

By Senator Martin

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1 A bill to be entitled
2 An act relating to immunization requirements; amending
3 s. 381.003, F.S.; beginning on a specified date,
4 requiring the Department of Health to obtain approval
5 of the Legislature to add any new immunizations to
6 those required for school attendance; making technical
7 changes; creating s. 381.00301, F.S.; defining terms;
8 authorizing persons to claim an exemption from any
9 immunization requirement if a vaccine fully approved
10 by the Food and Drug Administration is not available
11 to fulfill the requirement; authorizing a person to
12 claim the exemption on one's own behalf or on behalf
13 of one's child or dependent; prohibiting employers,
14 school districts, the department, and certain public
15 entities from requiring a person to meet any other
16 conditions to claim the exemption; requiring any
17 person or entity requiring or administering a vaccine
18 to ensure the person receiving the vaccine is informed
19 of specified information and given an opportunity to
20 ask questions; prohibiting the department and certain
21 other public entities from imposing certain mandatory
22 vaccination policies during a declared public health
23 emergency without approval of the Legislature;
24 prohibiting the department and certain other public
25 entities from participating in or employing certain
26 digital health identification registries or similar
27 health data tracking mechanisms without approval of
28 the Legislature; amending s. 1003.22, F.S.; revising
29 exemptions from school attendance immunization

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30 requirements to conform to changes made by the act;
31 making technical changes; providing an effective date.

32
33 WHEREAS, informed consent to medical risk taking is a legal
34 and moral right recognized by the state, and no resident of this
35 state may be required to use vaccines or other pharmaceutical
36 products that carry a risk of injury or death without the
37 voluntary, informed consent of the adult or the parents or legal
38 guardian of a minor child, and

39 WHEREAS, new vaccine requirements for school attendance,
40 employment, or any other societal access should require a vote
41 of the Legislature to enact and should not be delegated to the
42 Department of Health under its rulemaking authority, and

43 WHEREAS, the state should not comply with mandatory
44 vaccination policies or laws enacted by the World Health
45 Organization or the United States Department of Health and Human
46 Services or other federal agencies or organizations during a
47 declared public health emergency without a vote of the
48 Legislature, and

49 WHEREAS, the state should not impose mandatory digital
50 health identification and data tracking requirements adopted by
51 the World Health Organization or the United States Department of
52 Health and Human Services or other federal agencies or
53 organizations on residents of this state without a vote of the
54 Legislature, NOW, THEREFORE,

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Paragraph (e) of subsection (1) of section

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59 381.003, Florida Statutes, is amended to read:

60 381.003 Communicable disease and AIDS prevention and
61 control.-

62 (1) The department shall conduct a communicable disease
63 prevention and control program as part of fulfilling its public
64 health mission. A communicable disease is any disease caused by
65 transmission of a specific infectious agent, or its toxic
66 products, from an infected person, an infected animal, or the
67 environment to a susceptible host, either directly or
68 indirectly. The communicable disease program must include, but
69 need not be limited to:

70 (e) Programs for the prevention and control of vaccine-
71 preventable diseases, including programs to immunize school
72 children as required by s. 1003.22(3)-(11) and the development
73 of an automated, electronic, and centralized database and
74 registry of immunizations. The department shall ensure that all
75 children in this state are immunized against vaccine-preventable
76 diseases. Beginning July 1, 2024, the department must obtain
77 approval of the Legislature to add any new immunizations to
78 those required for school attendance. The immunization registry
79 must allow the department to enhance current immunization
80 activities for the purpose of improving the immunization of all
81 children in this state.

82 1. Except as provided in subparagraph 2., the department
83 shall include all children born in this state in the
84 immunization registry by using the birth records from the Office
85 of Vital Statistics. The department shall add other children to
86 the registry as immunization services are provided.

