

1                   A bill to be entitled  
2           An act relating to public health mandates and  
3           policies; amending s. 381.003, F.S.; prohibiting the  
4           Department of Health from requiring enrollment in the  
5           state's immunization registry or otherwise requiring  
6           persons to submit to immunization tracking;  
7           prohibiting the department from including a person's  
8           immunization records in any interstate or federal  
9           immunization tracking system or otherwise giving an  
10          entity access to a person's immunization records  
11          without first obtaining written informed consent from  
12          the person or person's parent or guardian, as  
13          applicable; prohibiting the department from requiring  
14          a person be vaccinated without first obtaining a  
15          written informed consent from the person or person's  
16          parent or guardian, as applicable; amending s.  
17          381.00322, F.S.; prohibiting a government entity or an  
18          educational entity from adopting, implementing, or  
19          enforcing specified international public health  
20          policies or guidelines unless specifically approved by  
21          the Legislature; amending s. 1003.22, F.S.;  
22          prohibiting the department from requiring, as a  
23          school-entry requirement, that children receive  
24          immunizations approved only for emergency use unless  
25          specifically approved by the Legislature; providing an

26 effective date.

27

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

29

30 Section 1. Subsection (2) of section 381.003, Florida  
 31 Statutes, is renumbered as subsection (3), paragraph (e) of  
 32 subsection (1) is amended, and a new subsection (2) is added to  
 33 that section, to read:

34 381.003 Communicable disease and AIDS prevention and  
 35 control.—

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

44 (e) Programs for the prevention and control of vaccine-  
 45 preventable diseases, including programs to immunize school  
 46 children as required by s. 1003.22(3)-(11) and the development  
 47 of an automated, electronic, and centralized database and  
 48 registry of immunizations. The department may not require  
 49 enrollment in the immunization registry or otherwise require  
 50 persons to submit to any form of immunization tracking. The

51 department shall ensure that all children in this state are  
52 immunized against vaccine-preventable diseases. The immunization  
53 registry must allow the department to enhance current  
54 immunization activities for the purpose of improving the  
55 immunization of all children in this state.

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

61 2. The parent or guardian of a child may refuse to have  
62 the child included in the immunization registry by signing a  
63 form obtained from the department, or from the health care  
64 practitioner or entity that provides the immunization, which  
65 indicates that the parent or guardian does not wish to have the  
66 child included in the immunization registry. Each consent to  
67 treatment form provided by a health care practitioner or by an  
68 entity that administers vaccinations or causes vaccinations to  
69 be administered to children from birth through 17 years of age  
70 must contain a notice stating that the parent or guardian of a  
71 child may refuse to have his or her child included in the  
72 immunization registry. The parent or guardian may either submit  
73 the opt-out form directly to the department or ~~must~~ provide such  
74 form ~~such opt-out form~~ to the health care practitioner or entity  
75 upon administration of the vaccination. Such health care

76 practitioner or entity shall submit the form to the department.  
 77 If a parent or guardian has refused to have his or her child  
 78 included in the immunization registry, ~~A parent or guardian may~~  
 79 ~~submit the opt-out form directly to the department.~~ any records  
 80 or identifying information pertaining to the child must ~~shall~~ be  
 81 removed from the registry, ~~if the parent or guardian has refused~~  
 82 ~~to have his or her child included in the immunization registry.~~

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

99 4. The immunization registry shall allow for immunization  
 100 records to be electronically available to entities that are

101 required by law to have such records, including, but not limited  
102 to, schools and licensed child care facilities. However, the  
103 department may not include a person's immunization records in  
104 any interstate or federal immunization tracking system or  
105 otherwise allow an entity not required by law to have such  
106 records without first obtaining written informed consent from  
107 the person or the person's parent or guardian, if the person is  
108 a minor, to release the immunization records for such purpose.

109         5. A health care practitioner licensed under chapter 458,  
110 chapter 459, or chapter 464 in this state who administers  
111 vaccinations or causes vaccinations to be administered to  
112 children from birth through 17 years of age is required to  
113 report vaccination data to the immunization registry, unless a  
114 parent or guardian of a child has refused to have the child  
115 included in the immunization registry by meeting the  
116 requirements of subparagraph 2. A health care practitioner  
117 licensed under chapter 458, chapter 459, or chapter 464 in this  
118 state who administers vaccinations or causes vaccinations to be  
119 administered to college or university students from 18 years of  
120 age to 23 years of age at a college or university student health  
121 center or clinic is required to report vaccination data to the  
122 immunization registry, unless the student has refused to be  
123 included in the immunization registry by meeting the  
124 requirements of subparagraph 3. Vaccination data for students in  
125 other age ranges may be submitted to the immunization registry

126 only if the student consents to inclusion in the immunization  
127 registry. The upload of data from existing automated systems is  
128 an acceptable method for updating immunization information in  
129 the immunization registry. The information in the immunization  
130 registry must include the child's name, date of birth, address,  
131 and any other unique identifier necessary to correctly identify  
132 the child; the immunization record, including the date, type of  
133 administered vaccine, and vaccine lot number; and the presence  
134 or absence of any adverse reaction or contraindication related  
135 to the immunization. Information received by the department for  
136 the immunization registry retains its status as confidential  
137 medical information and the department must maintain the  
138 confidentiality of that information as otherwise required by  
139 law. A health care practitioner or other agency that obtains  
140 information from the immunization registry must maintain the  
141 confidentiality of any medical records in accordance with s.  
142 456.057 or as otherwise required by law.

143 (2) (a) The department may not require a person to be  
144 vaccinated without a written informed consent form from the  
145 person or the person's parent or guardian, if the person is a  
146 minor.

147 (b) The written informed consent form may be obtained from  
148 the department.

149 Section 2. Section 381.00322, Florida Statutes, is amended  
150 to read:

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151 381.00322 International health organization policies.—A  
152 governmental entity as defined in s. 381.00316 or an educational  
153 institution as defined in s. 381.00319 may not adopt, implement,  
154 or enforce an international health organization's:

155 (1) Public health policies or guidelines unless  
156 specifically approved by the Legislature ~~authorized to do so~~  
157 ~~under state law, rule, or executive order issued by the Governor~~  
158 ~~under s. 252.36.~~

159 (2) Mandatory digital health identifications verifying  
160 vaccination status unless specifically approved by the  
161 Legislature.

162 Section 3. Subsection (3) of section 1003.22, Florida  
163 Statutes, is amended to read:

164 1003.22 School-entry health examinations; immunization  
165 against communicable diseases; exemptions; duties of Department  
166 of Health.—

167 (3) The Department of Health may adopt rules necessary to  
168 administer and enforce this section. The Department of Health,  
169 after consultation with the Department of Education, shall adopt  
170 rules governing the immunization of children against, the  
171 testing for, and the control of preventable communicable  
172 diseases. The rules must include procedures for exempting a  
173 child from immunization requirements. Immunizations must ~~shall~~  
174 be required for poliomyelitis, diphtheria, rubeola, rubella,  
175 pertussis, mumps, tetanus, and other communicable diseases as

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176 | determined by rules of the Department of Health; however, any  
177 | immunization approved by the United States Food and Drug  
178 | Administration only for emergency use or any new vaccine  
179 | recommendation may not be required unless specifically approved  
180 | by the Legislature. The manner and frequency of administration  
181 | of the immunization or testing must ~~shall~~ conform to recognized  
182 | standards of medical practice. The Department of Health shall  
183 | supervise and secure the enforcement of the required  
184 | immunization. Immunizations required by this section shall be  
185 | available at no cost from the county health departments.  
186 |       Section 4. This act shall take effect July 1, 2024.