

1 A bill to be entitled
2 An act relating to parental rights; amending s.
3 381.0051, F.S.; revising requirements for the
4 provision of maternal health and contraception
5 information services to minors; amending s. 384.30,
6 F.S.; requiring parental consent for a minor's
7 treatment for certain diseases; amending s. 394.459,
8 F.S.; conforming a provision to changes made by the
9 act; repealing s. 394.4784, F.S., relating to minors'
10 access to outpatient crisis intervention services and
11 treatment; amending s. 394.495, F.S.; requiring
12 consent from a parent or guardian for certain services
13 provided by a mobile response team; amending s.
14 397.431, F.S.; revising responsibility for the cost of
15 certain substance abuse services; amending s. 397.501,
16 F.S.; revising requirements for consent to disclosure
17 of individual records; amending s. 397.601, F.S.;
18 revising requirements for voluntary admission for
19 substance abuse impairment services; amending s.
20 1001.42, F.S.; requiring a school district to provide
21 a parent with specified information before the
22 district administers certain questionnaires or forms
23 to students; requiring a school district to give a
24 parent an opportunity to opt his or her student out of
25 such questionnaire or form; amending s. 1014.04, F.S.;

revising exceptions for certain parental rights;
creating the parental right to review, inspect, and
consent to a specified survey or questionnaire before
the survey or questionnaire is provided to the
parent's minor child; creating the parental right to
know certain information about the survey or
questionnaire at the time consent is provided;
providing applicability; creating the parental right
to consent in writing to the use of a biofeedback
device on the parent's minor child; defining the term
"biofeedback device"; requiring that the results from
the use of such device be provided to a parent and be
held as a confidential medical record; amending s.
1014.06, F.S.; revising exceptions for specified
requirements of parental consent; reenacting ss.
408.813(3)(f) and 456.072(1)(rr), F.S., relating to
administrative fines and grounds for discipline,
respectively, to incorporate the amendment made to s.
1014.06, F.S., in references thereto; providing an
effective date.

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

**Section 1. Paragraph (a) of subsection (4) of section
381.0051, Florida Statutes, is amended to read:**

381.0051 Family planning.—

(4) MINORS; PROVISION OF MATERNAL HEALTH AND CONTRACEPTIVE INFORMATION AND SERVICES.—

(a) Maternal health and contraceptive information and services of a nonsurgical nature may be rendered to any minor by persons licensed to practice medicine under the provisions of chapter 458 or chapter 459, as well as by the Department of Health through its family planning program, provided the minor:

1. Is married;
2. Is a parent;
3. Is pregnant; or
4. Has the consent of a parent or legal guardian; ~~or~~
5. ~~May, in the opinion of the physician, suffer probable health hazards if such services are not provided.~~

Section 2. 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 licensed under the provisions of part I of chapter 464 who is acting pursuant to the scope of his or her license, and each public or private hospital, clinic, or other health facility may examine ~~and provide treatment~~ for sexually transmissible diseases ~~to~~ any minor, if the physician, health

76 care professional, or facility is qualified to provide such
77 examination and treatment. The consent of a parent ~~the parents~~
78 or guardian ~~guardians~~ of a minor is not a prerequisite for an
79 examination; however, the consent of a parent or guardian is
80 required for ~~or~~ treatment.

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

87 **Section 3. Paragraph (a) of subsection (3) of section**
88 **394.459, Florida Statutes, is amended to read:**

89 394.459 Rights of patients.—

90 (3) RIGHT TO EXPRESS AND INFORMED PATIENT CONSENT.—

91 (a)1. Each patient entering treatment shall be asked to
92 give express and informed consent for admission or treatment. If
93 the patient has been adjudicated incapacitated or found to be
94 incompetent to consent to treatment, express and informed
95 consent to treatment shall be sought instead from the patient's
96 guardian or guardian advocate. If the patient is a minor,
97 express and informed consent for admission or treatment shall
98 also be requested from the patient's guardian. Express and
99 informed consent for admission or treatment of a patient under
100 18 years of age shall be required from the patient's guardian.

