

1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.01,
3 F.S.; revising the definition of the term "harm" to
4 provide that exposure of a child to a controlled
5 substance may be established by evidence of acute or
6 chronic use of a controlled substance by a parent to a
7 specified extent; revising the definition of the term
8 "neglect" to provide that neglect occurs when there is
9 evidence of acute or chronic use of a controlled
10 substance by a parent to a specified extent;
11 reenacting ss. 39.521(1)(c), 39.6012(1)(c),
12 39.806(1)(k), 61.13(2)(c), 61.401, 61.402(3),
13 390.01114(2)(b), 393.067(4)(g), (7), and (9),
14 744.309(3), 984.03(24), 985.155(4)(c), and
15 1001.42(8)(c), F.S., relating to disposition hearings
16 and powers of disposition; case plan tasks and
17 services; grounds for termination of parental rights;
18 support of children, parenting and time-sharing, and
19 powers of the court; appointment of guardian ad litem;
20 qualifications of guardians ad litem; the Parental
21 Notice of and Consent for Abortion Act; facility
22 licensure; who may be appointed guardian of a resident
23 ward; definitions; neighborhood restorative justice;
24 and powers and duties of district school board,
25 respectively, to incorporate the amendment made to s.

26 | 39.01, F.S., in references thereto; providing an
 27 | effective date.

28 |

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

30 |

31 | **Section 1. Paragraph (g) of subsection (37) and subsection**
 32 | **(53) of section 39.01, Florida Statutes, are amended to read:**

33 | 39.01 Definitions.—When used in this chapter, unless the
 34 | context otherwise requires:

35 | (37) "Harm" to a child's health or welfare can occur when
 36 | any person:

37 | (g) Exposes a child to a controlled substance or alcohol.
 38 | Exposure to a controlled substance or alcohol is established by:

39 | 1. A test, administered at birth, which indicated that the
 40 | child's blood, urine, or meconium contained any amount of
 41 | alcohol or a controlled substance or metabolites of such
 42 | substances, the presence of which was not the result of medical
 43 | treatment administered to the mother or the newborn infant; ~~or~~

44 | 2. Evidence of extensive, abusive, and chronic use of a
 45 | controlled substance or alcohol by a parent to the extent that
 46 | the parent's ability to provide supervision and care for the
 47 | child has been or is likely to be severely compromised; or

48 | 3. Evidence of acute or chronic use of a controlled
 49 | substance by a parent to the extent that the ongoing threat of
 50 | the parent's future intoxication compromises the parent's

51 ability to guarantee and provide supervision and care for the
52 child.

53

54 As used in this paragraph, the term "controlled substance" means
55 prescription drugs not prescribed for the parent or not
56 administered as prescribed and controlled substances as outlined
57 in Schedule I or Schedule II of s. 893.03.

58 (53) "Neglect" occurs when:

59 (a) A child is deprived of, or is allowed to be deprived
60 of, necessary food, clothing, shelter, or medical treatment or a
61 child is permitted to live in an environment when such
62 deprivation or environment causes the child's physical, mental,
63 or emotional health to be significantly impaired or to be in
64 danger of being significantly impaired. The foregoing
65 circumstances shall not be considered neglect if caused
66 primarily by financial inability unless actual services for
67 relief have been offered to and rejected by such person. A
68 parent or legal custodian legitimately practicing religious
69 beliefs in accordance with a recognized church or religious
70 organization who thereby does not provide specific medical
71 treatment for a child may not, for that reason alone, be
72 considered a negligent parent or legal custodian; however, such
73 an exception does not preclude a court from ordering the
74 following services to be provided, when the health of the child
75 so requires:

76 ~~1.(a)~~ Medical services from a licensed physician, dentist,
77 optometrist, podiatric physician, or other qualified health care
78 provider; or

79 ~~2.(b)~~ Treatment by a duly accredited practitioner who
80 relies solely on spiritual means for healing in accordance with
81 the tenets and practices of a well-recognized church or
82 religious organization.

