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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
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The Committee on Rules (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 49 - 146

and insert:

Section 2. Paragraph (c) of subsection (8) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(8) STUDENT WELFARE.—

(c)1. In accordance with the rights of parents enumerated



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in ss. 1002.20 and 1014.04, adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to facilitate discussion of the issue with the parent. The procedures may not prohibit parents from accessing any of their student's education and health records created, maintained, or used by the school district, as required by s. 1002.22(2).

2. A school district may not adopt procedures or student support forms that prohibit school district personnel from notifying a parent about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being. This subparagraph does not prohibit a school district from adopting procedures that permit school personnel to withhold such information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect, as those terms are defined in s. 39.01.



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3. Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten through grade 8, except when required by ss. 1003.42(2)(o)3. and 1003.46. If such instruction is provided in grades 9 through 12, the instruction must be age-appropriate or developmentally appropriate for students in accordance with state standards. This subparagraph applies to charter schools.

4. Student support services training developed or provided by a school district to school district personnel must adhere to student services guidelines, standards, and frameworks established by the Department of Education.

5. At the beginning of the school year, each school district shall notify parents of each health care service offered at their student's school and the option to withhold consent or decline any specific service in accordance with s. 1014.06. Parental consent to a health care service does not waive the parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's services or monitoring as provided by this paragraph.

6. Before administering any ~~a~~ student well-being, mental health, or health screening questionnaire or ~~health screening~~ form to a student in kindergarten through grade 12 ~~3~~, the school district must provide the questionnaire or ~~health screening~~ form to the parent, either electronically or in paper form, and notify the parent of the date or time period when the questionnaire or form will be administered. The school district must give the parent an opportunity to opt his or her student out of participation ~~and obtain the permission of the parent.~~



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70 7. Each school district shall adopt procedures for a parent
71 to notify the principal, or his or her designee, regarding
72 concerns under this paragraph at his or her student's school and
73 the process for resolving those concerns within 7 calendar days
74 after notification by the parent.

75 a. At a minimum, the procedures must require that within 30
76 days after notification by the parent that the concern remains
77 unresolved, the school district must either resolve the concern
78 or provide a statement of the reasons for not resolving the
79 concern.

80 b. If a concern is not resolved by the school district, a
81 parent may:

82 (I) Request the Commissioner of Education to appoint a
83 special magistrate who is a member of The Florida Bar in good
84 standing and who has at least 5 years' experience in
85 administrative law. The special magistrate shall determine facts
86 relating to the dispute over the school district procedure or
87 practice, consider information provided by the school district,
88 and render a recommended decision for resolution to the State
89 Board of Education within 30 days after receipt of the request
90 by the parent. The State Board of Education must approve or
91 reject the recommended decision at its next regularly scheduled
92 meeting that is more than 7 calendar days and no more than 30
93 days after the date the recommended decision is transmitted. The
94 costs of the special magistrate shall be borne by the school
95 district. The State Board of Education shall adopt rules,
96 including forms, necessary to implement this subparagraph.

97 (II) Bring an action against the school district to obtain
98 a declaratory judgment that the school district procedure or



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practice violates this paragraph and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

c. Each school district shall adopt and post on its website policies to notify parents of the procedures required under this subparagraph.

d. Nothing contained in this subparagraph shall be construed to abridge or alter rights of action or remedies in equity already existing under the common law or general law.

Section 3. Paragraphs (e), (f), and (h) of subsection (1) of section 1014.04, Florida Statutes, are amended, and paragraph (k) is added to that subsection, to read:

1014.04 Parental rights.—

(1) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other institution, including, but not limited to, all of the following rights of a parent of a minor child in this state:

(e) The right to make health care decisions for his or her minor child, unless:

1. The parent is the subject of an investigation of a crime committed against the minor child;

2. The child has been maintained in an out-of-home placement by the Department of Children and Families and the department has a child examined for injury, illness, and communicable diseases and to determine the need for immunization;



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3. The child is authorized by law to make the specific health care decisions for himself or herself as provided in ss. 743.01, 743.015, 743.06, 743.065, 743.066, and 743.067;

4. A parent cannot be located and another person is authorized by law to make the health care decisions as provided in s. 743.0645;

5. Circumstances exist which satisfy the requirements of law for a parent's implied consent to medical care and treatment of the child as provided in s. 383.50; or

6. A court order provides otherwise ~~prohibited by law.~~

(f) The right to access and review all medical records of his or her minor child, ~~unless prohibited by law or if the~~ parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.

(h) The right to consent in writing before any record of his or her minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by s. 943.325 or s. 943.326 ~~general law~~ or authorized pursuant to a court order.

(k) The right to consent in writing to the use of a biofeedback device on his or her minor child. As used in this paragraph, the term "biofeedback device" means an instrument or a sensor used to measure bodily functions, such as heart rate variability, brain waves, or breathing rate, outside of a health care facility or provider's office, for the purpose of improving performance. If the parent consents to the use of the device, all results must be provided to the parent and must otherwise be held as a confidential medical record.

Section 4. Subsections (1) and (2) of section 1014.06,



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Florida Statutes, are amended to read:

1014.06 Parental consent for health care services.—

(1) Except as otherwise provided for emergency medical care under s. 743.064 or s. 1014.04(1)(e), emergency behavioral health care under s. 394.463(1) or s. 397.675, or by court order ~~law~~, a health care practitioner, as defined in s. 456.001, or an individual employed by such health care practitioner may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent.

(2) Except as otherwise provided for emergency medical care under s. 743.064, s. 1014.04(1)(e) ~~by law~~ or by a court order, a provider, as defined in s. 408.803, may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written parental consent.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 4 - 22

and insert:

treatment for certain diseases; amending s. 1001.42, F.S.; requiring a school district to provide parents with specified information before the district administers certain questionnaires or forms to students; requiring a school district to give a parent an opportunity to opt his or her student out of such questionnaire or form; amending s. 1014.04, F.S.; revising exceptions for certain parental rights; creating the parental right to consent in writing to



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186 the use of a biofeedback device on a parent's minor
187 child; defining the term "biofeedback device";
188 requiring that the results from the use of such device
189 be provided to a parent; requiring that such results
190 be held as a confidential medical record; amending s.
191 1014.06, F.S.; revising exceptions for specified
192 requirements of parental consent;