101 ~~unless the minor is seeking outpatient crisis intervention~~
102 ~~services under s. 394.4784.~~ Express and informed consent for
103 admission or treatment given by a patient who is under 18 years
104 of age shall not be a condition of admission when the patient's
105 guardian gives express and informed consent for the patient's
106 admission pursuant to s. 394.463 or s. 394.467.

107 2. Before giving express and informed consent, the
108 following information shall be provided and explained in plain
109 language to the patient, or to the patient's guardian if the
110 patient is 18 years of age or older and has been adjudicated
111 incapacitated, or to the patient's guardian advocate if the
112 patient has been found to be incompetent to consent to
113 treatment, or to both the patient and the guardian if the
114 patient is a minor: the reason for admission or treatment; the
115 proposed treatment; the purpose of the treatment to be provided;
116 the common risks, benefits, and side effects thereof; the
117 specific dosage range for the medication, when applicable;
118 alternative treatment modalities; the approximate length of
119 care; the potential effects of stopping treatment; how treatment
120 will be monitored; and that any consent given for treatment may
121 be revoked orally or in writing before or during the treatment
122 period by the patient or by a person who is legally authorized
123 to make health care decisions on behalf of the patient.

124 **Section 4.** Section 394.4784, Florida Statutes, is
125 repealed.

Section 5. Paragraph (b) of subsection (7) of section 394.495, Florida Statutes, is amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(7)

(b) A mobile response team shall, at a minimum:

1. Triage new requests to determine the level of severity and prioritize new requests that meet the clinical threshold for an in-person response. To the extent permitted by available resources, mobile response teams must provide in-person responses to such calls meeting such clinical level of response within 60 minutes after prioritization.

2. Respond to a crisis in the location where the crisis is occurring.

3. Provide behavioral health crisis-oriented services that are responsive to the needs of the child, adolescent, or young adult and his or her family.

4. Provide evidence-based practices to children, adolescents, young adults, and families to enable them to de-escalate and respond to behavioral challenges that they are facing and to reduce the potential for future crises.

5. Provide screening, standardized assessments, early identification, and referrals to community services.

6. Provide care coordination by facilitating the transition to ongoing services.

151 7. Ensure there is a process in place for informed consent
152 and confidentiality compliance measures. Consent of a parent or
153 guardian is required for services provided by the mobile
154 response team after the immediate, onsite behavioral health
155 crisis services, including, but not limited to, the provision of
156 additional evidence-based services subsequent to the crisis
157 event, referrals to community services, and care coordination.

158 8. Promote information sharing and the use of innovative
159 technology.

160 9. Coordinate with the applicable managing entity to
161 establish informal partnerships with key entities providing
162 behavioral health services and supports to children,
163 adolescents, or young adults and their families to facilitate
164 continuity of care.

165 **Section 6. Subsections (1) and (3) of section 397.431,**
166 **Florida Statutes, are amended to read:**

167 397.431 Individual responsibility for cost of substance
168 abuse impairment services.—

169 (1) Before accepting an individual for admission and in
170 accordance with confidentiality guidelines, both the full charge
171 for services and the fee charged to the individual for such
172 services under the provider's fee system or payment policy must
173 be disclosed to each individual or his or her authorized
174 personal representative, or parent or legal guardian if the
175 individual is a minor ~~who did not seek treatment voluntarily and~~

176 ~~without parental consent.~~

177 ~~(3) The parent, legal guardian, or legal custodian of a~~
178 ~~minor is not liable for payment for any substance abuse services~~
179 ~~provided to the minor without parental consent pursuant to s.~~
180 ~~397.601(4), unless the parent, legal guardian, or legal~~
181 ~~custodian participates or is ordered to participate in the~~
182 ~~services, and only for the substance abuse services rendered. If~~
183 ~~the minor is receiving services as a juvenile offender, the~~
184 ~~obligation to pay is governed by the law relating to juvenile~~
185 ~~offenders.~~

186 **Section 7. Paragraph (e) of subsection (7) of section**
187 **397.501, Florida Statutes, is amended to read:**

188 397.501 Rights of individuals.—Individuals receiving
189 substance abuse services from any service provider are
190 guaranteed protection of the rights specified in this section,
191 unless otherwise expressly provided, and service providers must
192 ensure the protection of such rights.

