

By Senator Yarborough

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1 A bill to be entitled
2 An act relating to medical freedom; providing a short
3 title; repealing s. 9 of chapter 2023-43, Laws of
4 Florida, as amended by chapter 2025-114, Laws of
5 Florida, relating to the future repeal of the
6 definition of the term "messenger ribonucleic acid
7 vaccine"; amending s. 381.00315, F.S.; providing
8 construction; amending s. 456.054, F.S.; prohibiting a
9 vaccine manufacturer from offering or paying, and a
10 health care practitioner from receiving, specified
11 financial incentives for the administration of a
12 vaccine; providing a penalty; amending s. 456.0575,
13 F.S.; requiring certain health care practitioners and
14 paramedics to, before administering one or more
15 vaccines to a minor child, provide the parent or legal
16 guardian with specified materials; requiring such
17 practitioners and paramedics to obtain the signature
18 of a minor child's parent or guardian acknowledging
19 receipt of such information; requiring health care
20 practitioners to discuss certain information with a
21 minor child's parent or guardian when more than one
22 vaccine is to be administered; authorizing a health
23 care practitioner, at the request of the parent or
24 guardian, to administer the vaccines to the minor
25 child over multiple encounters; providing that
26 specified amendments made by the act to s. 456.0575,
27 F.S., take effect on a specified date or within a
28 specified timeframe after the Board of Medicine and
29 the Board of Osteopathic Medicine adopt certain

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30 materials by joint rule, whichever occurs later;
31 requiring the boards to adopt the joint rule within a
32 specified timeframe and immediately notify the
33 Division of Law Revision of their adoption of the
34 joint rule; creating ss. 458.3351, 459.0156, and
35 464.0181, F.S.; providing certain health care
36 practitioners immunity from civil and criminal
37 liability and disciplinary action for prescribing or
38 administering ivermectin to adults under certain
39 circumstances; creating s. 465.1897, F.S.; authorizing
40 pharmacists to provide ivermectin to adults without a
41 prescription as a behind-the-counter medication until
42 the United States Food and Drug Administration
43 approves it for over-the-counter sale; requiring
44 pharmacists to provide specified information before
45 providing the ivermectin; providing pharmacists acting
46 in good faith with immunity from civil and criminal
47 liability and disciplinary action for providing
48 ivermectin to adults; authorizing the Board of
49 Pharmacy to adopt rules; amending s. 1003.22, F.S.;
50 revising exemptions from school-entry immunization
51 requirements; requiring the Department of Health to
52 make the immunization exemption form for religious or
53 conscience-based exemptions publicly available on its
54 website; specifying procedures and requirements for
55 receiving such exemptions; requiring the department to
56 ensure that when a certain exemption form is
57 downloaded from its website, the download includes the
58 form and specified materials as a single document;

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59 providing that the requirement takes effect upon
60 adoption of a specified rule; requiring that the web
61 page containing the download link also include and
62 prominently display certain other links; revising
63 requirements and procedures for declarations of a
64 communicable disease emergency; providing effective
65 dates.

66
67 Be It Enacted by the Legislature of the State of Florida:

68
69 Section 1. This act may be cited as the "Medical Freedom
70 Act."

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

74 Section 3. Paragraph (d) of subsection (2) of section
75 381.00315, Florida Statutes, is amended to read:

76 381.00315 Public health advisories; public health
77 emergencies; isolation and quarantines.—The State Health Officer
78 is responsible for declaring public health emergencies, issuing
79 public health advisories, and ordering isolation or quarantines.

80 (2)

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

84 1. Directing manufacturers of prescription drugs or over-
85 the-counter drugs who are permitted under chapter 499 and
86 wholesalers of prescription drugs located in this state who are
87 permitted under chapter 499 to give priority to the shipping of

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88 specified drugs to pharmacies and health care providers within
89 geographic areas identified by the State Health Officer. The
90 State Health Officer must identify the drugs to be shipped.
91 Manufacturers and wholesalers located in the state must respond
92 to the State Health Officer's priority shipping directive before
93 shipping the specified drugs.

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

101 3. Notwithstanding s. 456.036, temporarily reactivating the
102 inactive license of the following health care practitioners,
103 when such practitioners are needed to respond to the public
104 health emergency: physicians licensed under chapter 458 or
105 chapter 459; physician assistants licensed under chapter 458 or
106 chapter 459; licensed practical nurses, registered nurses, and
107 advanced practice registered nurses licensed under part I of
108 chapter 464; respiratory therapists licensed under part V of
109 chapter 468; and emergency medical technicians and paramedics
110 certified under part III of chapter 401. Only those health care
111 practitioners specified in this paragraph who possess an
112 unencumbered inactive license and who request that such license
113 be reactivated are eligible for reactivation. An inactive
114 license that is reactivated under this paragraph shall return to
115 inactive status when the public health emergency ends or before
116 the end of the public health emergency if the State Health

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117 Officer determines that the health care practitioner is no
118 longer needed to provide services during the public health
119 emergency. Such licenses may only be reactivated for a period
120 not to exceed 90 days without meeting the requirements of s.
121 456.036 or chapter 401, as applicable.

