

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

1  
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~~choose to opt-in to be included in the  
9 immunization registry; requiring a specified consent  
10 to treatment form to contain a certain notice;  
11 requiring that a ~~separate~~ opt-in ~~out~~ immunization  
12 registry consent form be retained in a patient's file  
13 and provided to certain health care practitioners and  
14 entities upon administration of a vaccination;  
15 requiring that such form be submitted to the  
16 department; authorizing certain persons to submit such  
17 form directly to the department; requiring that any  
18 records or identifying information pertaining to a  
19 child or college or university student be removed from  
20 the registry and all department files under certain  
21 circumstances; ~~providing requirements for electronic~~  
22 ~~availability of, rather than transfer of, immunization~~

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

23 ~~records;~~ requiring certain health care practitioners  
24 to report data to the immunization registry;  
25 authorizing the department to adopt rules; amending s.  
26 1003.22, F.S.; ~~revising school entry health~~  
27 ~~requirements to require students to have a certificate~~  
28 ~~of immunization on file with the department's~~  
29 ~~immunization registry;~~ requiring each district school  
30 board and the governing authority of each private  
31 school to establish and enforce a policy requiring the  
32 age-appropriate screening of students for scoliosis;  
33 providing an effective date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. Section 381.003, Florida Statutes, is amended to  
38 read:

39 381.003 Communicable disease and AIDS prevention and control.

40 (1) The department shall conduct a communicable disease  
41 prevention and control program as part of fulfilling its public  
42 health mission. A communicable disease is any disease caused by  
43 transmission of a specific infectious agent, or its toxic  
44 products, from an infected person, an infected animal, or the

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

45 environment to a susceptible host, either directly or  
46 indirectly. The communicable disease program must include, but  
47 need not be limited to:

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

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

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

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

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

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

67 children in this state enrolled to voluntarily participate in  
68 the immunization registry through the submission of separate  
69 opt-in immunization registry consent form defined in subsection  
70 (e)(2) and only contain information on individuals who have  
71 submitted to their immunization provider or the department the  
72 separate opt-in immunization registry consent form defined in  
73 subsection (e)(2).

74 The department for the purposes of operating the immunization  
75 registry must:

- 76 (1) prominently display on the department and registry  
77 websites a link to the separate opt-in immunization  
78 registry consent form and the procedure how to use the  
79 form to revoke previously granted consent;  
80 (2) create a separate opt-in immunization registry consent  
81 form which must disclose what information will be  
82 stored, shared, what entities will have access to the  
83 information in the registry, and it must contain a  
84 separate signature permitting the immunization  
85 provider to release the information to the registry  
86 and a secondary signature to consent to be included in  
87 the registry. The form must also include a separate  
88 section where the individual or the parent or guardian

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

89 if the individual is a minor may complete, sign, and  
90 submit to revoke previously granted consent;

91 (3) within 2 business days of receipt of a form to revoke  
92 consent, remove all information on an individual for  
93 whom consent has been revoked and shall not store in  
94 the registry or any department file any information  
95 for those for whom consent is revoked;

96 (4) before September 30<sup>th</sup>, 2019, make a reasonable effort  
97 to provide notice to all individuals included in the  
98 registry or the parent or guardian if the individual  
99 included in the registry is a minor child for whom no  
100 separate opt-in immunization consent form has been  
101 submitted. The reasonable effort shall include at  
102 least two attempts by the department to provide the  
103 notice required by this section by telephone or email,  
104 by regular mail to the individual's last known  
105 address, or by general outreach efforts through the  
106 individual's health care provider, school district, or  
107 institution of higher education. The notice must  
108 inform the individual or the parent or guardian of a  
109 minor child that the individual's information had been  
110 previously entered in to the registry under assumed

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

111 consent, but that to remain in the registry, a  
112 separate completed opt-in registry consent form must  
113 be provided to the individual's immunization provider  
114 or to the department by January 1, 2021, after which  
115 without submission of the form, their information will  
116 be deleted from the registry and all other department  
117 files at that time;

- 118 (5) within 30 days after the 18<sup>th</sup> birthday of a child who  
119 was previously included in the registry because the  
120 department had received directly or by way of  
121 submission from an immunization provider a separate  
122 opt-in registry consent form signed by the  
123 individual's parent or guardian while the individual  
124 was a minor, make a reasonable effort to provide  
125 notice to an individual. The notice shall inform that:  
126 a. the individual's information is included in the  
127 registry with consent that was provided by the  
128 individual's parent or guardian while the  
129 individual was a minor; and  
130 b. the immunization information will remain in the  
131 registry until the date of the individual's 23<sup>rd</sup>  
132 birthday and then will be removed unless the

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

133 individual or the individual's legally authorized  
134 representative revokes consent initiating an  
135 immediate removal of all information stored in the  
136 registry and other department files;

137 (6) after an individual's 22nd birthday, but before their  
138 23<sup>rd</sup> birthday, make a reasonable effort to provide  
139 notice to an individual whose immunization information  
140 is included in the registry with consent that was  
141 provided under subsection (e)(2). The reasonable  
142 effort shall include at least two attempts by the  
143 department to provide the notice required by this  
144 subsection by telephone or e-mail, by regular mail to  
145 the individual's last known address, or by general  
146 outreach efforts through the individual's health care  
147 provider or institution of higher education. The  
148 notice must inform the individual that the  
149 individual's immunization records will be included in  
150 the immunization registry until the individual's 23<sup>rd</sup>  
151 birthday, after which the information will be deleted  
152 and how the individual can request a certified copy of  
153 their record before the information is deleted.

