

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
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.

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

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

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

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
110 website policies to notify parents of the procedures required
111 under this 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**
116 **to read:**

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,
125 a 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 the 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
141 violates this section is subject to disciplinary action pursuant
142 to s. 408.813 or s. 456.072, as applicable, and commits a
143 misdemeanor of the first degree, punishable as provided in s.
144 775.082 or s. 775.083.

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