

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 744

SPONSOR: Judiciary Committee and Senator Campbell

SUBJECT: Parental Rights

DATE: March 9, 2000

REVISED: 3/14/00 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matthews</u>	<u>Johnson</u>	<u>JU</u>	<u>Favorable/CS</u>
2.	<u>Esner</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/1 Amend</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill reinforces existing law regarding a parent's rights to access a child's records and other pertinent information.

This bill substantially amends the following section of the Florida Statutes: 61.13

II. Present Situation:

Parental Access to Education and Medical Records

Section 61.13, F.S., governs child custody, support, and visitation. Specifically, section 61.13(2), F.S., sets forth the powers of the court in all child custody matters, including parental responsibility. Florida law contemplates that both parents, regardless of marital status and custodial designation, shall continue to have full "[a]ccess to all records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records." s. 61.13(2)(b)3., F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 61.13(2), F.S., relating to child custody, support, and visitation. It reinforces the existing statutory right of either parent to equally access all records and information (including, but not limited to, medical, dental, and school records) pertaining to the minor child. Unless a court order is entered specifically revoking a secondary residential (non-custodial) parent's rights to these records or information, he or she has the same full rights as the primary residential (custodial) parent, including the right to direct communication with the medical, dental and educational providers.

Section 2 provides that the Act shall take effect July 1, 2000.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may place medical, dental and education providers on better notice regarding existing statutory rights that both parents, regardless of marital and custodial designation, have to equally access a child's records and other information and to communicate directly with the medical, dental and education providers.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

1 by Education Committee

Requires the custodial parent to provide the school with a copy of the court order if the rights of the noncustodial parent were revoked.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
