

By the Committee on Health Policy; and Senator Yarborough

588-02218-26

20261756c1

A bill to be entitled

An act relating to medical freedom; providing a short title; amending s. 381.00315, F.S.; providing construction; amending s. 456.0575, F.S.; requiring certain health care practitioners and paramedics to, before administering a vaccine to a minor child, inform the parent or legal guardian of certain information using materials approved and adopted by joint rule of the Board of Medicine and the Board of Osteopathic Medicine; requiring such practitioners and paramedics to obtain the signature of a minor child's parent or guardian acknowledging receipt of such information; requiring health care practitioners to discuss certain information with a minor child's parent or guardian when more than one vaccine is to be administered; authorizing a health care practitioner, at the request of the parent or guardian, to administer the vaccines to the minor child over multiple encounters; providing that specified amendments made by the act to s. 456.0575, F.S., take effect within a specified timeframe after the Board of Medicine and the Board of Osteopathic Medicine adopt certain materials by joint rule; requiring the boards to immediately notify the Division of Law Revision of their adoption of such materials; creating ss. 458.3351, 459.0156, and 464.0181, F.S.; providing certain health care practitioners immunity from civil and criminal liability and disciplinary action for prescribing or administering ivermectin to adults

588-02218-26

20261756c1

30 under certain circumstances; creating s. 465.1897,
31 F.S.; authorizing pharmacists to provide ivermectin to
32 adults without a prescription as a behind-the-counter
33 medication until the United States Food and Drug
34 Administration approves it for over-the-counter sale;
35 requiring pharmacists to provide specified information
36 before providing the ivermectin; providing pharmacists
37 acting in good faith with immunity from civil and
38 criminal liability and disciplinary action for
39 providing ivermectin to adults; authorizing the Board
40 of Pharmacy to adopt rules; amending s. 1003.22, F.S.;
41 revising exemptions from school-entry immunization
42 requirements; requiring the Department of Health to
43 make the immunization exemption form for religious or
44 conscience-based exemptions publicly available on its
45 website; specifying procedures and requirements for
46 receiving such exemptions; revising requirements and
47 procedures for declarations of a communicable disease
48 emergency; providing an effective date.

49

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

51

52 Section 1. This act may be cited as the "Medical Freedom
53 Act."

54 Section 2. Paragraph (d) of subsection (2) of section
55 381.00315, Florida Statutes, is amended to read:
56 381.00315 Public health advisories; public health
57 emergencies; isolation and quarantines.—The State Health Officer
58 is responsible for declaring public health emergencies, issuing

588-02218-26

20261756c1

59 public health advisories, and ordering isolation or quarantines.

60 (2)

61 (d) The State Health Officer, upon declaration of a public
62 health emergency, may take actions that are necessary to protect
63 the public health. Such actions include, but are not limited to:

64 1. Directing manufacturers of prescription drugs or over-
65 the-counter drugs who are permitted under chapter 499 and
66 wholesalers of prescription drugs located in this state who are
67 permitted under chapter 499 to give priority to the shipping of
68 specified drugs to pharmacies and health care providers within
69 geographic areas identified by the State Health Officer. The
70 State Health Officer must identify the drugs to be shipped.
71 Manufacturers and wholesalers located in the state must respond
72 to the State Health Officer's priority shipping directive before
73 shipping the specified drugs.

74 2. Notwithstanding chapters 465 and 499 and rules adopted
75 thereunder, directing pharmacists employed by the department to
76 compound bulk prescription drugs and provide these bulk
77 prescription drugs to physicians and nurses of county health
78 departments or any qualified person authorized by the State
79 Health Officer for administration to persons as part of a
80 prophylactic or treatment regimen.

81 3. Notwithstanding s. 456.036, temporarily reactivating the
82 inactive license of the following health care practitioners,
83 when such practitioners are needed to respond to the public
84 health emergency: physicians licensed under chapter 458 or
85 chapter 459; physician assistants licensed under chapter 458 or
86 chapter 459; licensed practical nurses, registered nurses, and
87 advanced practice registered nurses licensed under part I of

588-02218-26

20261756c1

88 chapter 464; respiratory therapists licensed under part V of
89 chapter 468; and emergency medical technicians and paramedics
90 certified under part III of chapter 401. Only those health care
91 practitioners specified in this paragraph who possess an
92 unencumbered inactive license and who request that such license
93 be reactivated are eligible for reactivation. An inactive
94 license that is reactivated under this paragraph shall return to
95 inactive status when the public health emergency ends or before
96 the end of the public health emergency if the State Health
97 Officer determines that the health care practitioner is no
98 longer needed to provide services during the public health
99 emergency. Such licenses may only be reactivated for a period
100 not to exceed 90 days without meeting the requirements of s.
101 456.036 or chapter 401, as applicable.