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

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88 child included in the immunization registry by signing a form
89 obtained from the department, or from the health care
90 practitioner or entity that provides the immunization, which
91 indicates that the parent or guardian does not wish to have the
92 child included in the immunization registry. Each consent to
93 treatment form provided by a health care practitioner or by an
94 entity that administers vaccinations or causes vaccinations to
95 be administered to children from birth through 17 years of age
96 must contain a notice stating that the parent or guardian of a
97 child may refuse to have his or her child included in the
98 immunization registry. The parent or guardian must provide such
99 opt-out form to the health care practitioner or entity upon
100 administration of the vaccination. Such health care practitioner
101 or entity shall submit the form to the department. A parent or
102 guardian may submit the opt-out form directly to the department.
103 Any records or identifying information pertaining to the child
104 must ~~shall~~ be removed from the registry, if the parent or
105 guardian has refused to have his or her child included in the
106 immunization registry.

107 3. A college or university student, from 18 years of age to
108 23 years of age, who obtains a vaccination from a college or
109 university student health center or clinic in this ~~the~~ state may
110 refuse to be included in the immunization registry by signing a
111 form obtained from the department, health center, or clinic
112 which indicates that the student does not wish to be included in
113 the immunization registry. The student must provide such opt-out
114 form to the health center or clinic upon administration of the
115 vaccination. Such health center or clinic shall submit the form
116 to the department. A student may submit the opt-out form

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117 directly to the department. Any records or identifying
118 information pertaining to the student must ~~shall~~ be removed from
119 the registry if the student has refused to be included in the
120 immunization registry.

121 4. The immunization registry must ~~shall~~ allow for
122 immunization records to be electronically available to entities
123 ~~that are~~ required by law to have such records, including, but
124 not limited to, schools and licensed child care facilities.

125 5. A health care practitioner licensed under chapter 458,
126 chapter 459, or chapter 464 in this state who administers
127 vaccinations or causes vaccinations to be administered to
128 children from birth through 17 years of age is required to
129 report vaccination data to the immunization registry, unless a
130 parent or guardian of a child has refused to have the child
131 included in the immunization registry by meeting the
132 requirements of subparagraph 2. A health care practitioner
133 licensed under chapter 458, chapter 459, or chapter 464 in this
134 state who administers vaccinations or causes vaccinations to be
135 administered to college or university students from 18 years of
136 age to 23 years of age at a college or university student health
137 center or clinic is required to report vaccination data to the
138 immunization registry, unless the student has refused to be
139 included in the immunization registry by meeting the
140 requirements of subparagraph 3. Vaccination data for students in
141 other age ranges may be submitted to the immunization registry
142 only if the student consents to inclusion in the immunization
143 registry. The upload of data from existing automated systems is
144 an acceptable method for updating immunization information in
145 the immunization registry. The information in the immunization

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146 registry must include the child's name, date of birth, address,
147 and any other unique identifier necessary to correctly identify
148 the child; the immunization record, including the date, type of
149 administered vaccine, and vaccine lot number; and the presence
150 or absence of any adverse reaction or contraindication related
151 to the immunization. Information received by the department for
152 the immunization registry retains its status as confidential
153 medical information and the department must maintain the
154 confidentiality of that information as otherwise required by
155 law. A health care practitioner or other agency that obtains
156 information from the immunization registry shall ~~must~~ maintain
157 the confidentiality of any medical records in accordance with s.
158 456.057 or as otherwise required by law.

159 Section 2. Section 381.00301, Florida Statutes, is created
160 to read:

161 381.00301 Required immunizations; exemption; informed
162 consent; public health emergencies; health data tracking.-

163 (1) As used in this section, the term:

164 (a) "Department" means the Department of Health.

165 (b) "FDA" means the United States Food and Drug
166 Administration.

167 (c) "FDA-approved vaccine" means a vaccine that has been
168 fully approved by the FDA after undergoing the agency's standard
169 approval process. The term does not include vaccines that the
170 FDA has authorized for emergency use only, pending full
171 approval.

172 (d) "Licensure" means any license, certification, or
173 registration required by law to practice a profession in this
174 state.

