

By Senator Sharief

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1                   A bill to be entitled  
2       An act relating to health screenings for K-12  
3       students; amending ss. 1001.42 and 1014.06, F.S.;  
4       authorizing specified screening to be performed on K-  
5       12 students after written parental notification of  
6       such services is provided and the student's parents  
7       are given specified opportunities; providing an  
8       effective date.  
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10 Be It Enacted by the Legislature of the State of Florida:  
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12       Section 1. Paragraph (c) of subsection (8) of section  
13       1001.42, Florida Statutes, is amended to read:

14       1001.42 Powers and duties of district school board.—The  
15       district school board, acting as a board, shall exercise all  
16       powers and perform all duties listed below:

17       (8) STUDENT WELFARE.—

18       (c)1. In accordance with the rights of parents enumerated  
19       in ss. 1002.20 and 1014.04, adopt procedures for notifying a  
20       student's parent if there is a change in the student's services  
21       or monitoring related to the student's mental, emotional, or  
22       physical health or well-being and the school's ability to  
23       provide a safe and supportive learning environment for the  
24       student. The procedures must reinforce the fundamental right of  
25       parents to make decisions regarding the upbringing and control  
26       of their children by requiring school district personnel to  
27       encourage a student to discuss issues relating to his or her  
28       well-being with his or her parent or to facilitate discussion of  
29       the issue with the parent. The procedures may not prohibit

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30 parents from accessing any of their student's education and  
31 health records created, maintained, or used by the school  
32 district, as required by s. 1002.22(2).

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

48 3. Classroom instruction by school personnel or third  
49 parties on sexual orientation or gender identity may not occur  
50 in prekindergarten through grade 8, except when required by ss.  
51 1003.42(2)(o)3. and 1003.46. If such instruction is provided in  
52 grades 9 through 12, the instruction must be age-appropriate or  
53 developmentally appropriate for students in accordance with  
54 state standards. This subparagraph applies to charter schools.

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

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59           5. At the beginning of the school year, each school  
60 district shall notify parents of each health care service  
61 offered at their student's school and the option to withhold  
62 consent or decline any specific service in accordance with s.  
63 1014.06. Screening, as defined in s. 381.0056(2), may be  
64 performed after the student's parent has been given written  
65 notice of such services and the reasonable opportunity to deny  
66 consent or opt his or her student out of such services. Parental  
67 consent to a health care service does not waive the parent's  
68 right to access his or her student's educational or health  
69 records or to be notified about a change in his or her student's  
70 services or monitoring as provided by this paragraph.

71           6. Before administering a student well-being questionnaire  
72 or health screening form to a student in kindergarten through  
73 grade 3, the school district must provide the questionnaire or  
74 health screening form to the parent and obtain the permission of  
75 the parent.

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

81           a. At a minimum, the procedures must require that within 30  
82 days after notification by the parent that the concern remains  
83 unresolved, the school district must either resolve the concern  
84 or provide a statement of the reasons for not resolving the  
85 concern.

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

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

103 (II) Bring an action against the school district to obtain  
104 a declaratory judgment that the school district procedure or  
105 practice violates this paragraph and seek injunctive relief. A  
106 court may award damages and shall award reasonable attorney fees  
107 and court costs to a parent who receives declaratory or  
108 injunctive relief.

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

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

115 Section 2. Section 1014.06, Florida Statutes, is amended to  
116 read:

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117 1014.06 Parental consent for health care services.—

118 (1) Except as otherwise provided by law, a health care  
119 practitioner, as defined in s. 456.001, or an individual  
120 employed by such health care practitioner may not provide or  
121 solicit or arrange to provide health care services or prescribe  
122 medicinal drugs to a minor child without first obtaining written  
123 parental consent.

124 (2) Except as otherwise provided by law or a court order, a  
125 provider, as defined in s. 408.803, may not allow a medical  
126 procedure to be performed on a minor child in its facility  
127 without first obtaining written parental consent. However, for a  
128 student enrolled in a public school in this state, screening, as  
129 defined in s. 381.0056(2), may be performed after the minor  
130 child's parents have been given written notice of such services  
131 and the reasonable opportunity to deny consent or opt out his or  
132 her minor child from such services.

133 (3) This section does not apply to an abortion, which is  
134 governed by chapter 390.

135 (4) This section does not apply to services provided by a  
136 clinical laboratory, unless the services are delivered through a  
137 direct encounter with the minor at the clinical laboratory  
138 facility. For purposes of this subsection, the term "clinical  
139 laboratory" has the same meaning as provided in s. 483.803.

140 (5) A health care practitioner or other person who violates  
141 this section is subject to disciplinary action pursuant to s.  
142 408.813 or s. 456.072, as applicable, and commits a misdemeanor  
143 of the first degree, punishable as provided in s. 775.082 or s.  
144 775.083.

145 Section 3. This act shall take effect July 1, 2025.