

CS/HB 1091

2026

A bill to be entitled
An act relating to dental screenings for K-12
students; amending s. 381.0056, F.S.; defining the
term "dental screening"; authorizing dental screenings
provided under the school health services program to
be conducted after written notice and an opportunity
for a parent or guardian to opt out; amending s.
1001.42, F.S.; clarifying district school board parent
notification requirements for dental screenings;
amending s. 1014.06, F.S.; providing that specified
parental consent requirements do not apply to certain
dental screenings; providing an effective date.

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

Section 1. Present paragraphs (a) through (f) of subsection (2) of section 381.0056, Florida Statutes, are redesignated as paragraphs (b) through (g), respectively, a new paragraph (a) is added to that subsection, and paragraph (g) of subsection (5) and paragraph (e) of subsection (6) of that section are amended, to read:

381.0056 School health services program.-

(2) As used in this section, the term:

(a) "Dental screening" means a limited, noninvasive visual inspection of the mouth and oral cavity for the purpose of

26 identifying obvious signs of dental disease or abnormality. The
27 term does not include the diagnosis or treatment of a dental
28 disease or abnormality or the use of instruments that penetrate
29 tissue, and may not be construed as a comprehensive dental
30 examination. A dental screening is not an invasive screening as
31 defined in paragraph (d).

32 (5) A nonpublic school may request to participate in the
33 school health services program. A nonpublic school voluntarily
34 participating in the school health services program shall:

35 (g) At the beginning of each school year, inform parents
36 or guardians in writing that their children who are students in
37 the school will receive specified health services as provided
38 for in the district health services plan. A student will be
39 exempt from any of these services if his or her parent or
40 guardian requests such exemption in writing. A dental screening
41 that is part of the preventive dental program required under
42 subparagraph (4)(a)5. may be provided to a student after the
43 written notice required by this paragraph and a reasonable
44 opportunity for the parent or guardian to request such exemption
45 in writing. This paragraph may shall not be construed to
46 authorize invasive screening; if there is a need for such
47 procedure, the consent of the student's parent or guardian must
48 shall be obtained in writing before ~~prior to~~ performing the
49 screening. However, the laws and rules relating to contagious or
50 communicable diseases and sanitary matters may shall not be

51 violated.

52 (6) The district school board shall:

53 (e) At the beginning of each school year, inform parents
54 or guardians in writing that their children who are students in
55 the district schools will receive specified health services as
56 provided for in the district health services plan. A student
57 will be exempt from any of these services if his or her parent
58 or guardian requests such exemption in writing. A dental
59 screening that is part of the preventive dental program required
60 under subparagraph (4)(a)5. may be provided to a student after
61 the written notice required by this paragraph and a reasonable
62 opportunity for the parent or guardian to request such exemption
63 in writing. This paragraph may ~~shall~~ not be construed to
64 authorize invasive screening; if there is a need for such
65 procedure, the consent of the student's parent or guardian must
66 ~~shall~~ be obtained in writing before ~~prior to~~ performing the
67 screening. However, the laws and rules relating to contagious or
68 communicable diseases and sanitary matters may ~~shall~~ not be
69 violated.

70 **Section 2. Paragraph (c) of subsection (8) of section
71 1001.42, Florida Statutes, is amended to read:**

72 1001.42 Powers and duties of district school board.—The
73 district school board, acting as a board, shall exercise all
74 powers and perform all duties listed below:

75 (8) STUDENT WELFARE.—

76 (c)1. In accordance with the rights of parents enumerated
77 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
78 student's parent if there is a change in the student's services
79 or monitoring related to the student's mental, emotional, or
80 physical health or well-being and the school's ability to
81 provide a safe and supportive learning environment for the
82 student. The procedures must reinforce the fundamental right of
83 parents to make decisions regarding the upbringing and control
84 of their children by requiring school district personnel to
85 encourage a student to discuss issues relating to his or her
86 well-being with his or her parent or to facilitate discussion of
87 the issue with the parent. The procedures may not prohibit
88 parents from accessing any of their student's education and
89 health records created, maintained, or used by the school
90 district, as required by s. 1002.22(2).

