

1 A bill to be entitled
2 An act relating to health care; providing a short
3 title; repealing s. 1 of chapter 2025-114, Laws of
4 Florida, and s. 9 of chapter 2023-43, Laws of Florida,
5 relating to the repeal of the definition of the term
6 "messenger ribonucleic acid vaccine" by a specified
7 date; amending s. 381.00315, F.S.; defining the term
8 "treat," "treated," and "treatment"; amending s.
9 381.026, F.S.; prohibiting discrimination against a
10 patient based on the patient's vaccination status;
11 amending s. 456.072, F.S.; revising the list of acts
12 that constitute grounds for disciplinary actions for
13 health care practitioners; amending s. 456.0575, F.S.;
14 requiring licensed health care practitioners to inform
15 the parent or legal guardian of a minor child of the
16 risks, benefits, safety, and efficacy of specified
17 vaccines, obtain a signature from the parent or legal
18 guardian before the administration of the vaccine, and
19 provide the parent or legal guardian with the option
20 of an alternative vaccination schedule; creating s.
21 465.1897, F.S.; authorizing a pharmacist to provide
22 ivermectin without a prescription under certain
23 circumstances; requiring the pharmacist to provide
24 specified information to the patient; providing
25 pharmacists with immunity from civil and criminal

liability and disciplinary action under certain circumstances; authorizing the Board of Pharmacy to adopt rules; amending s. 1003.22, F.S.; authorizing a parent to exempt their child from a health examination or from the administration of immunizing agents based on conscience grounds; requiring the Department of Health to make publicly available, by posting on its Internet website, an exemption form for parents and legal guardians; providing an effective date.

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

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

Section 2. Section 9 of chapter 2023-43, Laws of Florida, as amended by section 1 of chapter 2025-114, Laws of Florida, is repealed.

Section 3. Paragraph (e) is added to subsection (1) of section 381.00315, Florida Statutes, 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 public health advisories, and ordering isolation or quarantines.

(1) As used in this section, the term:

(e) "Treat," "treated," and "treatment" do not include the

51 administration of vaccinations.

52 **Section 4. Subsection (3), paragraphs (b) and (d) of**
53 **subsection (4), and subsection (6) of section 381.026, Florida**
54 **Statutes, are amended to read:**

55 381.026 Florida Patient's Bill of Rights and
56 Responsibilities.—

57 (3) PURPOSE.—It is the purpose of this section to promote
58 the interests and well-being of the patients of health care
59 providers and health care facilities and to promote better
60 communication between the patient and the health care provider.
61 It is the intent of the Legislature that health care providers
62 understand their responsibility to give their patients a general
63 understanding of the procedures to be performed on them and to
64 provide information pertaining to their health care so that they
65 may make decisions in an informed manner after considering the
66 information relating to their condition, the available treatment
67 alternatives, and substantial risks and hazards inherent in the
68 treatments. It is the intent of the Legislature that patients
69 have a general understanding of their responsibilities toward
70 health care providers and health care facilities. It is the
71 intent of the Legislature that the provision of such information
72 to a patient eliminate potential misunderstandings between
73 patients and health care providers. It is a public policy of the
74 state that the interests of patients be recognized in a
75 patient's bill of rights and responsibilities and that a health

76 care facility or health care provider may not require a patient
77 to waive his or her rights as a condition of treatment. Unless
78 otherwise provided by law, this section may ~~shall~~ not be used
79 for any purpose in any civil or administrative action and
80 neither expands nor limits any rights or remedies provided under
81 any other law.

82 (4) RIGHTS OF PATIENTS.—Each health care facility or
83 provider shall observe the following standards:

84 (b) Information.—

85 1. A patient has the right to know the name, function, and
86 qualifications of each health care provider who is providing
87 medical services to the patient. A patient may request such
88 information from his or her responsible provider or the health
89 care facility in which he or she is receiving medical services.

90 2. A patient in a health care facility has the right to
91 know what patient support services are available in the
92 facility.

93 3. A patient has the right to be given by his or her
94 health care provider information concerning diagnosis, planned
95 course of treatment, alternatives, risks, and prognosis, unless
96 it is medically inadvisable or impossible to give this
97 information to the patient, in which case the information must
98 be given to the patient's guardian or a person designated as the
99 patient's representative. A patient has the right to refuse this
100 information.

101 4. A patient has the right to refuse any treatment based
102 on information required by this paragraph, except as otherwise
103 provided by law. The responsible provider shall document any
104 such refusal.

105 5. A patient in a health care facility has the right to
106 know what facility rules and regulations apply to patient
107 conduct.

108 6. A patient has the right to express grievances to a
109 health care provider, a health care facility, or the appropriate
110 state licensing agency regarding alleged violations of patients'
111 rights. A patient has the right to know the health care
112 provider's or health care facility's procedures for expressing a
113 grievance.