83 (b) There is evidence of acute or chronic use of a
84 controlled substance by a parent to the extent that the ongoing
85 threat of the parent's future intoxication results in an
86 environment that causes the child's physical, mental, or
87 emotional safety to be significantly impaired or to be in danger
88 of being significantly impaired.

89
90 Neglect of a child includes acts or omissions.

91 **Section 2. For the purpose of incorporating the amendment**
92 **made by this act to section 39.01, Florida Statutes, in a**
93 **reference thereto, paragraph (c) of subsection (1) of section**
94 **39.521, Florida Statutes, is reenacted to read:**

95 39.521 Disposition hearings; powers of disposition.—

96 (1) A disposition hearing shall be conducted by the court,
97 if the court finds that the facts alleged in the petition for
98 dependency were proven in the adjudicatory hearing, or if the
99 parents or legal custodians have consented to the finding of
100 dependency or admitted the allegations in the petition, have

101 failed to appear for the arraignment hearing after proper
102 notice, or have not been located despite a diligent search
103 having been conducted.

104 (c) When any child is adjudicated by a court to be
105 dependent, the court having jurisdiction of the child has the
106 power by order to:

107 1. Require the parent and, when appropriate, the legal
108 guardian or the child to participate in treatment and services
109 identified as necessary. The court may require the person who
110 has custody or who is requesting custody of the child to submit
111 to a mental health or substance abuse disorder assessment or
112 evaluation. The order may be made only upon good cause shown and
113 pursuant to notice and procedural requirements provided under
114 the Florida Rules of Juvenile Procedure. The mental health
115 assessment or evaluation must be administered by a qualified
116 professional as defined in s. 39.01, and the substance abuse
117 assessment or evaluation must be administered by a qualified
118 professional as defined in s. 397.311. The court may also
119 require such person to participate in and comply with treatment
120 and services identified as necessary, including, when
121 appropriate and available, participation in and compliance with
122 a mental health court program established under chapter 394 or a
123 treatment-based drug court program established under s. 397.334.
124 Adjudication of a child as dependent based upon evidence of harm
125 as defined in s. 39.01(37)(g) demonstrates good cause, and the

126 | court shall require the parent whose actions caused the harm to
127 | submit to a substance abuse disorder assessment or evaluation
128 | and to participate and comply with treatment and services
129 | identified in the assessment or evaluation as being necessary.
130 | In addition to supervision by the department, the court,
131 | including the mental health court program or the treatment-based
132 | drug court program, may oversee the progress and compliance with
133 | treatment by a person who has custody or is requesting custody
134 | of the child. The court may impose appropriate available
135 | sanctions for noncompliance upon a person who has custody or is
136 | requesting custody of the child or make a finding of
137 | noncompliance for consideration in determining whether an
138 | alternative placement of the child is in the child's best
139 | interests. Any order entered under this subparagraph may be made
140 | only upon good cause shown. This subparagraph does not authorize
141 | placement of a child with a person seeking custody of the child,
142 | other than the child's parent or legal custodian, who requires
143 | mental health or substance abuse disorder treatment.

144 | 2. Require, if the court deems necessary, the parties to
145 | participate in dependency mediation.

146 | 3. Require placement of the child either under the
147 | protective supervision of an authorized agent of the department
148 | in the home of one or both of the child's parents or in the home
149 | of a relative of the child or another adult approved by the
150 | court, or in the custody of the department. Protective

151 supervision continues until the court terminates it or until the
152 child reaches the age of 18, whichever date is first. Protective
153 supervision shall be terminated by the court whenever the court
154 determines that permanency has been achieved for the child,
155 whether with a parent, another relative, or a legal custodian,
156 and that protective supervision is no longer needed. The
157 termination of supervision may be with or without retaining
158 jurisdiction, at the court's discretion, and shall in either
159 case be considered a permanency option for the child. The order
160 terminating supervision by the department must set forth the
161 powers of the custodian of the child and include the powers
162 ordinarily granted to a guardian of the person of a minor unless
163 otherwise specified. Upon the court's termination of supervision
164 by the department, further judicial reviews are not required if
165 permanency has been established for the child.