91 2. A school district may not adopt procedures or student
92 support forms that prohibit school district personnel from
93 notifying a parent about his or her student's mental, emotional,
94 or physical health or well-being, or a change in related
95 services or monitoring, or that encourage or have the effect of
96 encouraging a student to withhold from a parent such
97 information. School district personnel may not discourage or
98 prohibit parental notification of and involvement in critical
99 decisions affecting a student's mental, emotional, or physical
100 health or well-being. This subparagraph does not prohibit a

101 school district from adopting procedures that permit school
102 personnel to withhold such information from a parent if a
103 reasonably prudent person would believe that disclosure would
104 result in abuse, abandonment, or neglect, as those terms are
105 defined in s. 39.01.

106 3. Classroom instruction by school personnel or third
107 parties on sexual orientation or gender identity may not occur
108 in prekindergarten through grade 8, except when required by ss.
109 1003.42(2)(o)3. and 1003.46. If such instruction is provided in
110 grades 9 through 12, the instruction must be age-appropriate or
111 developmentally appropriate for students in accordance with
112 state standards. This subparagraph applies to charter schools.

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

117 5. At the beginning of the school year, each school
118 district shall notify parents of each health care service
119 offered at their student's school and the option to withhold
120 consent or decline any specific service in accordance with s.
121 1014.06. A dental screening, as defined in s. 381.0056(2), which
122 is included in the preventive dental program listed in s.
123 381.0056(4)(a)5. may be provided in accordance with s. 381.0056.
124 Parental consent to a health care service does not waive the
125 parent's right to access his or her student's educational or

126 health records or to be notified about a change in his or her
127 student's services or monitoring as provided by this paragraph.

128 6. Before administering a student well-being questionnaire
129 or health screening form to a student in kindergarten through
130 grade 3, the school district must provide the questionnaire or
131 health screening form to the parent and obtain the permission of
132 the parent.

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

138 a. At a minimum, the procedures must require that within
139 30 days after notification by the parent that the concern
140 remains unresolved, the school district must either resolve the
141 concern or provide a statement of the reasons for not resolving
142 the concern.

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

145 (I) Request the Commissioner of Education to appoint a
146 special magistrate who is a member of The Florida Bar in good
147 standing and who has at least 5 years' experience in
148 administrative law. The special magistrate shall determine facts
149 relating to the dispute over the school district procedure or
150 practice, consider information provided by the school district,

151 and render a recommended decision for resolution to the State
152 Board of Education within 30 days after receipt of the request
153 by the parent. The State Board of Education must approve or
154 reject the recommended decision at its next regularly scheduled
155 meeting that is more than 7 calendar days and no more than 30
156 days after the date the recommended decision is transmitted. The
157 costs of the special magistrate shall be borne by the school
158 district. The State Board of Education shall adopt rules,
159 including forms, necessary to implement this subparagraph.

160 (II) Bring an action against the school district to obtain
161 a declaratory judgment that the school district procedure or
162 practice violates this paragraph and seek injunctive relief. A
163 court may award damages and shall award reasonable attorney fees
164 and court costs to a parent who receives declaratory or
165 injunctive relief.

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

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

172 **Section 3. Present subsection (5) of section 1014.06,
173 Florida Statutes, is redesignated as subsection (6), and a new
174 subsection (5) is added to that section, to read:**

175 1014.06 Parental consent for health care services.—

176 (5) This section does not apply to a dental screening, as
177 defined in s. 381.0056(2), which is part of the preventive
178 dental program required under s. 381.0056(4)(a)5. and provided
179 in accordance with s. 381.0056.

180 **Section 4.** This act shall take effect July 1, 2026.