

CHAPTER 2019-107

Committee Substitute for House Bill No. 213

An act relating to immunization registry; amending s. 381.003, F.S.; revising provisions relating to the communicable disease prevention and control program under the Department of Health; providing that certain students who obtain vaccinations from a college or university student health center or clinic in the state may refuse to be included in the immunization registry; requiring a specified consent to treatment form to contain a certain notice; requiring that an opt-out form be provided to certain health care practitioners and entities upon administration of a vaccination; requiring that such form be submitted to the department; authorizing certain persons to submit such form directly to the department; requiring that any records or identifying information pertaining to a child or college or university student be removed from the registry under certain circumstances; providing requirements for electronic availability of, rather than transfer of, immunization records; requiring certain health care practitioners to report data to the immunization registry; authorizing the department to adopt rules; amending s. 1003.22, F.S.; revising school-entry health requirements to require students to have a certificate of immunization on file with the department's immunization registry; requiring each district school board and the governing authority of each private school to establish and enforce a policy requiring the age-appropriate screening of students for scoliosis; providing an effective date.

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

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

381.003 Communicable disease and AIDS prevention and control.—

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

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

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

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

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

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

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

2. The parent or guardian of a child may refuse to have the child included in the immunization registry by signing a form obtained from the department, or from the health care practitioner or entity that provides the immunization, which indicates that the parent or guardian does not wish to have the child included in the immunization registry. Each consent to treatment form provided by a health care practitioner or by an entity that administers vaccinations or causes vaccinations to be administered to children from birth through 17 years of age must contain a notice stating that the parent or guardian of a child may refuse to have his or her child included in the immunization registry. The parent or guardian must provide such opt-out form to the health care practitioner or entity upon administration of the vaccination. Such health care practitioner or entity shall submit the form to the department. A parent or guardian may submit the opt-out form directly to the department. Any records or identifying information pertaining to the child shall be removed from ~~The decision to not participate in the immunization registry must be noted in the registry, if the parent or guardian has refused to have his or her child included in the immunization registry.~~

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

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

~~5.4.~~ A Any health care practitioner licensed under chapter 458, chapter 459, or chapter 464 in this state who administers vaccinations or causes vaccinations to be administered to children from birth through 17 years of age is required to report vaccination data to the immunization registry, unless a parent or guardian of a child has refused to have the child included in the immunization registry by meeting the requirements of subparagraph 2. A health care practitioner licensed under chapter 458, chapter 459, or chapter 464 in this state who administers vaccinations or causes vaccinations to be administered to college or university students from 18 years of age to 23 years of age at a college or university student health center or clinic is required to report vaccination data to the immunization registry, unless the student has refused to be included in the immunization registry by meeting the requirements of subparagraph 3. Vaccination data for students in other age ranges may be submitted to the immunization registry only if the student consents to inclusion in the immunization registry. The upload of data from existing automated systems is an acceptable method for updating immunization information in the immunization registry ~~complies with rules adopted by the department to access the immunization registry may, through the immunization registry, directly access immunization records and update a child's immunization history or exchange immunization information with another authorized practitioner, entity, or agency involved in a child's care.~~ The information included in the immunization registry must include the child's name, date of birth, address, and any other unique identifier necessary to correctly identify the child; the immunization record, including the date, type of administered vaccine, and vaccine lot number; and the presence or absence of any adverse reaction or contraindication related to the immunization. Information received by the department for the immunization registry retains its status as confidential medical information and the department must maintain the confidentiality of that information as otherwise required by law. A health care practitioner or other agency that obtains information from the immunization registry must maintain the confidentiality of any medical records in accordance with s. 456.057 or as otherwise required by law.

(2) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section, ~~repeal, and amend rules related to the prevention and control of communicable diseases and the administration of the immunization registry.~~ Such rules may include procedures for investigating disease, timeframes for reporting disease, definitions, procedures for managing specific diseases, requirements for followup reports of known or suspected exposure to disease, and procedures for providing access to confidential information necessary for disease investigations. For purposes of the immunization registry, the rules may include procedures for a health

~~care practitioner to obtain authorization to use the immunization registry, methods for a parent or guardian to elect not to participate in the immunization registry, and procedures for a health care practitioner licensed under chapter 458, chapter 459, or chapter 464 to access and share electronic immunization records with other entities allowed by law to have access to the records.~~

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

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

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

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

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

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

Approved by the Governor June 18, 2019.

Filed in Office Secretary of State June 18, 2019.