166 4. Determine whether the child has a strong attachment to
167 the prospective permanent guardian and whether such guardian has
168 a strong commitment to permanently caring for the child.

169 **Section 3. For the purpose of incorporating the amendment**
170 **made by this act to section 39.01, Florida Statutes, in a**
171 **reference thereto, paragraph (c) of subsection (1) of section**
172 **39.6012, Florida Statutes, is reenacted to read:**

173 39.6012 Case plan tasks; services.—

174 (1) The services to be provided to the parent and the
175 tasks that must be completed are subject to the following:

176 (c) If there is evidence of harm as defined in s.
177 39.01(37)(g), the case plan must include as a required task for
178 the parent whose actions caused the harm that the parent submit
179 to a substance abuse disorder assessment or evaluation and
180 participate and comply with treatment and services identified in
181 the assessment or evaluation as being necessary.

182 **Section 4. For the purpose of incorporating the amendment**
183 **made by this act to section 39.01, Florida Statutes, in a**
184 **reference thereto, paragraph (k) of subsection (1) of section**
185 **39.806, Florida Statutes, is reenacted to read:**

186 39.806 Grounds for termination of parental rights.—

187 (1) Grounds for the termination of parental rights may be
188 established under any of the following circumstances:

189 (k) A test administered at birth that indicated that the
190 child's blood, urine, or meconium contained any amount of
191 alcohol or a controlled substance or metabolites of such
192 substances, the presence of which was not the result of medical
193 treatment administered to the mother or the newborn infant, and
194 the biological mother of the child is the biological mother of
195 at least one other child who was adjudicated dependent after a
196 finding of harm to the child's health or welfare due to exposure
197 to a controlled substance or alcohol as defined in s. 39.01,
198 after which the biological mother had the opportunity to
199 participate in substance abuse treatment.

200 **Section 5. For the purpose of incorporating the amendment**

201 **made by this act to section 39.01, Florida Statutes, in a**
 202 **reference thereto, paragraph (c) of subsection (2) of section**
 203 **61.13, Florida Statutes, is reenacted to read:**

204 61.13 Support of children; parenting and time-sharing;
 205 powers of court.—

206 (2)

207 (c) The court shall determine all matters relating to
 208 parenting and time-sharing of each minor child of the parties in
 209 accordance with the best interests of the child and in
 210 accordance with the Uniform Child Custody Jurisdiction and
 211 Enforcement Act, except that modification of a parenting plan
 212 and time-sharing schedule requires a showing of a substantial
 213 and material change of circumstances.

214 1. It is the public policy of this state that each minor
 215 child has frequent and continuing contact with both parents
 216 after the parents separate or the marriage of the parties is
 217 dissolved and to encourage parents to share the rights and
 218 responsibilities, and joys, of childrearing. Unless otherwise
 219 provided in this section or agreed to by the parties, there is a
 220 rebuttable presumption that equal time-sharing of a minor child
 221 is in the best interests of the minor child. To rebut this
 222 presumption, a party must prove by a preponderance of the
 223 evidence that equal time-sharing is not in the best interests of
 224 the minor child. Except when a time-sharing schedule is agreed
 225 to by the parties and approved by the court, the court must

226 evaluate all of the factors set forth in subsection (3) and make
227 specific written findings of fact when creating or modifying a
228 time-sharing schedule.

