

By Senator Grall

29-00907C-25

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1                   A bill to be entitled  
2       An act relating to parental rights; amending s.  
3       1014.04, F.S.; deleting exceptions for certain  
4       parental rights; creating the parental right to review  
5       and consent to a survey or questionnaire provided to  
6       his or her minor child; creating the parental right to  
7       grant permission for the results or responses of such  
8       survey or questionnaire to be shared or distributed;  
9       amending s. 1014.06, F.S.; revising exceptions for  
10      specified requirements of parental consent;  
11      prohibiting the use of a biofeedback device on a minor  
12      child without written permission from the minor  
13      child's parent or guardian; defining the term  
14      "biofeedback device"; requiring the results of the use  
15      of such device be provided to a parent or guardian;  
16      requiring that such results be held as a confidential  
17      medical record; reenacting ss. 408.813(3)(f) and  
18      456.072(1)(rr), F.S., relating to administrative fines  
19      and grounds for discipline, respectively, to  
20      incorporate the amendment made to s. 1014.06, F.S., in  
21      references thereto; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25       Section 1. Paragraphs (e), (f), and (h) of subsection (1)  
26 of section 1014.04, Florida Statutes, are amended, and paragraph  
27 (k) is added to that subsection, to read:

28       1014.04 Parental rights.—

29       (1) All parental rights are reserved to the parent of a

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30 minor child in this state without obstruction or interference  
31 from the state, any of its political subdivisions, any other  
32 governmental entity, or any other institution, including, but  
33 not limited to, all of the following rights of a parent of a  
34 minor child in this state:

35 (e) The right to make health care decisions for his or her  
36 minor child, ~~unless otherwise prohibited by law.~~

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

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

46 (k)1. The right to review and consent to any survey or  
47 questionnaire given to his or her minor child.

48 2. The right to grant permission for the responses or  
49 results of such survey or questionnaire to be shared or  
50 distributed, upon receiving notice of the intended recipient,  
51 the purpose of the survey or questionnaire, or the specified  
52 information to be shared.

53 Section 2. Present subsections (3), (4), and (5), of  
54 section 1014.06, Florida Statutes, are redesignated as  
55 subsections (4), (5), and (6), a new subsection (3) is added to  
56 that section, and subsections (1) and (2) of that section are  
57 amended to, read:

58 1014.06 Parental consent for health care services.—

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59           (1) ~~Except as otherwise provided by law,~~ A health care  
60 practitioner, as defined in s. 456.001, or an individual  
61 employed by such health care practitioner may not provide or  
62 solicit or arrange to provide health care services or prescribe  
63 medicinal drugs to a minor child without first obtaining written  
64 parental consent.

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

70           (3) The use of a biofeedback device is a health care  
71 service for the purpose of this section. The use of such a  
72 device on a minor child without first obtaining express written  
73 permission from the minor child's parent or guardian is  
74 prohibited. As used in this subsection, the term "biofeedback  
75 device" means an instrument or a sensor used to measure bodily  
76 functions, such as heart rate variability, brain waves, or  
77 breathing rate, for the purpose of improving performance. If the  
78 parent or guardian consents to the use of the device, all  
79 results must be provided to the parent or guardian and must  
80 otherwise be held as a confidential medical record.

81           Section 3. For the purpose of incorporating the amendment  
82 made by this act to section 1014.06, Florida Statutes, in a  
83 reference thereto, paragraph (f) of subsection (3) of section  
84 408.813, Florida Statutes, is reenacted to read:

85           408.813 Administrative fines; violations.—As a penalty for  
86 any violation of this part, authorizing statutes, or applicable  
87 rules, the agency may impose an administrative fine.

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88 (3) The agency may impose an administrative fine for a  
89 violation that is not designated as a class I, class II, class  
90 III, or class IV violation. Unless otherwise specified by law,  
91 the amount of the fine may not exceed \$500 for each violation.  
92 Unclassified violations include:

93 (f) Violating the parental consent requirements of s.  
94 1014.06.

95 Section 4. For the purpose of incorporating the amendment  
96 made by this act to section 1014.06, Florida Statutes, in a  
97 reference thereto, paragraph (rr) of subsection (1) of section  
98 456.072, Florida Statutes, is reenacted to read:

99 456.072 Grounds for discipline; penalties; enforcement.—

100 (1) The following acts shall constitute grounds for which  
101 the disciplinary actions specified in subsection (2) may be  
102 taken:

103 (rr) Failure to comply with the parental consent  
104 requirements of s. 1014.06.

105 Section 5. This act shall take effect July 1, 2025.