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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; requiring a specified consent to treatment
10 form to contain a certain notice; providing
11 requirements for electronic availability of, rather
12 than transfer of, immunization records; requiring
13 certain health care practitioners to report data to
14 the immunization registry; authorizing the department
15 to adopt rules; amending s. 1003.22, F.S.; revising
16 school-entry health requirements to require students
17 to have a certificate of immunization on file with the
18 department's immunization registry; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 381.003, Florida Statutes, is amended to
24 read:

25 381.003 Communicable disease and AIDS prevention and
26 control.—

27 (1) The department shall conduct a communicable disease
28 prevention and control program as part of fulfilling its public
29 health mission. A communicable disease is any disease caused by

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30 transmission of a specific infectious agent, or its toxic
31 products, from an infected person, an infected animal, or the
32 environment to a susceptible host, either directly or
33 indirectly. The communicable disease program must include, but
34 need not be limited to:

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

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

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

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

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

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

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59 the registry as immunization services are provided.

60 2. The parent or guardian of a child may refuse to have the
61 child included in the immunization registry by signing an opt-
62 out ~~a~~ form obtained from the department, or from the health care
63 practitioner or entity that provides the immunization, which
64 indicates that the parent or guardian does not wish to have the
65 child included in the immunization registry. Each consent to
66 treatment form provided by a health care practitioner or by an
67 entity that administers vaccinations or causes vaccinations to
68 be administered to children from birth through 17 years of age
69 must contain a notice stating that the parent or guardian of a
70 child may refuse to have his or her child included in the
71 immunization registry. The opt-out form must be provided to the
72 department and to the health care practitioner upon the
73 administration of the vaccination. If the parent or guardian of
74 a child has refused to include the child in the registry, all
75 records regarding the child must be removed from the registry
76 and any reference to the child may not be included ~~decision to~~
77 ~~not participate in the immunization registry must be noted in~~
78 the registry.

79 3. A college or university student, from 19 years of age to
80 23 years of age, who obtains a vaccination from a Florida
81 college or university student health center may refuse to be
82 included in the immunization registry by signing an opt-out form
83 obtained from the department or from a Florida college or
84 university student health center which indicates that the
85 student does not wish to be included in the immunization
86 registry. The opt-out form must be provided to the department
87 and to the health care practitioner upon the administration of

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88 the vaccination. If the college or university student has
89 refused to be included in the registry, all records regarding
90 the student must be removed from the registry and any reference
91 to the student may not be included in the registry.

92 4.3. The immunization registry shall allow for immunization
93 records to be electronically available ~~transferred~~ to entities
94 that are required by law to have such records, including, but
95 not limited to, schools and ~~7~~ licensed child care facilities, ~~and~~
96 ~~any other entity that is required by law to obtain proof of a~~
97 ~~child's immunizations.~~

98 5.4. A ~~Any~~ health care practitioner licensed under chapter
99 458, chapter 459, or chapter 464 in this state who administers
100 vaccinations or causes vaccinations to be administered to
101 children from birth to 18 years of age is required to report
102 vaccination data to the immunization registry, unless a parent
103 or guardian of a child has refused to have the child included in
104 the immunization registry by meeting the requirements of
105 subparagraph 2. A health care practitioner licensed under
106 chapter 458, chapter 459, or chapter 464 in this state who
107 administers vaccinations or causes vaccinations to be
108 administered to college or university students from 19 years of
109 age to 23 years of age at a Florida college or university
110 student health center is required to report vaccination data to
111 the immunization registry, unless the student has refused to be
112 included in the immunization registry by meeting the
113 requirements of subparagraph 3. Vaccination data for other age
114 ranges may be submitted to the immunization registry on a
115 voluntary basis. The upload of data from existing automated
116 systems is an acceptable method for updating immunization

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117 information in the immunization registry. ~~complies with rules~~
118 ~~adopted by the department to access the immunization registry~~
119 ~~may, through the immunization registry, directly access~~
120 ~~immunization records and update a child's immunization history~~
121 ~~or exchange immunization information with another authorized~~
122 ~~practitioner, entity, or agency involved in a child's care.~~ The
123 information ~~included~~ in the immunization registry must include
124 the child's name, date of birth, address, and any other unique
125 identifier necessary to correctly identify the child; the
126 immunization record, including the date, type of administered
127 vaccine, and vaccine lot number; and the presence or absence of
128 any adverse reaction or contraindication related to the
129 immunization. Information received by the department for the
130 immunization registry retains its status as confidential medical
131 information and the department must maintain the confidentiality
132 of that information as otherwise required by law. A health care
133 practitioner or other agency that obtains information from the
134 immunization registry must maintain the confidentiality of any
135 medical records in accordance with s. 456.057 or as otherwise
136 required by law.

137 (2) The department may adopt rules pursuant to ss.
138 120.536(1) and 120.54 to implement this section, ~~repeal, and~~
139 ~~amend rules related to the prevention and control of~~
140 ~~communicable diseases and the administration of the immunization~~
141 ~~registry. Such rules may include procedures for investigating~~
142 ~~disease, timeframes for reporting disease, definitions,~~
143 ~~procedures for managing specific diseases, requirements for~~
144 ~~followup reports of known or suspected exposure to disease, and~~
145 ~~procedures for providing access to confidential information~~

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146 ~~necessary for disease investigations. For purposes of the~~
147 ~~immunization registry, the rules may include procedures for a~~
148 ~~health care practitioner to obtain authorization to use the~~
149 ~~immunization registry, methods for a parent or guardian to elect~~
150 ~~not to participate in the immunization registry, and procedures~~
151 ~~for a health care practitioner licensed under chapter 458,~~
152 ~~chapter 459, or chapter 464 to access and share electronic~~
153 ~~immunization records with other entities allowed by law to have~~
154 ~~access to the records.~~

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

157 1003.22 School-entry health examinations; immunization
158 against communicable diseases; exemptions; duties of Department
159 of Health.—

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

163 (a) Prior to admittance to or attendance in a public or
164 private school, grades kindergarten through 12, or any other
165 initial entrance into a Florida public or private school, each
166 child ~~present or~~ have on file with the immunization registry
167 ~~school~~ a certification of immunization for the prevention of
168 those communicable diseases for which immunization is required
169 by the Department of Health. Any child who is excluded from
170 participation in the immunization registry pursuant to s.
171 381.003(1)(e)2. must present or have on file with the school
172 such certification of immunization and further shall provide for
173 ~~appropriate screening of its students for scoliosis at the~~
174 ~~proper age. Such~~ Certification of immunization shall be made on

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175 forms approved and provided by the Department of Health or be on
176 file with the immunization registry and shall become a part of
177 each student's permanent record, to be transferred when the
178 student transfers, is promoted, or changes schools. The transfer
179 of such immunization certification by Florida public schools
180 shall be accomplished using the Florida Automated System for
181 Transferring Education Records and shall be deemed to meet the
182 requirements of this section.

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

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