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

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

133 b. If the individual poses a danger to the public health,
134 the State Health Officer may subject the individual to isolation
135 or quarantine. If there is no practical method to isolate or
136 quarantine the individual, the State Health Officer may use any
137 means necessary to treat the individual.

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

141 Section 4. Present subsection (4) of section 456.054,
142 Florida Statutes, is redesignated as subsection (5) and amended,
143 and a new subsection (4) is added to that section, to read:

144 456.054 Kickbacks prohibited.—

145 (4) It is unlawful for a vaccine manufacturer to offer or

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146 pay a commission, bonus, kickback, or rebate, directly or
147 indirectly, overtly or covertly, in cash or in kind, for the
148 administration of a vaccine. It is unlawful for a health care
149 practitioner to receive such a commission, bonus, kickback, or
150 rebate from a vaccine manufacturer for the administration of a
151 vaccine.

152 (5)~~(4)~~ Violations of this section are ~~shall be~~ considered
153 patient brokering and are ~~shall be~~ punishable as provided in s.
154 817.505.

155 Section 5. Section 456.0575, Florida Statutes, is amended
156 to read:

157 456.0575 Duty to notify patients.—

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

166 (2) VACCINATIONS OF MINORS.—

167 (a) Each health care practitioner authorized by law to
168 administer vaccines, and each paramedic acting pursuant to s.
169 401.272, shall, before administering one or more vaccines to a
170 minor child, provide the parent or guardian with the following:

171 1. The most recently issued Vaccine Information Statement
172 published by the United States Centers for Disease Control and
173 Prevention pertaining to each vaccine being administered.

174 2. Materials approved and adopted by joint rule of the

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175 Board of Medicine and the Board of Osteopathic Medicine relating
176 to the role of immunizations in communicable disease prevention,
177 including risks, benefits, safety, and efficacy.

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

182 (c) When more than one vaccine is to be administered, the
183 health care practitioner shall discuss the timing of multiple
184 vaccinations with the child's parent or guardian and the
185 parent's or guardian's options for such timing before
186 administering the initial vaccination. At the request of the
187 parent or guardian, a health care practitioner may administer
188 vaccines to the minor child over multiple encounters.

189 (3) GOOD FAITH ESTIMATE OF CHARGES.—Upon request by a
190 patient, before providing nonemergency medical services in a
191 facility licensed under chapter 395, a health care practitioner
192 shall provide, in writing or by electronic means, a good faith
193 estimate of reasonably anticipated charges to treat the
194 patient's condition at the facility. The health care
195 practitioner shall provide the estimate to the patient within 7
196 business days after receiving the request and is not required to
197 adjust the estimate for any potential insurance coverage. The
198 health care practitioner shall inform the patient that the
199 patient may contact his or her health insurer or health
200 maintenance organization for additional information concerning
201 cost-sharing responsibilities. The health care practitioner
202 shall provide information to uninsured patients and insured
203 patients for whom the practitioner is not a network provider or

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204 preferred provider which discloses the practitioner's financial
205 assistance policy, including the application process, payment
206 plans, discounts, or other available assistance, and the
207 practitioner's charity care policy and collection procedures.
208 Such estimate does not preclude the actual charges from
209 exceeding the estimate. Failure to provide the estimate in
210 accordance with this subsection, without good cause, shall
211 result in disciplinary action against the health care
212 practitioner and a daily fine of \$500 until the estimate is
213 provided to the patient. The total fine may not exceed \$5,000.

214 Section 6. The amendments made by this act to s.
215 456.0575(2) (a) and (b), Florida Statutes, relating to
216 information that must be provided to parents or guardians before
217 the administration of a vaccination to a minor are effective
218 July 1, 2026, or 30 days after the Board of Medicine and the
219 Board of Osteopathic Medicine adopt by joint rule the
220 informational materials as required under s. 456.0575(2) (a),
221 Florida Statutes, as created by this act, whichever occurs
222 later. The Board of Medicine and the Board of Osteopathic
223 Medicine shall adopt the joint rule no later than 120 days after
224 this act becomes a law and shall notify the Division of Law
225 Revision immediately upon their adoption of the joint rule. This
226 section takes effect upon becoming a law.

227 Section 7. Section 458.3351, Florida Statutes, is created
228 to read:

229 458.3351 Prescription or administration of ivermectin.—A
230 health care practitioner who is licensed under this chapter and
231 whose license includes prescribing authority is immune from
232 civil or criminal liability or disciplinary action for

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233 prescribing or administering ivermectin to an adult in good
234 faith, in accordance with the applicable standard of care and in
235 accordance with this chapter and the rules pertaining to his or
236 her practice.