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175 (2) Notwithstanding any other law, a person who is required
176 to receive an immunization for any purpose, including as a
177 condition of employment, school attendance, or licensure, may
178 claim an exemption from the immunization requirement if there is
179 no FDA-approved vaccine that can fulfill the immunization
180 requirement. A person may claim the exemption on his or her own
181 behalf or on behalf of his or her child or dependent. An
182 employer, a school district, the department, or any other state
183 agency, board, or commission may not require a person to meet
184 any other condition to claim the exemption.

185 (3) Any entity requiring or administering a vaccine must
186 ensure that the person receiving the vaccine has been fully
187 informed of, and had an opportunity to ask questions regarding,
188 all of the following:

189 (a) Whether the vaccine has been fully approved by the FDA.

190 (b) Any injuries or diseases caused by the vaccine and the
191 rate at which each injury or disease occurs as a result of the
192 vaccine.

193 (c) The risk of permanent disability or death from the
194 vaccine and whether such risk has been proven to be less than
195 that caused by the infection it is intended to prevent.

196 (d) Whether the vaccine's manufacturer assumes liability,
197 including for design defect claims, for any death or injury
198 caused by the vaccine.

199 (4) If a federal agency imposes, or a national or
200 international health organization recommends, any mandatory
201 vaccination policies during a national declaration of a public
202 health emergency, the department or any other state agency,
203 local government, or political subdivision thereof may not adopt

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204 or impose such policies in this state without approval of the
205 Legislature.

206 (5) The department or any other state agency, local
207 government, or political subdivision thereof may not participate
208 in or employ any digital health identification registry or
209 similar mechanism of tracking health data of residents of this
210 state without approval of the Legislature, regardless of whether
211 such registry or mechanism is recommended or required by the
212 Federal Government or any national or international health
213 organization.

214 Section 3. Subsection (5) of section 1003.22, Florida
215 Statutes, is amended to read:

216 1003.22 School-entry health examinations; immunization
217 against communicable diseases; exemptions; duties of Department
218 of Health.—

219 (5) ~~The provisions of~~ This section does shall not apply in
220 the following circumstances if:

221 (a) The parent of the child objects in writing that the
222 administration of immunizing agents conflicts with his or her
223 religious tenets or practices.†

224 (b) A physician licensed under the provisions of chapter
225 458 or chapter 459 certifies in writing, on a form approved and
226 provided by the Department of Health, that the child should be
227 permanently exempt from the required immunization for medical
228 reasons stated in writing, based upon valid clinical reasoning
229 or evidence, demonstrating the need for the permanent
230 exemption.†

231 (c) A physician licensed under the provisions of chapter
232 458, chapter 459, or chapter 460 certifies in writing, on a form

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233 approved and provided by the Department of Health, that the
234 child has received as many immunizations as are medically
235 indicated at the time and is in the process of completing
236 necessary immunizations.~~†~~

237 (d) The Department of Health determines that, according to
238 recognized standards of medical practice, any required
239 immunization is unnecessary or hazardous.~~† or~~

240 (e) The parent of the child claims an exemption under s.
241 381.0029(2) for an immunization required under this section. The
242 exemption from the requirements of this section applies only to
243 the immunization for which the exemption is claimed.

244 (f) An authorized school official issues a temporary
245 exemption, for up to 30 school days, to permit a student who
246 transfers into a new county to attend class until his or her
247 records can be obtained. Children and youths who are
248 experiencing homelessness and children who are known to the
249 department, as defined in s. 39.0016, shall be given a temporary
250 exemption for 30 school days. The public school health nurse or
251 authorized private school official is responsible for the
252 follow-up ~~followup~~ of each such student until proper
253 documentation or immunizations are obtained. An exemption for 30
254 days may be issued for a student who enters a juvenile justice
255 program to permit the student to attend class until his or her
256 records can be obtained or until the immunizations can be
257 obtained. An authorized juvenile justice official is responsible
258 for the follow-up ~~followup~~ of each student who enters a juvenile
259 justice program until proper documentation or immunizations are
260 obtained.

261 Section 4. This act shall take effect upon becoming a law.