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

154 (7) make a reasonable effort to obtain current contact  
155 information for written or electronic notices sent by  
156 the department under this section that are returned  
157 due to incorrect address information.

158  
159 1. Except as provided in subparagraph 2., the department shall  
160 ~~include~~provide the parents and guardians of all children born in  
161 this state ~~in~~ the separate opt-in immunization registry consent  
162 form defined in 381.003 (1)(e)(2). The department ~~immunization~~  
163 ~~registry by~~shall only useing the birth records from the Office  
164 of Vital Statistics to start a registry record for the child if  
165 and only if the department has received the separate opt-in  
166 immunization registry consent form from the child's parent or  
167 guardian. The department shall add other children to the  
168 registry as immunization services are provided and signed opt-  
169 in registry consent forms are submitted by the child's parent  
170 or guardian.

171 2. The parent or guardian of a child may choose to opt-in  
172 ~~refuse~~ to have the child included in the immunization registry  
173 by signing a separate opt-in immunization registry form defined  
174 in 381.003 (1) (e)(2) and obtained from the department, or from



Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

175 the health care practitioner or entity that provides the  
176 immunization, which indicates that the parent or guardian ~~does~~  
177 ~~not~~wishes to have the child included in the immunization  
178 registry. Each consent to treatment form provided by a health  
179 care practitioner or by an entity that administers vaccinations  
180 or causes vaccinations to be administered to children from  
181 birth through 17 years of age must contain a notice stating  
182 that the ~~parent or guardian of a child may refuse to have his~~  
183 ~~or her~~ child may only be included in the immunization registry  
184 if . The parent or guardian ~~must~~ provides such opt-~~inout~~ forms  
185 specified in in 381.003 (1)(e)(2) to the health care  
186 practitioner or entity upon administration of the vaccination.  
187 Such health care practitioner or entity shall submit the form  
188 to the department. A parent or guardian may submit the opt-  
189 ~~inout~~ form directly to the department. Any records or  
190 identifying information pertaining to the child shall be  
191 removed from ~~The decision to not participate in the~~  
192 ~~immunization registry must be noted in the registry~~ and all  
193 other department files within 30 days of receipt of a request  
194 to revoke consent submitted on the form specified in in 381.003  
195 (e)(2) ~~if the parent or guardian of has refused to have his or~~  
196 ~~her child included in the immunization registry.~~

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

197 3. A college or university student, from 18 years of age to 23  
198 years of age, who obtains a vaccination from a college or  
199 university student health center or clinic in the state may  
200 ~~choose refuse to opt-in to be included in~~ the immunization  
201 registry by signing ~~the separate opt-in immunization registry a~~  
202 form ~~defined in 381.003(1) (e)(2) and~~ obtained from the  
203 department, health center, or clinic which indicates that the  
204 student ~~does not~~ wishes to be included in the immunization  
205 registry. The student must provide such ~~opt-in~~ form to the  
206 health center or clinic upon administration of the vaccination  
207 ~~if they want the immunization included in the registry and they~~  
208 ~~have not previously provided the opt-in consent form to the~~  
209 ~~provider~~. Such health center or clinic shall submit the form to  
210 the department. A student may submit the ~~opt-in~~ form  
211 directly to the department. Any records or identifying  
212 information pertaining to the student shall be removed from the  
213 registry if the student has ~~revoked previously granted opt-in~~  
214 ~~consent refused to be included in~~ the immunization registry.

215 4.3- The immunization registry shall allow for  
216 immunization records to be electronically ~~available~~ transferred  
217 ~~transferred~~ to entities that are required by law to have such  
218 records, including, ~~but not limited to,~~ schools ~~and,~~ licensed

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

219 child care facilities, ~~and any other entity that is required by~~  
220 ~~law to obtain proof of a child's immunizations.~~

221 5.4. A ~~Any~~ health care practitioner licensed under chapter  
222 458, chapter 459, or chapter 464 in this state who administers  
223 vaccinations or causes vaccinations to be administered to  
224 children from birth through 17 years of age is required to  
225 report vaccination data to the immunization registry,~~if and only~~  
226 ~~if-unless~~ a parent or guardian of a child has provided a signed  
227 opt-in immunization registry consent form ~~refused to have for~~  
228 the child ~~to be~~ included in the immunization registry by meeting  
229 the requirements of subparagraph 2. A health care practitioner  
230 licensed under chapter 458, chapter 459, or chapter 464 in this  
231 state who administers vaccinations or causes vaccinations to be  
232 administered to college or university students from 18 years of  
233 age to 23 years of age at a college or university student health  
234 center or clinic is required to report vaccination data to the  
235 immunization registry ~~if and only if,~~ ~~unless~~ the student has  
236 opted-in ~~refused~~ to be included in the immunization registry by  
237 meeting the requirements of subparagraph 3. Vaccination data for  
238 students in other age ranges may be submitted to the  
239 immunization registry only if the student consents to inclusion  
240 in the immunization registry ~~by submitting the separate opt-in~~

