

By the Committee on Judiciary; and Senator Grall

590-03177-25

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1 A bill to be entitled
2 An act relating to parental rights; amending s.
3 384.30, F.S.; requiring parental consent for a minor's
4 treatment for certain diseases; amending s. 1014.04,
5 F.S.; revising exceptions for certain parental rights;
6 creating the parental right to review and consent to a
7 survey or questionnaire provided to a parent's minor
8 child; creating the parental right to grant permission
9 for the results or responses of such survey or
10 questionnaire to be shared or distributed; amending s.
11 1014.06, F.S.; revising exceptions for specified
12 requirements of parental consent; prohibiting the use
13 of a biofeedback device on a minor child without
14 written permission from the minor child's parent or
15 guardian; defining the term "biofeedback device";
16 requiring the results of the use of such device be
17 provided to a parent or guardian; requiring that such
18 results be held as a confidential medical record;
19 reenacting ss. 408.813(3)(f) and 456.072(1)(rr), F.S.,
20 relating to administrative fines and grounds for
21 discipline, respectively, to incorporate the amendment
22 made to s. 1014.06, F.S., in references thereto;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 384.30, Florida Statutes, is amended to
28 read:

29 384.30 Minors' consent to treatment.—

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30 (1) The department and its authorized representatives, each
31 physician licensed to practice medicine under the provisions of
32 chapter 458 or chapter 459, each health care professional
33 licensed under the provisions of part I of chapter 464 who is
34 acting pursuant to the scope of his or her license, and each
35 public or private hospital, clinic, or other health facility may
36 examine ~~and provide treatment~~ for sexually transmissible
37 diseases to any minor, if the physician, health care
38 professional, or facility is qualified to provide such
39 examination and treatment. The consent of a parent ~~the parents~~
40 or guardian ~~guardians~~ of a minor is not a prerequisite for an
41 examination; however, the consent of a parent or guardian is
42 required for ~~or~~ treatment.

43 (2) The fact of consultation, examination, and treatment of
44 a minor for a sexually transmissible disease is confidential and
45 exempt from the provisions of s. 119.07(1) and shall not be
46 divulged in any direct or indirect manner, such as sending a
47 bill for a consultation or examination ~~services rendered~~ to a
48 parent or guardian, except as provided in s. 384.29.

49 Section 2. Paragraphs (e), (f), and (h) of subsection (1)
50 of section 1014.04, Florida Statutes, are amended, and paragraph
51 (k) is added to that subsection, to read:

52 1014.04 Parental rights.—

53 (1) All parental rights are reserved to the parent of a
54 minor child in this state without obstruction or interference
55 from the state, any of its political subdivisions, any other
56 governmental entity, or any other institution, including, but
57 not limited to, all of the following rights of a parent of a
58 minor child in this state:

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59 (e) The right to make health care decisions for his or her
60 minor child, unless:

61 1. The parent is the subject of an investigation of a crime
62 committed against the minor child;

63 2. The child has been maintained in an out of home
64 placement by the Department of Children and Families and the
65 department has a child examined for injury, illness, and
66 communicable diseases and to determine the need for
67 immunization;

68 3. The child is authorized by law to make the specific
69 health care decisions for himself or herself as provided in ss.
70 743.01, 743.015, 743.06, 743.065, 743.066, and 743.067;

71 4. A parent cannot be located and another person is
72 authorized by law to make the health care decisions as provided
73 in s. 743.0645; or

74 5. Circumstances exist which satisfy the requirements of
75 law for a parent's implied consent to medical care and treatment
76 of the child as provided in s. 383.50 ~~otherwise prohibited by~~
77 law.

78 (f) The right to access and review all medical records of
79 his or her minor child, unless ~~prohibited by law or if the~~
80 parent is the subject of an investigation of a crime committed
81 against the minor child and a law enforcement agency or official
82 requests that the information not be released.

83 (h) The right to consent in writing before any record of
84 his or her minor child's blood or deoxyribonucleic acid (DNA) is
85 created, stored, or shared, except as ~~required by general law or~~
86 authorized pursuant to a court order.

87 (k)1. The right to review and consent to any survey or

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88 questionnaire given to his or her minor child.

89 2. The right to grant permission for the responses or
90 results of such survey or questionnaire to be shared or
91 distributed, upon receiving notice of the intended recipient,
92 the purpose of the survey or questionnaire, or the specified
93 information to be shared.

94 Section 3. Present subsections (3), (4), and (5), of
95 section 1014.06, Florida Statutes, are redesignated as
96 subsections (4), (5), and (6), respectively, a new subsection
97 (3) is added to that section, and subsections (1) and (2) of
98 that section are amended, to read:

99 1014.06 Parental consent for health care services.—

100 (1) Except as otherwise provided for emergency medical care
101 under s. 743.064 or s. 1014.04(1)(e) or by court order law, a
102 health care practitioner, as defined in s. 456.001, or an
103 individual employed by such health care practitioner may not
104 provide or solicit or arrange to provide health care services or
105 prescribe medicinal drugs to a minor child without first
106 obtaining written parental consent.

107 (2) Except as otherwise provided for emergency medical care
108 under s. 743.064, s. 1014.04(1)(e) by law or by a court order, a
109 provider, as defined in s. 408.803, may not allow a medical
110 procedure to be performed on a minor child in its facility
111 without first obtaining written parental consent.

112 (3) The use of a biofeedback device is a health care
113 service for the purpose of this section. The use of such a
114 device on a minor child without first obtaining express written
115 permission from the minor child's parent or guardian is
116 prohibited. As used in this subsection, the term "biofeedback

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117 device” means an instrument or a sensor used to measure bodily
118 functions, such as heart rate variability, brain waves, or
119 breathing rate, for the purpose of improving performance. If the
120 parent or guardian consents to the use of the device, all
121 results must be provided to the parent or guardian and must
122 otherwise be held as a confidential medical record.

123 Section 4. For the purpose of incorporating the amendment
124 made by this act to section 1014.06, Florida Statutes, in a
125 reference thereto, paragraph (f) of subsection (3) of section
126 408.813, Florida Statutes, is reenacted to read:

127 408.813 Administrative fines; violations.—As a penalty for
128 any violation of this part, authorizing statutes, or applicable
129 rules, the agency may impose an administrative fine.

130 (3) The agency may impose an administrative fine for a
131 violation that is not designated as a class I, class II, class
132 III, or class IV violation. Unless otherwise specified by law,
133 the amount of the fine may not exceed \$500 for each violation.
134 Unclassified violations include:

135 (f) Violating the parental consent requirements of s.
136 1014.06.

137 Section 5. For the purpose of incorporating the amendment
138 made by this act to section 1014.06, Florida Statutes, in a
139 reference thereto, paragraph (rr) of subsection (1) of section
140 456.072, Florida Statutes, is reenacted to read:

141 456.072 Grounds for discipline; penalties; enforcement.—

142 (1) The following acts shall constitute grounds for which
143 the disciplinary actions specified in subsection (2) may be
144 taken:

145 (rr) Failure to comply with the parental consent

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146 requirements of s. 1014.06.

147 Section 6. This act shall take effect July 1, 2025.