

By Senator Montford

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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; deleting a provision
6 that allows the parent or guardian of a child to
7 refuse to have the child included in the immunization
8 registry; providing requirements for electronic
9 availability of, rather than transfer of, immunization
10 records; requiring certain health care practitioners
11 to submit and update vaccination data in the
12 immunization registry; authorizing the department to
13 adopt rules; amending s. 1003.22, F.S.; revising
14 school-entry health requirements to require that
15 students have a certificate of immunization on file
16 with the department's immunization registry; providing
17 effective dates.

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 shall allow the department
50 to enhance current immunization activities for the purpose of
51 improving the immunization of all children in this state.

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

57 2. ~~The parent or guardian of a child may refuse to have the~~
58 ~~child included in the immunization registry by signing a form~~

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

65 2.3. The immunization registry ~~must~~ shall allow for
66 immunization records to be electronically available to
67 ~~transferred to~~ entities that are required by law to have such
68 records, including, but not limited to, schools and ~~7~~ licensed
69 child care facilities, ~~and any other entity that is required by~~
70 ~~law to obtain proof of a child's immunizations.~~

71 3.4. A Any health care practitioner licensed under chapter
72 458, chapter 459, or chapter 464 in this state who administers
73 vaccinations or causes vaccinations to be administered to
74 children from birth to 18 years of age or to students at a
75 student health care facility of a Florida College System
76 institution or a state university shall report vaccination data
77 to the immunization registry. Vaccination data for other age
78 ranges may be submitted to the immunization registry on an
79 optional basis. Automated data upload from existing automated
80 systems is an acceptable method for updating immunization
81 information in the immunization registry. ~~complies with rules~~
82 ~~adopted by the department to access the immunization registry~~
83 ~~may, through the immunization registry, directly access~~
84 ~~immunization records and update a child's immunization history~~
85 ~~or exchange immunization information with another authorized~~
86 ~~practitioner, entity, or agency involved in a child's care. The~~
87 ~~information included~~ in the immunization registry must include

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88 the child's name, date of birth, address, and any other unique
89 identifier necessary to correctly identify the child; the
90 immunization record, including the date, type of administered
91 vaccine, and vaccine lot number; and the presence or absence of
92 any adverse reaction or contraindication related to the
93 immunization. Information received by the department for the
94 immunization registry retains its status as confidential medical
95 information and the department must maintain the confidentiality
96 of that information as otherwise required by law. A health care
97 practitioner or other agency that obtains information from the
98 immunization registry must maintain the confidentiality of any
99 medical records in accordance with s. 456.057 or as otherwise
100 required by law.

101 (2) The department may adopt rules pursuant to ss.
102 120.536(1) and 120.54 to implement this section, ~~repeal,~~ and
103 ~~amend rules related to the prevention and control of~~
104 ~~communicable diseases and the administration of the immunization~~
105 ~~registry. Such rules may include procedures for investigating~~
106 ~~disease, timeframes for reporting disease, definitions,~~
107 ~~procedures for managing specific diseases, requirements for~~
108 ~~followup reports of known or suspected exposure to disease, and~~
109 ~~procedures for providing access to confidential information~~
110 ~~necessary for disease investigations. For purposes of the~~
111 ~~immunization registry, the rules may include procedures for a~~
112 ~~health care practitioner to obtain authorization to use the~~
113 ~~immunization registry, methods for a parent or guardian to elect~~
114 ~~not to participate in the immunization registry, and procedures~~
115 ~~for a health care practitioner licensed under chapter 458,~~
116 ~~chapter 459, or chapter 464 to access and share electronic~~

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117 ~~immunization records with other entities allowed by law to have~~
118 ~~access to the records.~~

119 Section 2. Effective July 1, 2021, subsection (4) of
120 section 1003.22, Florida Statutes, is amended to read:

121 1003.22 School-entry health examinations; immunization
122 against communicable diseases; exemptions; duties of Department
123 of Health.—

124 (4) Each district school board and the governing authority
125 of each private school shall establish and enforce as policy
126 that, prior to admittance to or attendance in a public or
127 private school, grades kindergarten through 12, or any other
128 initial entrance into a Florida public or private school, each
129 child ~~present or~~ have on file with the state registry of
130 immunizations ~~school~~ a certification of immunization for the
131 prevention of those communicable diseases for which immunization
132 is required by the Department of Health and further shall
133 provide for appropriate screening of its students for scoliosis
134 at the proper age. Such certification becomes ~~shall be made on~~
135 ~~forms approved and provided by the Department of Health and~~
136 ~~shall become~~ a part of each student's permanent record, to be
137 transferred when the student transfers, is promoted, or changes
138 schools. The transfer of such immunization certification by
139 Florida public schools shall be accomplished using the Florida
140 Automated System for Transferring Education Records and shall be
141 deemed to meet the requirements of this section.

142 Section 3. Except as otherwise expressly provided in this
143 act, this act shall take effect July 1, 2018.