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CS/HB 213, Engrossed 1

2019 Legislature

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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 a specified consent to treatment
10 form to contain a certain notice; requiring that an
11 opt-out form be provided to certain health care
12 practitioners and entities upon administration of a
13 vaccination; requiring that such form be submitted to
14 the department; authorizing certain persons to submit
15 such form directly to the department; requiring that
16 any records or identifying information pertaining to a
17 child or college or university student be removed from
18 the registry under certain circumstances; providing
19 requirements for electronic availability of, rather
20 than transfer of, immunization records; requiring
21 certain health care practitioners to report data to
22 the immunization registry; authorizing the department
23 to adopt rules; amending s. 1003.22, F.S.; revising
24 school-entry health requirements to require students
25 to have a certificate of immunization on file with the

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

31

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

33

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

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

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

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

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

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

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

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

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

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

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76 | child included in the immunization registry. Each consent to
77 | treatment form provided by a health care practitioner or by an
78 | entity that administers vaccinations or causes vaccinations to
79 | be administered to children from birth through 17 years of age
80 | must contain a notice stating that the parent or guardian of a
81 | child may refuse to have his or her child included in the
82 | immunization registry. The parent or guardian must provide such
83 | opt-out form to the health care practitioner or entity upon
84 | administration of the vaccination. Such health care practitioner
85 | or entity shall submit the form to the department. A parent or
86 | guardian may submit the opt-out form directly to the department.
87 | Any records or identifying information pertaining to the child
88 | shall be removed from ~~The decision to not participate in the~~
89 | ~~immunization registry must be noted in the registry, if the~~
90 | parent or guardian has refused to have his or her child included
91 | in the immunization registry.

92 | 3. A college or university student, from 18 years of age
93 | to 23 years of age, who obtains a vaccination from a college or
94 | university student health center or clinic in the state may
95 | refuse to be included in the immunization registry by signing a
96 | form obtained from the department, health center, or clinic
97 | which indicates that the student does not wish to be included in
98 | the immunization registry. The student must provide such opt-out
99 | form to the health center or clinic upon administration of the
100 | vaccination. Such health center or clinic shall submit the form

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101 to the department. A student may submit the opt-out form
 102 directly to the department. Any records or identifying
 103 information pertaining to the student shall be removed from the
 104 registry if the student has refused to be included in the
 105 immunization registry.

106 ~~4.3.~~ The immunization registry shall allow for
 107 immunization records to be electronically available ~~transferred~~
 108 to entities that are required by law to have such records,
 109 including, but not limited to, schools ~~and,~~ licensed child care
 110 facilities, ~~and any other entity that is required by law to~~
 111 ~~obtain proof of a child's immunizations.~~

112 ~~5.4.~~ A Any health care practitioner licensed under chapter
 113 458, chapter 459, or chapter 464 in this state who administers
 114 vaccinations or causes vaccinations to be administered to
 115 children from birth through 17 years of age is required to
 116 report vaccination data to the immunization registry, unless a
 117 parent or guardian of a child has refused to have the child
 118 included in the immunization registry by meeting the
 119 requirements of subparagraph 2. A health care practitioner
 120 licensed under chapter 458, chapter 459, or chapter 464 in this
 121 state who administers vaccinations or causes vaccinations to be
 122 administered to college or university students from 18 years of
 123 age to 23 years of age at a college or university student health
 124 center or clinic is required to report vaccination data to the
 125 immunization registry, unless the student has refused to be

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126 | included in the immunization registry by meeting the
 127 | requirements of subparagraph 3. Vaccination data for students in
 128 | other age ranges may be submitted to the immunization registry
 129 | only if the student consents to inclusion in the immunization
 130 | registry. The upload of data from existing automated systems is
 131 | an acceptable method for updating immunization information in
 132 | the immunization registry ~~complies with rules adopted by the~~
 133 | ~~department to access the immunization registry may, through the~~
 134 | ~~immunization registry, directly access immunization records and~~
 135 | ~~update a child's immunization history or exchange immunization~~
 136 | ~~information with another authorized practitioner, entity, or~~
 137 | ~~agency involved in a child's care.~~ The information included in
 138 | the immunization registry must include the child's name, date of
 139 | birth, address, and any other unique identifier necessary to
 140 | correctly identify the child; the immunization record, including
 141 | the date, type of administered vaccine, and vaccine lot number;
 142 | and the presence or absence of any adverse reaction or
 143 | contraindication related to the immunization. Information
 144 | received by the department for the immunization registry retains
 145 | its status as confidential medical information and the
 146 | department must maintain the confidentiality of that information
 147 | as otherwise required by law. A health care practitioner or
 148 | other agency that obtains information from the immunization
 149 | registry must maintain the confidentiality of any medical
 150 | records in accordance with s. 456.057 or as otherwise required

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151 by law.

152 (2) The department may adopt rules pursuant to ss.
153 120.536(1) and 120.54 to implement this section, ~~repeal, and~~
154 ~~amend rules related to the prevention and control of~~
155 ~~communicable diseases and the administration of the immunization~~
156 ~~registry. Such rules may include procedures for investigating~~
157 ~~disease, timeframes for reporting disease, definitions,~~
158 ~~procedures for managing specific diseases, requirements for~~
159 ~~followup reports of known or suspected exposure to disease, and~~
160 ~~procedures for providing access to confidential information~~
161 ~~necessary for disease investigations. For purposes of the~~
162 ~~immunization registry, the rules may include procedures for a~~
163 ~~health care practitioner to obtain authorization to use the~~
164 ~~immunization registry, methods for a parent or guardian to elect~~
165 ~~not to participate in the immunization registry, and procedures~~
166 ~~for a health care practitioner licensed under chapter 458,~~
167 ~~chapter 459, or chapter 464 to access and share electronic~~
168 ~~immunization records with other entities allowed by law to have~~
169 ~~access to the records.~~

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

172 1003.22 School-entry health examinations; immunization
173 against communicable diseases; exemptions; duties of Department
174 of Health.—

175 (4) Each district school board and the governing authority

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176 of each private school shall establish and enforce policies ~~as~~
 177 ~~policy~~ that:

178 (a) Prior to admittance to or attendance in a public or
 179 private school, grades kindergarten through 12, or any other
 180 initial entrance into a Florida public or private school,
 181 require each child to ~~present or~~ have on file with the
 182 immunization registry ~~school~~ a certification of immunization for
 183 the prevention of those communicable diseases for which
 184 immunization is required by the Department of Health. Any child
 185 who is excluded from participation in the immunization registry
 186 pursuant to s. 381.003(1)(e)2. must present or have on file with
 187 the school such certification of immunization and further shall
 188 ~~provide for appropriate screening of its students for scoliosis~~
 189 ~~at the proper age. Such~~ Certification of immunization shall be
 190 made on forms approved and provided by the Department of Health
 191 or be on file with the immunization registry and shall become a
 192 part of each student's permanent record, to be transferred when
 193 the student transfers, is promoted, or changes schools. The
 194 transfer of such immunization certification by Florida public
 195 schools shall be accomplished using the Florida Automated System
 196 for Transferring Education Records and shall be deemed to meet
 197 the requirements of this section.

198 (b) Require the screening of students for scoliosis at the
 199 appropriate age.

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