229 2. The court shall order that the parental responsibility
230 for a minor child be shared by both parents unless the court
231 finds that shared parental responsibility would be detrimental
232 to the child. In determining detriment to the child, the court
233 shall consider:

234 a. Evidence of domestic violence, as defined in s. 741.28;

235 b. Whether either parent has or has had reasonable cause
236 to believe that he or she or his or her minor child or children
237 are or have been in imminent danger of becoming victims of an
238 act of domestic violence as defined in s. 741.28 or sexual
239 violence as defined in s. 784.046(1)(c) by the other parent
240 against the parent or against the child or children whom the
241 parents share in common regardless of whether a cause of action
242 has been brought or is currently pending in the court;

243 c. Whether either parent has or has had reasonable cause
244 to believe that his or her minor child or children are or have
245 been in imminent danger of becoming victims of an act of abuse,
246 abandonment, or neglect, as those terms are defined in s. 39.01,
247 by the other parent against the child or children whom the
248 parents share in common regardless of whether a cause of action
249 has been brought or is currently pending in the court; and

250 d. Any other relevant factors.

251 3. The following evidence creates a rebuttable presumption
252 that shared parental responsibility is detrimental to the child:

253 a. A parent has been convicted of a misdemeanor of the
254 first degree or higher involving domestic violence, as defined
255 in s. 741.28 and chapter 775;

256 b. A parent meets the criteria of s. 39.806(1)(d); or

257 c. A parent has been convicted of or had adjudication
258 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and
259 at the time of the offense:

260 (I) The parent was 18 years of age or older.

261 (II) The victim was under 18 years of age or the parent
262 believed the victim to be under 18 years of age.

263
264 If the presumption is not rebutted after the convicted parent is
265 advised by the court that the presumption exists, shared
266 parental responsibility, including time-sharing with the child,
267 and decisions made regarding the child, may not be granted to
268 the convicted parent. However, the convicted parent is not
269 relieved of any obligation to provide financial support. If the
270 court determines that shared parental responsibility would be
271 detrimental to the child, it may order sole parental
272 responsibility and make such arrangements for time-sharing as
273 specified in the parenting plan as will best protect the child
274 or abused spouse from further harm. Whether or not there is a
275 conviction of any offense of domestic violence or child abuse or

276 the existence of an injunction for protection against domestic
277 violence, the court shall consider evidence of domestic violence
278 or child abuse as evidence of detriment to the child.

279 4. In ordering shared parental responsibility, the court
280 may consider the expressed desires of the parents and may grant
281 to one party the ultimate responsibility over specific aspects
282 of the child's welfare or may divide those responsibilities
283 between the parties based on the best interests of the child.
284 Areas of responsibility may include education, health care, and
285 any other responsibilities that the court finds unique to a
286 particular family.

287 5. The court shall order sole parental responsibility for
288 a minor child to one parent, with or without time-sharing with
289 the other parent if it is in the best interests of the minor
290 child.

291 6. There is a rebuttable presumption against granting
292 time-sharing with a minor child if a parent has been convicted
293 of or had adjudication withheld for an offense enumerated in s.
294 943.0435(1)(h)1.a., and at the time of the offense:

295 a. The parent was 18 years of age or older.

296 b. The victim was under 18 years of age or the parent
297 believed the victim to be under 18 years of age.

298
299 A parent may rebut the presumption upon a specific finding in
300 writing by the court that the parent poses no significant risk

301 of harm to the child and that time-sharing is in the best
 302 interests of the minor child. If the presumption is rebutted,
 303 the court must consider all time-sharing factors in subsection
 304 (3) when developing a time-sharing schedule.

305 7. Access to records and information pertaining to a minor
 306 child, including, but not limited to, medical, dental, and
 307 school records, may not be denied to either parent. Full rights
 308 under this subparagraph apply to either parent unless a court
 309 order specifically revokes these rights, including any
 310 restrictions on these rights as provided in a domestic violence
 311 injunction. A parent having rights under this subparagraph has
 312 the same rights upon request as to form, substance, and manner
 313 of access as are available to the other parent of a child,
 314 including, without limitation, the right to in-person
 315 communication with medical, dental, and education providers.

