

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 program
5 under the Department of Health; providing that certain
6 students who obtain vaccinations from a college or
7 university student health center or clinic in the
8 state may refuse to be included in the immunization
9 registry; requiring that an opt-out form be provided
10 to certain health care practitioners and entities upon
11 administration of a vaccination; requiring that such
12 form be submitted to the department; authorizing
13 certain persons to submit such form directly to the
14 department; requiring that any records or identifying
15 information pertaining to a child or college or
16 university student be removed from the registry under
17 certain circumstances; providing requirements for
18 electronic availability of, rather than transfer of,
19 immunization records; requiring certain health care
20 practitioners to report data to the immunization
21 registry; authorizing the department to adopt rules;
22 amending s. 1003.22, F.S.; revising school-entry
23 health requirements to require students to have a
24 certificate of immunization on file with the
25 department's immunization registry; requiring each

26 district school board and the governing authority of
27 each private school to establish and enforce a policy
28 requiring the age-appropriate screening of students
29 for scoliosis; providing an effective date.

30

31 Be It Enacted by the Legislature of the State of Florida:

32

33 Section 1. Section 381.003, Florida Statutes, is amended
34 to read:

35 381.003 Communicable disease and AIDS prevention and
36 control.—

37 (1) The department shall conduct a communicable disease
38 prevention and control program as part of fulfilling its public
39 health mission. A communicable disease is any disease caused by
40 transmission of a specific infectious agent, or its toxic
41 products, from an infected person, an infected animal, or the
42 environment to a susceptible host, either directly or
43 indirectly. The communicable disease program must include, but
44 need not be limited to:

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

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

50 (c) Programs for the prevention and control of sexually

51 transmissible diseases in accordance with chapter 384.

52 (d) Programs for the prevention, control, and reporting of
53 communicable diseases of public health significance as provided
54 for in this chapter.

55 (e) Programs for the prevention and control of vaccine-
56 preventable diseases, including programs to immunize school
57 children as required by s. 1003.22(3)-(11) and the development
58 of an automated, electronic, and centralized database and ~~or~~
59 registry of immunizations. The department shall ensure that all
60 children in this state are immunized against vaccine-preventable
61 diseases. The immunization registry must ~~shall~~ allow the
62 department to enhance current immunization activities for the
63 purpose of improving the immunization of all children in this
64 state.

65 1. Except as provided in subparagraph 2., the department
66 shall include all children born in this state in the
67 immunization registry by using the birth records from the Office
68 of Vital Statistics. The department shall add other children to
69 the registry as immunization services are provided.

70 2. The parent or guardian of a child may refuse to have
71 the child included in the immunization registry by signing a
72 form obtained from the department, or from the health care
73 practitioner or entity that provides the immunization, which
74 indicates that the parent or guardian does not wish to have the
75 child included in the immunization registry. The parent or

76 | guardian must provide such opt-out form to the health care
77 | practitioner or entity upon administration of the vaccination.
78 | Such health care practitioner or entity shall submit the form to
79 | the department. A parent or guardian may submit the opt-out form
80 | directly to the department. Any records or identifying
81 | information pertaining to the child shall be removed from ~~The~~
82 | ~~decision to not participate in the immunization registry must be~~
83 | ~~noted in the registry,~~ if the parent or guardian has refused to
84 | have his or her child included in the immunization registry.

85 | 3. A college or university student, from 18 years of age
86 | to 23 years of age, who obtains a vaccination from a college or
87 | university student health center or clinic in the state may
88 | refuse to be included in the immunization registry by signing a
89 | form obtained from the department, health center, or clinic
90 | which indicates that the student does not wish to be included in
91 | the immunization registry. The student must provide such opt-out
92 | form to the health center or clinic upon administration of the
93 | vaccination. Such health center or clinic shall submit the form
94 | to the department. A student may submit the opt-out form
95 | directly to the department. Any records or identifying
96 | information pertaining to the student shall be removed from the
97 | registry if the student has refused to be included in the
98 | immunization registry.

