

By Senator Bradley

5-01013-22

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1                                   A bill to be entitled  
2       An act relating to emergency medical care and  
3       treatment of minors; amending s. 743.064, F.S.;  
4       deleting the requirement that emergency medical care  
5       or treatment by physicians and emergency medical  
6       personnel without parental consent be provided only in  
7       specified settings; making technical and conforming  
8       changes; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

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12       Section 1. Section 743.064, Florida Statutes, is amended to  
13   read:

14       743.064 Emergency medical care or treatment to minors  
15   without parental consent.—

16       (1) The absence of parental consent notwithstanding, a  
17   physician licensed under chapter 458 or an osteopathic physician  
18   licensed under chapter 459 may render emergency medical care or  
19   treatment to any minor who has been injured in an accident or  
20   who is suffering from an acute illness, disease, or condition  
21   if, within a reasonable degree of medical certainty, delay in  
22   initiation or provision of emergency medical care or treatment  
23   would endanger the health or physical well-being of the minor,  
24   ~~and provided such emergency medical care or treatment is~~  
25   ~~administered in a hospital licensed by the state under chapter~~  
26   ~~395 or in a college health service.~~ Emergency medical care or  
27   treatment may also be rendered ~~in the prehospital setting~~ by  
28   paramedics, emergency medical technicians, and other emergency  
29   medical services personnel, provided that such care is rendered

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30 consistent with ~~the provisions of~~ chapter 401. These persons  
31 shall follow the general guidelines and notification provisions  
32 of this section.

33 (2) This section shall apply only when parental consent  
34 cannot be immediately obtained for one of the following reasons:

35 (a) The minor's condition has rendered him or her unable to  
36 reveal the identity of his or her parents, guardian, or legal  
37 custodian, and such information is unknown to any person who  
38 accompanied the minor ~~to the hospital~~.

39 (b) The parents, guardian, or legal custodian cannot be  
40 immediately located by telephone at their place of residence or  
41 business.

42 (3) Notification shall be accomplished as soon as possible  
43 after the emergency medical care or treatment is administered.  
44 The patient ~~hospital~~ records shall reflect the reason such  
45 consent was not initially obtained and shall contain a statement  
46 by the attending physician that immediate emergency medical care  
47 or treatment was necessary for the patient's health or physical  
48 well-being. The patient ~~hospital~~ records shall be open for  
49 inspection by the person legally responsible for the minor.

50 (4) A ~~No~~ person as delineated in subsection (1) may not,  
51 ~~hospital, or college health service shall~~ incur civil liability  
52 by reason of having rendered emergency medical care or treatment  
53 pursuant to this section, provided such treatment or care was  
54 rendered in accordance with acceptable standards of medical  
55 practice.

56 Section 2. This act shall take effect July 1, 2022.