316 **Section 6. For the purpose of incorporating the amendment**
 317 **made by this act to section 39.01, Florida Statutes, in a**
 318 **reference thereto, section 61.401, Florida Statutes, is**
 319 **reenacted to read:**

320 61.401 Appointment of guardian ad litem.—In an action for
 321 dissolution of marriage or for the creation, approval, or
 322 modification of a parenting plan, if the court finds it is in
 323 the best interest of the child, the court may appoint a guardian
 324 ad litem to act as next friend of the child, investigator or
 325 evaluator, not as attorney or advocate. The court in its

326 discretion may also appoint legal counsel for a child to act as
327 attorney or advocate; however, the guardian and the legal
328 counsel shall not be the same person. In such actions which
329 involve an allegation of child abuse, abandonment, or neglect as
330 defined in s. 39.01, which allegation is verified and determined
331 by the court to be well-founded, the court shall appoint a
332 guardian ad litem for the child. The guardian ad litem shall be
333 a party to any judicial proceeding from the date of the
334 appointment until the date of discharge.

335 **Section 7. For the purpose of incorporating the amendment**
336 **made by this act to section 39.01, Florida Statutes, in a**
337 **reference thereto, subsection (3) of section 61.402, Florida**
338 **Statutes, is reenacted to read:**

339 61.402 Qualifications of guardians ad litem.—

340 (3) Only a guardian ad litem who qualifies under paragraph
341 (1)(a) or paragraph (1)(c) may be appointed to a case in which
342 the court has determined that there are well-founded allegations
343 of child abuse, abandonment, or neglect as defined in s. 39.01.

344 **Section 8. For the purpose of incorporating the amendment**
345 **made by this act to section 39.01, Florida Statutes, in a**
346 **reference thereto, paragraph (b) of subsection (2) of section**
347 **390.01114, Florida Statutes, is reenacted to read:**

348 390.01114 Parental Notice of and Consent for Abortion
349 Act.—

350 (2) DEFINITIONS.—As used in this section, the term:

351 (b) "Child abuse" means abandonment, abuse, harm, mental
352 injury, neglect, physical injury, or sexual abuse of a child as
353 those terms are defined in ss. 39.01, 827.04, and 984.03.

354 **Section 9. For the purpose of incorporating the amendment**
355 **made by this act to section 39.01, Florida Statutes, in a**
356 **reference thereto, paragraph (g) of subsection (4) and**
357 **subsections (7) and (9) of section 393.067, Florida Statutes,**
358 **are reenacted to read:**

359 393.067 Facility licensure.—

360 (4) The application shall be under oath and shall contain
361 the following:

362 (g) Certification that the staff of the facility or adult
363 day training program will receive training to detect, report,
364 and prevent sexual abuse, abuse, neglect, exploitation, and
365 abandonment, as defined in ss. 39.01 and 415.102, of residents
366 and clients.

367 (7) The agency shall adopt rules establishing minimum
368 standards for facilities and adult day training programs
369 licensed under this section, including rules requiring
370 facilities and adult day training programs to train staff to
371 detect, report, and prevent sexual abuse, abuse, neglect,
372 exploitation, and abandonment, as defined in ss. 39.01 and
373 415.102, of residents and clients, minimum standards of quality
374 and adequacy of client care, incident reporting requirements,
375 and uniform firesafety standards established by the State Fire

376 Marshal which are appropriate to the size of the facility or
 377 adult day training program.

378 (9) The agency may conduct unannounced inspections to
 379 determine compliance by foster care facilities, group home
 380 facilities, residential habilitation centers, and adult day
 381 training programs with the applicable provisions of this chapter
 382 and the rules adopted pursuant hereto, including the rules
 383 adopted for training staff of a facility or an adult day
 384 training program to detect, report, and prevent sexual abuse,
 385 abuse, neglect, exploitation, and abandonment, as defined in ss.
 386 39.01 and 415.102, of residents and clients. The facility or
 387 adult day training program shall make copies of inspection
 388 reports available to the public upon request.