102 4. Ordering an individual to be examined, tested, treated,
103 isolated, or quarantined for communicable diseases that have
104 significant morbidity or mortality and present a severe danger
105 to public health. Individuals who are unable or unwilling to be
106 examined, tested, or treated for reasons of health, religion, or
107 conscience may be subjected to isolation or quarantine. For the
108 purposes of this subparagraph, the State Health Officer's
109 authority to treat or order treatment does not include the
110 authority to order a vaccination.

111 a. Examination, testing, or treatment may be performed by
112 any qualified person authorized by the State Health Officer.

113 b. If the individual poses a danger to the public health,
114 the State Health Officer may subject the individual to isolation
115 or quarantine. If there is no practical method to isolate or
116 quarantine the individual, the State Health Officer may use any

588-02218-26

20261756c1

117 means necessary to treat the individual.

118 c. Any order of the State Health Officer given to
119 effectuate this paragraph is immediately enforceable by a law
120 enforcement officer under s. 381.0012.

121 Section 3. Section 456.0575, Florida Statutes, is amended
122 to read:

123 456.0575 Duty to notify patients.—

124 (1) ADVERSE INCIDENTS.—A ~~Every licensed~~ health care
125 practitioner shall inform each patient, or an individual
126 identified pursuant to s. 765.401(1), in person about adverse
127 incidents that result in serious harm to the patient.
128 Notification of outcomes of care that result in harm to the
129 patient under this section does not constitute an acknowledgment
130 of admission of liability, nor can such notifications be
131 introduced as evidence.

132 (2) VACCINATIONS OF MINORS.—

133 (a) Each health care practitioner authorized by law to
134 administer vaccines, and each paramedic acting pursuant to s.
135 401.272, shall, before administering a vaccine to a minor child,
136 provide the parent or guardian with information on the risks,
137 benefits, safety, and efficacy of each vaccine being
138 administered, using materials approved and adopted by joint rule
139 of the Board of Medicine and the Board of Osteopathic Medicine.

140 (b) Before administering a vaccine or vaccines to a minor
141 child, the health care practitioner or paramedic must obtain the
142 signature of the parent or guardian acknowledging receipt of the
143 information required under paragraph (a).

144 (c) When more than one vaccine is to be administered, the
145 health care practitioner shall discuss the timing of multiple

588-02218-26

20261756c1

146 vaccinations with the child's parent or guardian and the
147 parent's or guardian's options for such timing before
148 administering the initial vaccination. At the request of the
149 parent or guardian, such a health care practitioner may
150 administer vaccines to the minor child over multiple encounters.

151 (3) GOOD FAITH ESTIMATE OF CHARGES.—Upon request by a
152 patient, before providing nonemergency medical services in a
153 facility licensed under chapter 395, a health care practitioner
154 shall provide, in writing or by electronic means, a good faith
155 estimate of reasonably anticipated charges to treat the
156 patient's condition at the facility. The health care
157 practitioner shall provide the estimate to the patient within 7
158 business days after receiving the request and is not required to
159 adjust the estimate for any potential insurance coverage. The
160 health care practitioner shall inform the patient that the
161 patient may contact his or her health insurer or health
162 maintenance organization for additional information concerning
163 cost-sharing responsibilities. The health care practitioner
164 shall provide information to uninsured patients and insured
165 patients for whom the practitioner is not a network provider or
166 preferred provider which discloses the practitioner's financial
167 assistance policy, including the application process, payment
168 plans, discounts, or other available assistance, and the
169 practitioner's charity care policy and collection procedures.
170 Such estimate does not preclude the actual charges from
171 exceeding the estimate. Failure to provide the estimate in
172 accordance with this subsection, without good cause, shall
173 result in disciplinary action against the health care
174 practitioner and a daily fine of \$500 until the estimate is

588-02218-26

20261756c1

175 provided to the patient. The total fine may not exceed \$5,000.

176 Section 4. The amendments made by this act to s.

177 456.0575(2)(a) and (b), Florida Statutes, relating to
178 information that must be provided to parents or guardians before
179 the administration of a vaccination to a minor are effective 30
180 days after the Board of Medicine and the Board of Osteopathic
181 Medicine adopt by joint rule the informational materials as
182 required under that subsection. The Board of Medicine and the
183 Board of Osteopathic Medicine shall notify the Division of Law
184 Revision immediately upon their adoption of such materials.

185 Section 5. Section 458.3351, Florida Statutes, is created
186 to read:

187 458.3351 Prescription or administration of ivermectin.—A
188 health care practitioner who is licensed under this chapter and
189 whose license includes prescribing authority is immune from
190 civil or criminal liability or disciplinary action for
191 prescribing or administering ivermectin to an adult in good
192 faith in accordance with this chapter and rules pertaining to
193 his or her practice.

194 Section 6. Section 459.0156, Florida Statutes, is created
195 to read:

196 459.0156 Prescription or administration of ivermectin.—A
197 health care practitioner who is licensed under this chapter and
198 whose license includes prescribing authority is immune from
199 civil or criminal liability or disciplinary action for
200 prescribing or administering ivermectin to an adult in good
201 faith in accordance with this chapter and rules pertaining to
202 his or her practice.

