

By the Committees on Rules; and Judiciary; and Senator Grall

595-03799-25

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A bill to be entitled
An act relating to parental rights; amending s.
384.30, F.S.; requiring parental consent for a minor's
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
the use of a biofeedback device on a parent's minor
child; defining the term "biofeedback device";
requiring that the results from the use of such device
be provided to a parent; requiring that such results
be held as a confidential medical record; amending s.
1014.06, F.S.; revising exceptions for specified
requirements of parental consent; providing an
effective date.

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

Section 1. Section 384.30, Florida Statutes, is amended to
read:

384.30 Minors' consent to treatment.—

(1) The department and its authorized representatives, each
physician licensed to practice medicine under the provisions of
chapter 458 or chapter 459, each health care professional

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30 licensed under the provisions of part I of chapter 464 who is
31 acting pursuant to the scope of his or her license, and each
32 public or private hospital, clinic, or other health facility may
33 examine ~~and provide treatment~~ for sexually transmissible
34 diseases to any minor, if the physician, health care
35 professional, or facility is qualified to provide such
36 examination and treatment. The consent of a parent ~~the parents~~
37 or guardian ~~guardians~~ of a minor is not a prerequisite for an
38 examination; however, the consent of a parent or guardian is
39 required for ~~or~~ treatment.

40 (2) The fact of consultation, examination, and treatment of
41 a minor for a sexually transmissible disease is confidential and
42 exempt from the provisions of s. 119.07(1) and shall not be
43 divulged in any direct or indirect manner, such as sending a
44 bill for a consultation or examination ~~services rendered~~ to a
45 parent or guardian, except as provided in s. 384.29.

46 Section 2. Paragraph (c) of subsection (8) of section
47 1001.42, Florida Statutes, is amended to read:

48 1001.42 Powers and duties of district school board.—The
49 district school board, acting as a board, shall exercise all
50 powers and perform all duties listed below:

51 (8) STUDENT WELFARE.—

52 (c)1. In accordance with the rights of parents enumerated
53 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
54 student's parent if there is a change in the student's services
55 or monitoring related to the student's mental, emotional, or
56 physical health or well-being and the school's ability to
57 provide a safe and supportive learning environment for the
58 student. The procedures must reinforce the fundamental right of

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59 parents to make decisions regarding the upbringing and control
60 of their children by requiring school district personnel to
61 encourage a student to discuss issues relating to his or her
62 well-being with his or her parent or to facilitate discussion of
63 the issue with the parent. The procedures may not prohibit
64 parents from accessing any of their student's education and
65 health records created, maintained, or used by the school
66 district, as required by s. 1002.22(2).

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

82 3. Classroom instruction by school personnel or third
83 parties on sexual orientation or gender identity may not occur
84 in prekindergarten through grade 8, except when required by ss.
85 1003.42(2)(o)3. and 1003.46. If such instruction is provided in
86 grades 9 through 12, the instruction must be age-appropriate or
87 developmentally appropriate for students in accordance with

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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.~~

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

a. At a minimum, the procedures must require that within 30

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117 days after notification by the parent that the concern remains
118 unresolved, the school district must either resolve the concern
119 or provide a statement of the reasons for not resolving the
120 concern.

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

123 (I) Request the Commissioner of Education to appoint a
124 special magistrate who is a member of The Florida Bar in good
125 standing and who has at least 5 years' experience in
126 administrative law. The special magistrate shall determine facts
127 relating to the dispute over the school district procedure or
128 practice, consider information provided by the school district,
129 and render a recommended decision for resolution to the State
130 Board of Education within 30 days after receipt of the request
131 by the parent. The State Board of Education must approve or
132 reject the recommended decision at its next regularly scheduled
133 meeting that is more than 7 calendar days and no more than 30
134 days after the date the recommended decision is transmitted. The
135 costs of the special magistrate shall be borne by the school
136 district. The State Board of Education shall adopt rules,
137 including forms, necessary to implement this subparagraph.

138 (II) Bring an action against the school district to obtain
139 a declaratory judgment that the school district procedure or
140 practice violates this paragraph and seek injunctive relief. A
141 court may award damages and shall award reasonable attorney fees
142 and court costs to a parent who receives declaratory or
143 injunctive relief.

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

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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;

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;

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

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

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

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

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

197 Section 4. Subsections (1) and (2) of section 1014.06,
198 Florida Statutes, are amended to read:

199 1014.06 Parental consent for health care services.—

200 (1) Except as otherwise provided for emergency medical care
201 under s. 743.064 or s. 1014.04(1)(e), emergency behavioral
202 health care under s. 394.463(1) or s. 397.675, or by court order
203 ~~law~~, a health care practitioner, as defined in s. 456.001, or an

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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.

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