

ENROLLED

CS/HB 213, Engrossed 1

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 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.~~