be
68 removed from the registry and any reference to the child may not
69 be included ~~decision to not participate in the immunization~~
70 ~~registry must be noted~~ in the registry.

71 3. A college or university student, from 19 years of age to
72 23 years of age, who obtains a vaccination from a Florida
73 college or university student health center may refuse to be
74 included in the immunization registry by signing an opt-out form
75 obtained from the department or from a Florida college or
76 university student health center which indicates that the
77 student does not wish to be included in the immunization
78 registry. The opt-out form must be provided to the department
79 and to the healthcare practitioner upon the administration of
80 the vaccination. If the college or university student has
81 refused to be included in the registry, all records regarding
82 the student must be removed from the registry and any reference
83 to the student may not be included in the registry.

84 4.3- The immunization registry shall allow for immunization
85 records to be electronically available ~~transferred~~ to entities
86 that are required by law to have such records, including, but
87 not limited to, schools and ~~licensed child care facilities, and~~

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88 ~~any other entity that is required by law to obtain proof of a~~
89 ~~child's immunizations.~~

90 5.4. A Any health care practitioner licensed under chapter
91 458, chapter 459, or chapter 464 in this state who administers
92 vaccinations or causes vaccinations to be administered to
93 children from birth to 18 years of age is required to report
94 vaccination data to the immunization registry, unless a parent
95 or guardian of a child has refused to have the child included in
96 the immunization registry by meeting the requirements of
97 subparagraph 2. A health care practitioner licensed under
98 chapter 458, chapter 459, or chapter 464 in this state who
99 administers vaccinations or causes vaccinations to be
100 administered to college or university students from 19 years of
101 age to 23 years of age at a Florida college or university
102 student health center is required to report vaccination data to
103 the immunization registry, unless the student has refused to be
104 included in the immunization registry by meeting the
105 requirements of subparagraph 3. Vaccination data for other age
106 ranges may be submitted to the immunization registry on a
107 voluntary basis. The upload of data from existing automated
108 systems is an acceptable method for updating immunization
109 information in the immunization registry. ~~complies with rules~~
110 ~~adopted by the department to access the immunization registry~~
111 ~~may, through the immunization registry, directly access~~
112 ~~immunization records and update a child's immunization history~~
113 ~~or exchange immunization information with another authorized~~
114 ~~practitioner, entity, or agency involved in a child's care. The~~
115 ~~information included~~ in the immunization registry must include
116 the child's name, date of birth, address, and any other unique

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117 identifier necessary to correctly identify the child; the
118 immunization record, including the date, type of administered
119 vaccine, and vaccine lot number; and the presence or absence of
120 any adverse reaction or contraindication related to the
121 immunization. Information received by the department for the
122 immunization registry retains its status as confidential medical
123 information and the department must maintain the confidentiality
124 of that information as otherwise required by law. A health care
125 practitioner or other agency that obtains information from the
126 immunization registry must maintain the confidentiality of any
127 medical records in accordance with s. 456.057 or as otherwise
128 required by law.

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

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146 ~~access to the records.~~

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

149 1003.22 School-entry health examinations; immunization
150 against communicable diseases; exemptions; duties of Department
151 of Health.—

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

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

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

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