203 Section 7. Section 464.0181, Florida Statutes, is created

588-02218-26

20261756c1

204 to read:

205 464.0181 Prescription or administration of ivermectin.—A
206 health care practitioner who is licensed under this chapter and
207 whose license includes prescribing authority is immune from
208 civil or criminal liability or disciplinary action for
209 prescribing or administering ivermectin to an adult in good
210 faith in accordance with this chapter and rules pertaining to
211 his or her practice.

212 Section 8. Section 465.1897, Florida Statutes, is created
213 to read:

214 465.1897 Sale of ivermectin without a prescription.—
215 (1) A pharmacist may provide ivermectin to a person 18
216 years of age or older without a prescription as a behind-the-
217 counter medication until the United States Food and Drug
218 Administration approves it for over-the-counter sale.

219 (2) Before providing ivermectin under this section, the
220 pharmacist shall provide the person with written information
221 regarding the indications and contraindications for ivermectin,
222 the appropriate dosage, and the need to seek follow-up care from
223 the person's primary care physician.

224 (3) A pharmacist acting in good faith is immune from civil
225 or criminal liability or disciplinary action for providing
226 ivermectin to an adult in accordance with this section.

227 (4) The board may adopt rules to implement this section.
228 Section 9. Subsections (5) and (9) of section 1003.22,
229 Florida Statutes, are amended to read:

230 1003.22 School-entry health examinations; immunization
231 against communicable diseases; exemptions; duties of Department
232 of Health.—

588-02218-26

20261756c1

233 (5) A child is exempt from immunization requirements in
234 subsection (3) The provisions of this section shall not apply
235 if:

236 (a) The parent of the child presents to the school, on a
237 form approved and provided by the Department of Health and made
238 available on its website, an attestation objects in writing that
239 the administration of immunizing agents conflicts with the
240 parent's his or her religious tenets or practices or conscience;

241 (b) A physician licensed under ~~the provisions of chapter~~
242 458 or chapter 459 certifies in writing, on a form approved and
243 provided by the Department of Health, that the child should be
244 permanently exempt from one or more of the required
245 immunizations immunization for medical reasons stated in
246 writing, based upon valid clinical reasoning or evidence,
247 demonstrating the need for the permanent exemption;

248 (c) A physician licensed under ~~the provisions of chapter~~
249 458, chapter 459, or chapter 460 certifies in writing, on a form
250 approved and provided by the Department of Health, that the
251 child has received as many immunizations as are medically
252 indicated at the time and is in the process of completing the
253 other required necessary immunizations;

254 (d) The Department of Health determines that, according to
255 recognized standards of medical practice, any required
256 immunization is unnecessary or hazardous; or

257 (e) An authorized school official issues a temporary
258 exemption, for up to 30 school days, to allow permit a student
259 who transfers into a new county to attend class until his or her
260 records can be obtained. Children and youths who are
261 experiencing homelessness and children who are known to the

588-02218-26

20261756c1

262 department, as defined in s. 39.0016, shall be given a temporary
263 exemption for 30 school days. The public school health nurse or
264 authorized private school official is responsible for follow-up
265 ~~followup~~ of each such student until proper documentation or
266 immunizations are obtained. An exemption for 30 days may be
267 issued for a student who enters a juvenile justice program to
268 allow ~~permit~~ the student to attend class until his or her
269 records can be obtained or until the immunizations can be
270 administered ~~obtained~~. An authorized juvenile justice official
271 is responsible for follow-up ~~followup~~ of each student who enters
272 a juvenile justice program until proper documentation is
273 obtained or immunizations are administered ~~obtained~~.

274 (9) The presence of any of the communicable diseases for
275 which immunization is required under subsection (3) ~~by the~~
276 ~~Department of Health~~ in a Florida public or private school
277 authorizes ~~shall permit~~ the county health department director or
278 administrator or the State Health Officer to declare a
279 communicable disease emergency. The declaration of such
280 emergency must ~~shall~~ mandate that all students attending in
281 ~~attendance in~~ the school who have not been immunized against the
282 diseases specified in subsection (3) ~~or related Department of~~
283 Health rules ~~are not in compliance with the provisions of this~~
284 ~~section~~ be identified by the district school board or by the
285 governing authority of the private school, ~~and~~ and the school
286 health and immunization records of such children must ~~shall~~ be
287 made available to the county health department director or
288 administrator. ~~These~~ Children who are identified as not having
289 been being immunized against the disease for which the emergency
290 has been declared must ~~shall~~ be temporarily excluded from school

588-02218-26

20261756c1

291 attendance by the district school board, or the governing
292 authority of the private school, until ~~such time as is specified~~
293 by the county health department director or administrator
294 declares that the communicable disease emergency has ended.

295 Section 10. This act shall take effect July 1, 2026.