389 **Section 10. For the purpose of incorporating the amendment**
 390 **made by this act to section 39.01, Florida Statutes, in a**
 391 **reference thereto, subsection (3) of section 744.309, Florida**
 392 **Statutes, is reenacted to read:**

393 744.309 Who may be appointed guardian of a resident ward.—

394 (3) DISQUALIFIED PERSONS.—No person who has been convicted
 395 of a felony or who, from any incapacity or illness, is incapable
 396 of discharging the duties of a guardian, or who is otherwise
 397 unsuitable to perform the duties of a guardian, shall be
 398 appointed to act as guardian. Further, no person who has been
 399 judicially determined to have committed abuse, abandonment, or
 400 neglect against a child as defined in s. 39.01 or s. 984.03(1),

401 (2), and (24), or who has been found guilty of, regardless of
402 adjudication, or entered a plea of nolo contendere or guilty to,
403 any offense prohibited under s. 435.04 or similar statute of
404 another jurisdiction, shall be appointed to act as a guardian.
405 Except as provided in subsection (5) or subsection (6), a person
406 who provides substantial services to the proposed ward in a
407 professional or business capacity, or a creditor of the proposed
408 ward, may not be appointed guardian and retain that previous
409 professional or business relationship. A person may not be
410 appointed a guardian if he or she is in the employ of any
411 person, agency, government, or corporation that provides service
412 to the proposed ward in a professional or business capacity,
413 except that a person so employed may be appointed if he or she
414 is the spouse, adult child, parent, or sibling of the proposed
415 ward or the court determines that the potential conflict of
416 interest is insubstantial and that the appointment would clearly
417 be in the proposed ward's best interest. The court may not
418 appoint a guardian in any other circumstance in which a conflict
419 of interest may occur.

420 **Section 11. For the purpose of incorporating the amendment**
421 **made by this act to section 39.01, Florida Statutes, in a**
422 **reference thereto, subsection (24) of section 984.03, Florida**
423 **Statutes, is reenacted to read:**

424 984.03 Definitions.—When used in this chapter, the term:
425 (24) "Neglect" has the same meaning as in s. 39.01(53).

426 **Section 12. For the purpose of incorporating the amendment**
 427 **made by this act to section 39.01, Florida Statutes, in a**
 428 **reference thereto, paragraph (c) of subsection (4) of section**
 429 **985.155, Florida Statutes, is reenacted to read:**

430 985.155 Neighborhood restorative justice.—

431 (4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.—

432 (c) The board shall require the parent or legal guardian
 433 of the juvenile who is referred to a Neighborhood Restorative
 434 Justice Center to appear with the juvenile before the board at
 435 the time set by the board. In scheduling board meetings, the
 436 board shall be cognizant of a parent's or legal guardian's other
 437 obligations. The failure of a parent or legal guardian to appear
 438 at the scheduled board meeting with his or her child or ward may
 439 be considered by the juvenile court as an act of child neglect
 440 as defined by s. 39.01, and the board may refer the matter to
 441 the Department of Children and Families for investigation under
 442 the provisions of chapter 39.

443 **Section 13. For the purpose of incorporating the amendment**
 444 **made by this act to section 39.01, Florida Statutes, in a**
 445 **reference thereto, paragraph (c) of subsection (8) of section**
 446 **1001.42, Florida Statutes, is reenacted to read:**

447 1001.42 Powers and duties of district school board.—The
 448 district school board, acting as a board, shall exercise all
 449 powers and perform all duties listed below:

450 (8) STUDENT WELFARE.—

451 (c)1. In accordance with the rights of parents enumerated
452 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
453 student's parent if there is a change in the student's services
454 or monitoring related to the student's mental, emotional, or
455 physical health or well-being and the school's ability to
456 provide a safe and supportive learning environment for the
457 student. The procedures must reinforce the fundamental right of
458 parents to make decisions regarding the upbringing and control
459 of their children by requiring school district personnel to
460 encourage a student to discuss issues relating to his or her
461 well-being with his or her parent or to facilitate discussion of
462 the issue with the parent. The procedures may not prohibit
463 parents from accessing any of their student's education and
464 health records created, maintained, or used by the school
465 district, as required by s. 1002.22(2).