114 7. A patient in a health care facility who does not speak
115 English has the right to be provided an interpreter when
116 receiving medical services if the facility has a person readily
117 available who can interpret on behalf of the patient.

118 8. A health care provider or health care facility shall
119 respect a patient's right to privacy and should refrain from
120 making a written inquiry or asking questions concerning the
121 ownership of a firearm or ammunition by the patient or by a
122 family member of the patient, or the presence of a firearm in a
123 private home or other domicile of the patient or a family member
124 of the patient. Notwithstanding this provision, a health care
125 provider or health care facility that in good faith believes

126 that this information is relevant to the patient's medical care
127 or safety, or safety of others, may make such a verbal or
128 written inquiry.

129 9. A patient may decline to answer or provide any
130 information regarding ownership of a firearm by the patient or a
131 family member of the patient, or the presence of a firearm in
132 the domicile of the patient or a family member of the patient. A
133 patient's decision not to answer a question relating to the
134 presence or ownership of a firearm does not alter existing law
135 regarding a physician's authorization to choose his or her
136 patients.

137 10. A health care provider or health care facility may not
138 discriminate against a patient based solely upon the patient's
139 exercise of the constitutional right to own and possess firearms
140 or ammunition.

141 11. A health care provider or health care facility shall
142 respect a patient's legal right to own or possess a firearm and
143 should refrain from unnecessarily harassing a patient about
144 firearm ownership during an examination.

145 12. A health care provider or health care facility may not
146 discriminate against a patient based upon the patient's
147 vaccination status.

148 (d) Access to health care.—

149 1. A patient has the right to impartial access to medical
150 treatment or accommodations, regardless of race, national

151 origin, religion, handicap, vaccination status, or source of
152 payment.

153 2. A patient has the right to treatment for any emergency
154 medical condition that will deteriorate from failure to provide
155 such treatment.

156 3. A patient has the right to access any mode of treatment
157 that is, in his or her own judgment and the judgment of his or
158 her health care practitioner, in the best interests of the
159 patient, including complementary or alternative health care
160 treatments, in accordance with the provisions of s. 456.41.

161 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—Any health
162 care provider who treats a patient in an office or any health
163 care facility licensed under chapter 395 that provides emergency
164 services and care or outpatient services and care to a patient,
165 or admits and treats a patient, shall adopt and make available
166 to the patient, in writing, a statement of the rights and
167 responsibilities of patients, including the following:

168 SUMMARY OF THE FLORIDA PATIENT'S BILL

169 OF RIGHTS AND RESPONSIBILITIES

170 Florida law requires that your health care provider or
171 health care facility recognize your rights while you are
172 receiving medical care and that you respect the health care
173 provider's or health care facility's right to expect certain
174 behavior on the part of patients. You may request a copy of the
175 full text of this law from your health care provider or health

176 care facility. A summary of your rights and responsibilities
177 follows:

178 A patient has the right to be treated with courtesy and
179 respect, with appreciation of his or her individual dignity, and
180 with protection of his or her need for privacy.

181 A patient has the right to a prompt and reasonable response
182 to questions and requests.

183 A patient has the right to know who is providing medical
184 services and who is responsible for his or her care.

185 A patient has the right to know what patient support
186 services are available, including whether an interpreter is
187 available if he or she does not speak English.

188 A patient has the right to bring any person of his or her
189 choosing to the patient-accessible areas of the health care
190 facility or provider's office to accompany the patient while the
191 patient is receiving inpatient or outpatient treatment or is
192 consulting with his or her health care provider, unless doing so
193 would risk the safety or health of the patient, other patients,
194 or staff of the facility or office or cannot be reasonably
195 accommodated by the facility or provider.

196 A patient has the right to know what rules and regulations
197 apply to his or her conduct.

198 A patient has the right to be given by the health care
199 provider information concerning diagnosis, planned course of
200 treatment, alternatives, risks, and prognosis.

201 A patient has the right to refuse any treatment, except as
202 otherwise provided by law.

203 A patient has the right to be given, upon request, full
204 information and necessary counseling on the availability of
205 known financial resources for his or her care.

206 A patient who is eligible for Medicare has the right to
207 know, upon request and in advance of treatment, whether the
208 health care provider or health care facility accepts the
209 Medicare assignment rate.

210 A patient has the right to receive, upon request, prior to
211 treatment, a reasonable estimate of charges for medical care.

212 A patient has the right to receive a copy of a reasonably
213 clear and understandable, itemized bill and, upon request, to
214 have the charges explained.

215 A patient has the right to impartial access to medical
216 treatment or accommodations, regardless of race, national
217 origin, religion, handicap, vaccination status, or source of
218 payment.

219 A patient has the right to treatment for any emergency
220 medical condition that will deteriorate from failure to provide
221 treatment.

222 A patient has the right to know if medical treatment is for
223 purposes of experimental research and to give his or her consent
224 or refusal to participate in such experimental research.