237 Section 8. Section 459.0156, Florida Statutes, is created
238 to read:

239 459.0156 Prescription or administration of ivermectin.—A
240 health care practitioner who is licensed under this chapter and
241 whose license includes prescribing authority is immune from
242 civil or criminal liability or disciplinary action for
243 prescribing or administering ivermectin to an adult in good
244 faith, in accordance with the applicable standard of care and in
245 accordance with this chapter and the rules pertaining to his or
246 her practice.

247 Section 9. Section 464.0181, Florida Statutes, is created
248 to read:

249 464.0181 Prescription or administration of ivermectin.—A
250 health care practitioner who is licensed under this chapter and
251 whose license includes prescribing authority is immune from
252 civil or criminal liability or disciplinary action for
253 prescribing or administering ivermectin to an adult in good
254 faith, in accordance with the applicable standard of care and in
255 accordance with this chapter and the rules pertaining to his or
256 her practice.

257 Section 10. Section 465.1897, Florida Statutes, is created
258 to read:

259 465.1897 Sale of ivermectin without a prescription.—
260 (1) A pharmacist may provide ivermectin to a person 18
261 years of age or older without a prescription as a behind-the-

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262 counter medication until the United States Food and Drug
 263 Administration approves it for over-the-counter sale.

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

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

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

273 Section 11. Subsections (5) and (9) of section 1003.22,
 274 Florida Statutes, are amended to read:

275 1003.22 School-entry health examinations; immunization
 276 against communicable diseases; exemptions; duties of Department
 277 of Health.—

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

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

286 (b) A physician licensed under ~~the provisions of~~ chapter
 287 458 or chapter 459 certifies in writing, on a form approved and
 288 provided by the Department of Health, that the child should be
 289 permanently exempt from one or more of the required
 290 immunizations ~~immunization~~ for medical reasons stated in

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291 writing, based upon valid clinical reasoning or evidence,
292 demonstrating the need for the permanent exemption;

293 (c) A physician licensed under ~~the provisions of~~ chapter
294 458, chapter 459, or chapter 460 certifies in writing, on a form
295 approved and provided by the Department of Health, that the
296 child has received as many immunizations as are medically
297 indicated at the time and is in the process of completing the
298 other required necessary immunizations;

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

302 (e) An authorized school official issues a temporary
303 exemption, for up to 30 school days, to allow ~~permit~~ a student
304 who transfers into a new county to attend class until his or her
305 records can be obtained. Children and youths who are
306 experiencing homelessness and children who are known to the
307 department, as defined in s. 39.0016, shall be given a temporary
308 exemption for 30 school days. The public school health nurse or
309 authorized private school official is responsible for follow-up
310 ~~followup~~ of each such student until proper documentation or
311 immunizations are obtained. An exemption for 30 days may be
312 issued for a student who enters a juvenile justice program to
313 allow ~~permit~~ the student to attend class until his or her
314 records can be obtained or until the immunizations can be
315 administered ~~obtained~~. An authorized juvenile justice official
316 is responsible for follow-up ~~followup~~ of each student who enters
317 a juvenile justice program until proper documentation is
318 obtained or immunizations are administered ~~obtained~~.

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320 Upon making the exemption form referenced under paragraph (a)
 321 available on its website, the Department of Health shall ensure
 322 that when the form is downloaded, such download includes, as a
 323 single document, the form and materials approved and adopted by
 324 joint rule of the Board of Medicine and the Board of Osteopathic
 325 Medicine under s. 456.0575(2) (a) relating to the role of
 326 immunizations in communicable disease prevention, including
 327 risks, benefits, safety, and efficacy. This requirement shall
 328 take effect upon the adoption of the joint rule. The web page
 329 containing the download link must also include and prominently
 330 display a link or links to the United States Centers for Disease
 331 Control and Prevention's current Vaccine Information Statements.

332 (9) The presence of any of the communicable diseases for
 333 which immunization is required under subsection (3) ~~by the~~
 334 ~~Department of Health~~ in a Florida public or private school
 335 authorizes ~~shall permit~~ the county health department director or
 336 administrator or the State Health Officer to declare a
 337 communicable disease emergency. The declaration of such
 338 emergency must ~~shall~~ mandate that all students attending in
 339 ~~attendance in~~ the school who have not been immunized against the
 340 diseases specified in subsection (3) or related Department of
 341 Health rules are not in compliance with the provisions of this
 342 ~~section~~ be identified by the district school board or by the
 343 governing authority of the private school, ~~and~~ and the school
 344 health and immunization records of such children must ~~shall~~ be
 345 made available to the county health department director or
 346 administrator. ~~Those~~ Children who are identified as not having
 347 been ~~being~~ immunized against the disease for which the emergency
 348 has been declared must ~~shall~~ be temporarily excluded from school

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

353 Section 12. Except as otherwise expressly provided in this
354 act and except for this section, which shall take effect upon
355 this act becoming a law, this act shall take effect July 1,
356 2026.