193 (7) RIGHT TO CONFIDENTIALITY OF INDIVIDUAL RECORDS.—

194 ~~(e)1. Since a minor acting alone has the legal capacity to~~
195 ~~voluntarily apply for and obtain substance abuse treatment, any~~
196 ~~written consent for disclosure may be given only by the minor.~~
197 ~~This restriction includes, but is not limited to, any disclosure~~
198 ~~of identifying information to the parent, legal guardian, or~~
199 ~~custodian of a minor for the purpose of obtaining financial~~
200 ~~reimbursement.~~

~~2. When the consent of a parent, legal guardian, or
custodian is required under this chapter in order for a minor to
obtain substance abuse treatment, any written consent for
disclosure must be given by both the minor and the parent, legal
guardian, or custodian.~~

**Section 8. Subsection (4) of section 397.601, Florida
Statutes, is amended to read:**

397.601 Voluntary admissions.—

~~(4)(a) The disability of minority for persons under 18
years of age is removed solely for the purpose of obtaining
voluntary substance abuse impairment services from a licensed
service provider, and consent to such services by a minor has
the same force and effect as if executed by an individual who
has reached the age of majority. Such consent is not subject to
later disaffirmance based on minority.~~

~~(b) Except for purposes of law enforcement activities in
connection with protective custody, the disability of minority
is not removed if there is~~ For an involuntary admission of a
minor for substance abuse services, ~~in which case~~ parental
participation may be required as the court finds appropriate.

**Section 9. 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 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

251 health or well-being. This subparagraph does not prohibit a
252 school district from adopting procedures that permit school
253 personnel to withhold such information from a parent if a
254 reasonably prudent person would believe that disclosure would
255 result in abuse, abandonment, or neglect, as those terms are
256 defined in s. 39.01.

257 3. Classroom instruction by school personnel or third
258 parties on sexual orientation or gender identity may not occur
259 in prekindergarten through grade 8, except when required by ss.
260 1003.42(2)(o)3. and 1003.46. If such instruction is provided in
261 grades 9 through 12, the instruction must be age-appropriate or
262 developmentally appropriate for students in accordance with
263 state standards. This subparagraph applies to charter schools.

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

268 5. At the beginning of the school year, each school
269 district shall notify parents of each health care service
270 offered at their student's school and the option to withhold
271 consent or decline any specific service in accordance with s.
272 1014.06. Parental consent to a health care service does not
273 waive the parent's right to access his or her student's
274 educational or health records or to be notified about a change
275 in his or her student's services or monitoring as provided by

276 this paragraph.

277 6. Except as provided in s. 1014.04(1)(k), before
278 administering any ~~a~~ student well-being, mental health, or health
279 screening questionnaire or ~~health screening~~ form to a student in
280 kindergarten through grade 12 ~~3~~, the school district must
281 provide the questionnaire or ~~health screening~~ form to the
282 parent, either electronically or in paper form, and notify the
283 parent of the date or time period when the questionnaire or form
284 will be administered. The school district must give the parent
285 an opportunity to opt his or her student out of participation
286 ~~and obtain the permission of the parent.~~

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

292 a. At a minimum, the procedures must require that within
293 30 days after notification by the parent that the concern
294 remains unresolved, the school district must either resolve the
295 concern or provide a statement of the reasons for not resolving
296 the concern.

