

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

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

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

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

Section 2. Paragraph (d) of subsection (2) of section 381.00315, Florida Statutes, is amended to read:

381.00315 Public health advisories; public health emergencies; isolation and quarantines.—The State Health Officer is responsible for declaring public health emergencies, issuing

588-02218-26

20261756c1

public health advisories, and ordering isolation or quarantines.

(2)

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

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

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

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

588-02218-26

20261756c1

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

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

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

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

588-02218-26

20261756c1

means necessary to treat the individual.

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

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

456.0575 Duty to notify patients.—

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

(2) VACCINATIONS OF MINORS.—

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

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

(c) When more than one vaccine is to be administered, the 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

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

Section 4. The amendments made by this act to s. 456.0575(2)(a) and (b), Florida Statutes, relating to information that must be provided to parents or guardians before the administration of a vaccination to a minor are effective 30 days after the Board of Medicine and the Board of Osteopathic Medicine adopt by joint rule the informational materials as required under that subsection. The Board of Medicine and the Board of Osteopathic Medicine shall notify the Division of Law Revision immediately upon their adoption of such materials.

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

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

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

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

Section 7. Section 464.0181, Florida Statutes, is created

588-02218-26

20261756c1

to read:

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

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

465.1897 Sale of ivermectin without a prescription.—

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

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

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

(4) The board may adopt rules to implement this section.

Section 9. Subsections (5) and (9) of section 1003.22, Florida Statutes, are amended to read:

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

588-02218-26

20261756c1

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

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

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

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

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

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

588-02218-26

20261756c1

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

(9) The presence of any of the communicable diseases for which immunization is required under subsection (3) ~~by the Department of Health~~ in a Florida public or private school authorizes ~~shall permit~~ the county health department director or administrator or the State Health Officer to declare a communicable disease emergency. The declaration of such emergency must ~~shall~~ mandate that all students attending in ~~attendance in~~ the school who have not been immunized against the diseases specified in subsection (3) or related Department of Health rules ~~are not in compliance with the provisions of this section~~ be identified by the district school board or by the governing authority of the private school, ~~and~~ [†] and the school health and immunization records of such children must ~~shall~~ be made available to the county health department director or administrator. ~~Those~~ Children who are identified as not having ~~been being~~ immunized against the disease for which the emergency 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.