99 | ~~4.3.~~ The immunization registry shall allow for
100 | immunization records to be electronically available ~~transferred~~

101 to entities that are required by law to have such records,
102 including, but not limited to, schools ~~and,~~ licensed child care
103 facilities, ~~and any other entity that is required by law to~~
104 ~~obtain proof of a child's immunizations.~~

105 5.4. A Any health care practitioner licensed under chapter
106 458, chapter 459, or chapter 464 in this state who administers
107 vaccinations or causes vaccinations to be administered to
108 children from birth through 17 years of age is required to
109 report vaccination data to the immunization registry, unless a
110 parent or guardian of a child has refused to have the child
111 included in the immunization registry by meeting the
112 requirements of subparagraph 2. A health care practitioner
113 licensed under chapter 458, chapter 459, or chapter 464 in this
114 state who administers vaccinations or causes vaccinations to be
115 administered to college or university students from 18 years of
116 age to 23 years of age at a college or university student health
117 center or clinic is required to report vaccination data to the
118 immunization registry, unless the student has refused to be
119 included in the immunization registry by meeting the
120 requirements of subparagraph 3. Vaccination data for students in
121 other age ranges may be submitted to the immunization registry
122 only if the student consents to inclusion in the immunization
123 registry. The upload of data from existing automated systems is
124 an acceptable method for updating immunization information in
125 the immunization registry ~~complies with rules adopted by the~~

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

145 | (2) The department may adopt rules pursuant to ss.
146 | 120.536(1) and 120.54 to implement this section, ~~repeal,~~ and
147 | ~~amend rules related to the prevention and control of~~
148 | ~~communicable diseases and the administration of the immunization~~
149 | ~~registry. Such rules may include procedures for investigating~~
150 | ~~disease, timeframes for reporting disease, definitions,~~

151 ~~procedures for managing specific diseases, requirements for~~
152 ~~followup reports of known or suspected exposure to disease, and~~
153 ~~procedures for providing access to confidential information~~
154 ~~necessary for disease investigations. For purposes of the~~
155 ~~immunization registry, the rules may include procedures for a~~
156 ~~health care practitioner to obtain authorization to use the~~
157 ~~immunization registry, methods for a parent or guardian to elect~~
158 ~~not to participate in the immunization registry, and procedures~~
159 ~~for a health care practitioner licensed under chapter 458,~~
160 ~~chapter 459, or chapter 464 to access and share electronic~~
161 ~~immunization records with other entities allowed by law to have~~
162 ~~access to the records.~~

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

165 1003.22 School-entry health examinations; immunization
166 against communicable diseases; exemptions; duties of Department
167 of Health.—

168 (4) Each district school board and the governing authority
169 of each private school shall establish and enforce policies ~~as~~
170 ~~policy~~ that:7

171 (a) Prior to admittance to or attendance in a public or
172 private school, grades kindergarten through 12, or any other
173 initial entrance into a Florida public or private school,
174 require each child to present ~~or~~ have on file with the
175 immunization registry ~~school~~ a certification of immunization for

176 the prevention of those communicable diseases for which
177 immunization is required by the Department of Health. Any child
178 who is excluded from participation in the immunization registry
179 pursuant to s. 381.003(1)(e)2. must present or have on file with
180 the school such certification of immunization and further shall
181 ~~provide for appropriate screening of its students for scoliosis~~
182 ~~at the proper age. Such Certification of immunization~~ shall be
183 made on forms approved and provided by the Department of Health
184 or be on file with the immunization registry and shall become a
185 part of each student's permanent record, to be transferred when
186 the student transfers, is promoted, or changes schools. The
187 transfer of such immunization certification by Florida public
188 schools shall be accomplished using the Florida Automated System
189 for Transferring Education Records and shall be deemed to meet
190 the requirements of this section.

191 (b) Require the screening of students for scoliosis at the
192 appropriate age.

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