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

241 immunization registry consent form defined in 381.003 (1)  
242 (e)(2). The upload of data ~~from existing automated systems must~~  
243 be initiated by the immunization provider and ensure that only  
244 vaccination and identifying data attributed to a vaccine  
245 recipient who has submitted such opt-in form is transmitted ~~is~~  
246 ~~an acceptable method for updating immunization information in~~  
247 ~~the immunization registry~~ complies with rules adopted by the  
248 ~~department to access the immunization registry may, through the~~  
249 ~~immunization registry, directly access immunization records and~~  
250 ~~update a child's immunization history or exchange immunization~~  
251 ~~information with another authorized practitioner, entity, or~~  
252 ~~agency involved in a child's care. The information included in~~  
253 the immunization registry must only include the child's name,  
254 date of birth, address, and any other unique identifier  
255 necessary to correctly identify the child; the immunization  
256 record, including the date, type of administered vaccine,  
257 manufacturer and vaccine lot number; and the presence or absence  
258 of any adverse reaction or contraindication related to the  
259 immunization, and the name and address of the immunization  
260 provider. It must not include any information about the  
261 existence of or details about a medical or religious exemption  
262 to vaccination requirements. Information sent to and received by

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

263 the department for the immunization registry retains its status  
264 as confidential medical information and the department must  
265 maintain the confidentiality of that information as otherwise  
266 required by law. A health care practitioner or other agency that  
267 obtains information from the immunization registry or sends  
268 information to the registry must maintain the confidentiality of  
269 any medical records in accordance with s. 456.057 or as  
270 otherwise required by law.

271 (2) The department may adopt rules pursuant to ss.  
272 120.536(1) and 120.54 to implement this section, repeal, and  
273 ~~amend rules related to the prevention and control of~~  
274 ~~communicable diseases and the administration of the immunization~~  
275 ~~registry. Such rules may include procedures for investigating~~  
276 ~~disease, timeframes for reporting disease, definitions,~~  
277 ~~procedures for managing specific diseases, requirements for~~  
278 ~~followup reports of known or suspected exposure to disease, and~~  
279 ~~procedures for providing access to confidential information~~  
280 ~~necessary for disease investigations. For purposes of the~~  
281 ~~immunization registry, the rules may include procedures for a~~  
282 ~~health care practitioner to obtain authorization to use the~~  
283 ~~immunization registry, methods for a parent or guardian to elect~~  
284 ~~not to participate in the immunization registry, and procedures~~

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

285 ~~for a health care practitioner licensed under chapter 458,~~  
286 ~~chapter 459, or chapter 464 to access and share electronic~~  
287 ~~immunization records with other entities allowed by law to have~~  
288 ~~access to the records.~~

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

291 1003.22 School-entry health examinations; immunization  
292 against communicable diseases; exemptions; duties of Department  
293 of Health.—

294 (4) Each district school board and the governing authority  
295 of each private school shall establish and enforce policies ~~as~~  
296 ~~policy~~ that:

297 (a) Prior to admittance to or attendance in a public or private  
298 school, grades kindergarten through 12, or any other initial  
299 entrance into a Florida public or private school, require each  
300 child-parent or guardian to submit proof of vaccination or a  
301 medical or religious vaccine exemption form. Proof of  
302 vaccination present or can be either a letter signed by a  
303 child's doctor listing vaccines administered and date they were  
304 administered or have on file with the immunization registry  
305 ~~school~~ a certification of immunization for the prevention of  
306 those communicable diseases for which immunization is required

Proposed Changes to ENROLLED CS/HB 213, 2019 Legislature

307 by the Department of Health. Any child whose parent or guardian  
308 has not submitted the separate opt-in immunization registry  
309 consent form in ~~is excluded from participation in the~~  
310 immunization registry pursuant to s. ~~381.003(1)(e)2.~~ must  
311 present or have on file with the school a letter from the  
312 child's doctor ~~such~~ certifying the vaccines the child has  
313 received and the dates of receipt. ~~ication of immunization~~ and  
314 further shall provide for appropriate screening of its students  
315 for scoliosis at the proper age. Such Letters provided by a  
316 child's doctor certifying ~~Certification of~~ immunization shall  
317 be made on forms approved and provided by the Department of  
318 Health. ~~or be on file with the immunization registry~~ and shall  
319 become a part of each student's permanent record, to be  
320 transferred when the student transfers, is promoted, or changes  
321 schools. The transfer of such immunization certification by  
322 Florida public schools shall be accomplished using the Florida  
323 Automated System for Transferring Education Records and shall  
324 be deemed to meet the requirements of this section.

325 (b) Require the screening of students for scoliosis at the  
326 appropriate age.

327 Section 3. This act shall take effect September ~~January~~ 1,  
328 2020~~1~~.