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

299 (I) Request the Commissioner of Education to appoint a
300 special magistrate who is a member of The Florida Bar in good

standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the dispute over the school district procedure or practice, consider information provided by the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

(II) Bring an action against the school district to obtain a declaratory judgment that the school district procedure or 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 10. Paragraphs (e), (f), and (h) of subsection (1) of section 1014.04, Florida Statutes, are amended, and paragraphs (k) and (l) are 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 minor child has been maintained in an out-of-home placement by the Department of Children and Families and the department has the minor child examined for injury, illness, and communicable diseases and to determine the need for immunization;

3. The minor 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

351 in s. 743.0645;

352 5. The minor is receiving emergency medical care under s.
353 743.064, involuntary services under s. 394.463 or s. 397.675, or
354 immediate, onsite behavioral health crisis services under s.
355 394.495(7); or

356 6. Circumstances exist which satisfy the requirements of
357 law for a parent's implied consent to medical care and treatment
358 of the minor child as provided in s. 383.50.

359 7. A court order provides otherwise ~~prohibited by law~~.

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

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

369 (k)1. The right to review, inspect, and consent to any
370 survey or questionnaire before such a survey or questionnaire is
371 given to his or her minor child which may reveal information
372 concerning any of the following:

373 a. Political affiliations or beliefs of the child or the
374 child's family;

375 b. Mental or psychological problems of the child or the

376 child's family;

377 c. Sexual behavior or attitudes;

378 d. Illegal, antisocial, self-incriminating, or demeaning
379 behavior;

380 e. Critical appraisals of any other individual with whom
381 the child has a close family relationship;

382 f. Legally recognized privileged or analogous
383 relationships, such as those of lawyers, physicians, and
384 ministers;

385 g. Religious practices, affiliations, or beliefs of the
386 child or child's parent; or

387 h. Income, other than that required by law to determine
388 eligibility for participation in a program or for receiving
389 financial assistance under such program.

390 2. The right to know, at the time consent is provided, the
391 purpose of the survey or questionnaire, how the information will
392 be used, and the extent to which information will be shared and
393 redisclosed and to whom.

394
395 This paragraph does not apply when a parent does not have the
396 right to make health care decisions for his or her minor child
397 pursuant to paragraph (e).

398 (1) The right to consent in writing to the use of a
399 biofeedback device on his or her minor child. As used in this
400 paragraph, the term "biofeedback device" means an instrument or

401 a sensor used to measure bodily functions, such as heart rate
402 variability, brain waves, or breathing rate, outside of a health
403 care facility or provider's office, for the purpose of improving
404 performance. If the parent consents to the use of the device,
405 all results must be provided to the parent and must otherwise be
406 held as a confidential medical record.

407 **Section 11. Subsections (1) and (2) of section 1014.06,**
408 **Florida Statutes, are amended to read:**

409 1014.06 Parental consent for health care services.—

410 (1) Except as otherwise provided in s. 1014.04(1)(e) or by
411 a court order ~~law~~, a health care practitioner, as defined in s.
412 456.001, or an individual employed by such health care
413 practitioner may not provide or solicit or arrange to provide
414 health care services or prescribe medicinal drugs to a minor
415 child without first obtaining written parental consent.

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

421 **Section 12. For the purpose of incorporating the amendment**
422 **made by this act to section 1014.06, Florida Statutes, in a**
423 **reference thereto, paragraph (f) of subsection (3) of section**
424 **408.813, Florida Statutes, is reenacted to read:**

425 408.813 Administrative fines; violations.—As a penalty for

any violation of this part, authorizing statutes, or applicable rules, the agency may impose an administrative fine.

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

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

Section 13. For the purpose of incorporating the amendment made by this act to section 1014.06, Florida Statutes, in a reference thereto, paragraph (rr) of subsection (1) of section 456.072, Florida Statutes, is reenacted to read:

456.072 Grounds for discipline; penalties; enforcement.—

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

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

Section 14. This act shall take effect July 1, 2025.