225 A patient has the right to express grievances regarding any

226 violation of his or her rights, as stated in Florida law,
227 through the grievance procedure of the health care provider or
228 health care facility which served him or her and to the
229 appropriate state licensing agency.

230 A patient is responsible for providing to the health care
231 provider, to the best of his or her knowledge, accurate and
232 complete information about present complaints, past illnesses,
233 hospitalizations, medications, and other matters relating to his
234 or her health.

235 A patient is responsible for reporting unexpected changes
236 in his or her condition to the health care provider.

237 A patient is responsible for reporting to the health care
238 provider whether he or she comprehends a contemplated course of
239 action and what is expected of him or her.

240 A patient is responsible for following the treatment plan
241 recommended by the health care provider.

242 A patient is responsible for keeping appointments and, when
243 he or she is unable to do so for any reason, for notifying the
244 health care provider or health care facility.

245 A patient is responsible for his or her actions if he or
246 she refuses treatment or does not follow the health care
247 provider's instructions.

248 A patient is responsible for assuring that the financial
249 obligations of his or her health care are fulfilled as promptly
250 as possible.

251 A patient is responsible for following health care facility
252 rules and regulations affecting patient care and conduct.

253 **Section 5. Subsection (2) of section 456.0575, Florida**
254 **Statutes, is renumbered as subsection (5), and new subsections**
255 **(2), (3), and (4) are added to that section, to read:**

256 456.0575 Duty to notify patients, parents, or legal
257 guardians.—

258 (2) Each licensed health care practitioner authorized by
259 law to administer vaccines, and paramedics acting pursuant to s.
260 401.272, shall inform the parent or legal guardian of a minor
261 child under the age of 18 of the unique risks, benefits, safety,
262 and efficacy of each vaccine included on the Centers for Disease
263 Control and Prevention's Child and Adolescent Immunization
264 Schedule, using materials jointly approved by the Board of
265 Medicine and Board of Osteopathic Medicine.

266 (3) Each licensed health care practitioner shall obtain a
267 signature from the parent or guardian of a minor child under the
268 age of 18 that acknowledges receipt of the materials before the
269 administration of the vaccine.

270 (4) Each licensed health care practitioner authorized by
271 law to administer vaccines shall provide the parent or guardian
272 of a minor child under the age of 18 the option of following
273 alternative vaccination schedules that may consist of not more
274 than one injection or oral administration at each encounter.

275 **Section 6. Paragraph (u) of subsection (1) of section**

276 **456.072, Florida Statutes, is amended to read:**

277 456.072 Grounds for discipline; penalties; enforcement.—

278 (1) The following acts shall constitute grounds for which
279 the disciplinary actions specified in subsection (2) may be
280 taken:

281 (u) Failing to comply with the requirements of s.
282 381.026(4)(b)12. prohibiting discrimination based on a patient's
283 vaccination status or ss. 381.026 and 381.0261 to provide
284 patients with information about their patient rights and how to
285 file a patient complaint.

286 **Section 7. Section 465.1897, Florida Statutes, is created**
287 **to read:**

288 465.1897 Sale of ivermectin without a prescription.—

289 (1) A pharmacist may provide ivermectin to a person
290 without a prescription from a licensed health care practitioner
291 as a behind-the-counter medication until it is approved as an
292 over-the-counter medication by the United States Food and Drug
293 Administration.

294 (2) The pharmacist shall provide written information that
295 includes, but is not limited to, the indications and
296 contraindications for use of ivermectin, the appropriate dosage
297 for using ivermectin, and information advising the patient to
298 seek follow-up care from his or her primary care physician.

299 (3) A pharmacist acting in good faith is immune from civil
300 or criminal liability or disciplinary action for providing

ivermectin in accordance with this section.

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

Section 8. Subsection (1) and paragraph (a) of subsection (5) 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.—

(1) Each district school board and the governing authority of each private school shall require that each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public or private school in this state, present a certification of a school-entry health examination performed within 1 year before enrollment in school. Each district school board, and the governing authority of each private school, may establish a policy that permits a student up to 30 school days to present a certification of a school-entry health examination. Children and youths who are experiencing homelessness and children who are known to the department, as defined in s. 39.0016, shall be given a temporary exemption for 30 school days. Any district school board that establishes such a policy shall include provisions in its local school health services plan to assist students in obtaining the health examinations. However, a child shall be exempted from the requirement of a health examination upon written request of the

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parent of the child stating objections to the examination on religious grounds or conscience.

(5) The provisions of this section shall not apply if:

(a)1. The parent of the child objects in writing that the administration of immunizing agents conflicts with his or her religious tenets or practices or conscience.

2. The Department of Health shall make publicly available, by posting on its Internet website, an exemption form for parents and legal guardians;

Section 9. This act shall take effect July 1, 2026.