

By Senator Calatayud

38-01280B-26

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A bill to be entitled

An act relating to dental screenings for K-12 students; amending ss. 1001.42 and 1014.06, F.S.; authorizing specified dental screenings to be performed on K-12 students after written parental notification of such services is provided and the student's parents are given specified opportunities; defining the term "dental screening"; providing an effective date.

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

Section 1. Paragraph (c) of subsection (8) of section 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

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30 the issue with the parent. The procedures may not prohibit
31 parents from accessing any of their student's education and
32 health records created, maintained, or used by the school
33 district, as required by s. 1002.22(2).

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

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

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

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59 established by the Department of Education.

60 5. At the beginning of the school year, each school
61 district shall notify parents of each health care service
62 offered at their student's school and the option to withhold
63 consent or decline any specific service in accordance with s.
64 1014.06. A dental screening included in the preventive dental
65 program listed in s. 381.0056(4)(a)5. may be performed after the
66 student's parent has been given written notice of such services
67 and the reasonable opportunity to deny consent or opt his or her
68 student out of such services. For purposes of this subparagraph,
69 the term "dental screening" means a limited, noninvasive visual
70 inspection of the oral cavity, performed for the purpose of
71 identifying obvious signs of dental disease or abnormality. The
72 term does not include the diagnosis or treatment of a dental
73 disease or abnormality or the use of instruments that penetrate
74 tissue, and may not be construed as a comprehensive dental
75 examination. Parental consent to a health care service does not
76 waive the parent's right to access his or her student's
77 educational or health records or to be notified about a change
78 in his or her student's services or monitoring as provided by
79 this paragraph.

80 6. Before administering a student well-being questionnaire
81 or health screening form to a student in kindergarten through
82 grade 3, the school district must provide the questionnaire or
83 health screening form to the parent and obtain the permission of
84 the parent.

85 7. Each school district shall adopt procedures for a parent
86 to notify the principal, or his or her designee, regarding
87 concerns under this paragraph at his or her student's school and

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88 the process for resolving those concerns within 7 calendar days
89 after notification by the parent.

90 a. At a minimum, the procedures must require that within 30
91 days after notification by the parent that the concern remains
92 unresolved, the school district must either resolve the concern
93 or provide a statement of the reasons for not resolving the
94 concern.

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

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

112 (II) Bring an action against the school district to obtain
113 a declaratory judgment that the school district procedure or
114 practice violates this paragraph and seek injunctive relief. A
115 court may award damages and shall award reasonable attorney fees
116 and court costs to a parent who receives declaratory or

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117 injunctive relief.

118 c. Each school district shall adopt and post on its website
119 policies to notify parents of the procedures required under this
120 subparagraph.121 d. Nothing contained in this subparagraph shall be
122 construed to abridge or alter rights of action or remedies in
123 equity already existing under the common law or general law.124 Section 2. Subsection (2) of section 1014.06, Florida
125 Statutes, is amended to read:

126 1014.06 Parental consent for health care services.—

127 (2) Except as otherwise provided by law or a court order, a
128 provider, as defined in s. 408.803, may not allow a medical
129 procedure to be performed on a minor child in its facility
130 without first obtaining written parental consent. However, for a
131 student enrolled in a public school in the state, a dental
132 screening included in the preventive dental program listed in s.
133 381.0056(4)(a)5. may be performed after the minor child's
134 parents have been given written notice of such services and the
135 reasonable opportunity to deny consent or opt their minor child
136 out of such services. For purposes of this subsection, the term
137 "dental screening" means a limited, noninvasive visual
138 inspection of the oral cavity, performed for the purpose of
139 identifying obvious signs of dental disease or abnormality. The
140 term does not include the diagnosis or treatment of a dental
141 disease or abnormality or the use of instruments that penetrate
142 tissue, and may not be construed as a comprehensive dental
143 examination.

144 Section 3. This act shall take effect July 1, 2026.