466 2. A school district may not adopt procedures or student
467 support forms that prohibit school district personnel from
468 notifying a parent about his or her student's mental, emotional,
469 or physical health or well-being, or a change in related
470 services or monitoring, or that encourage or have the effect of
471 encouraging a student to withhold from a parent such
472 information. School district personnel may not discourage or
473 prohibit parental notification of and involvement in critical
474 decisions affecting a student's mental, emotional, or physical
475 health or well-being. This subparagraph does not prohibit a

476 school district from adopting procedures that permit school
477 personnel to withhold such information from a parent if a
478 reasonably prudent person would believe that disclosure would
479 result in abuse, abandonment, or neglect, as those terms are
480 defined in s. 39.01.

481 3. Classroom instruction by school personnel or third
482 parties on sexual orientation or gender identity may not occur
483 in prekindergarten through grade 8, except when required by ss.
484 1003.42(2)(o)3. and 1003.46. If such instruction is provided in
485 grades 9 through 12, the instruction must be age-appropriate or
486 developmentally appropriate for students in accordance with
487 state standards. This subparagraph applies to charter schools.

488 4. Student support services training developed or provided
489 by a school district to school district personnel must adhere to
490 student services guidelines, standards, and frameworks
491 established by the Department of Education.

492 5. At the beginning of the school year, each school
493 district shall notify parents of each health care service
494 offered at their student's school and the option to withhold
495 consent or decline any specific service in accordance with s.
496 1014.06. Parental consent to a health care service does not
497 waive the parent's right to access his or her student's
498 educational or health records or to be notified about a change
499 in his or her student's services or monitoring as provided by
500 this paragraph.

501 6. Before administering a student well-being questionnaire
502 or health screening form to a student in kindergarten through
503 grade 3, the school district must provide the questionnaire or
504 health screening form to the parent and obtain the permission of
505 the parent.

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

511 a. At a minimum, the procedures must require that within
512 30 days after notification by the parent that the concern
513 remains unresolved, the school district must either resolve the
514 concern or provide a statement of the reasons for not resolving
515 the concern.

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

518 (I) Request the Commissioner of Education to appoint a
519 special magistrate who is a member of The Florida Bar in good
520 standing and who has at least 5 years' experience in
521 administrative law. The special magistrate shall determine facts
522 relating to the dispute over the school district procedure or
523 practice, consider information provided by the school district,
524 and render a recommended decision for resolution to the State
525 Board of Education within 30 days after receipt of the request

526 | by the parent. The State Board of Education must approve or
527 | reject the recommended decision at its next regularly scheduled
528 | meeting that is more than 7 calendar days and no more than 30
529 | days after the date the recommended decision is transmitted. The
530 | costs of the special magistrate shall be borne by the school
531 | district. The State Board of Education shall adopt rules,
532 | including forms, necessary to implement this subparagraph.

533 | (II) Bring an action against the school district to obtain
534 | a declaratory judgment that the school district procedure or
535 | practice violates this paragraph and seek injunctive relief. A
536 | court may award damages and shall award reasonable attorney fees
537 | and court costs to a parent who receives declaratory or
538 | injunctive relief.

539 | c. Each school district shall adopt and post on its
540 | website policies to notify parents of the procedures required
541 | under this subparagraph.

542 | d. Nothing contained in this subparagraph shall be
543 | construed to abridge or alter rights of action or remedies in
544 | equity already existing under the common law or general law.

545 | **Section 14.** This act shall take effect July 1, 2026.