

1 A bill to be entitled
2 An act relating to the advertisement of a harmful
3 vaccine; amending s. 499.0054, F.S.; defining the term
4 "advertise"; providing manufacturer liability under
5 certain circumstances; authorizing an individual to
6 file a cause of action under certain circumstances;
7 providing that a prevailing party is entitled to
8 actual damages, court costs, and reasonable attorney
9 fees; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 **Section 1. Subsection (4) is added to section 499.0054,**
14 **Florida Statutes, to read:**

15 499.0054 Advertising and labeling of drugs, devices, and
16 cosmetics; exemptions.—

17 (4) (a) As used in this subsection, the term "advertise"
18 means a media communication, including, but not limited to,
19 television, radio, print, the Internet, digital or electronic
20 media, product placement, promotion by an influencer in exchange
21 for compensation, or any other manner of paid promotion, that a
22 vaccine manufacturer purchases to promote the manufacturer's
23 vaccine. The term does not include:

24 1. Any discussion between a health care provider and the
25 provider's patient or any written materials that a health care

26 provider provides to a patient concerning a vaccine; or

27 2. Any posters, decorations, or other materials or
28 promotional items concerning a vaccine that are displayed in or
29 made available by a health care facility, health care provider's
30 office, or other clinical setting.

31 (b) A manufacturer is liable to an individual if the
32 manufacturer advertises a vaccine in this state and the
33 advertised vaccine causes harm or injury to an individual.

34 (c) Notwithstanding any other law to the contrary, an
35 individual may bring an action under this section within 3 years
36 following the accrual of the cause of action.

37 (d) A court shall award a claimant who prevails in an
38 action brought under this section actual damages, court costs,
39 and reasonable attorney fees.

40 **Section 2.** This act shall take effect October 1, 2026.