

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 House Joint Resolution

6 A joint resolution proposing the creation of Section 26 of  
7 Article I of the State Constitution to provide certain  
8 constitutional rights of parents with respect to their  
9 children, to require the Legislature to protect such  
10 rights by appropriate legislation, and to exclude  
11 application of the section to certain minors and laws.  
12

13 Be It Resolved by the Legislature of the State of Florida:

14  
15 That the creation of Section 26 of Article I of the State  
16 Constitution set forth below is agreed to and shall be submitted  
17 to the electors of Florida for approval or rejection at the  
18 general election to be held in November 2004:

19 ARTICLE I

20 DECLARATION OF RIGHTS

21 SECTION 26. Parental rights.--Parents have a fundamental  
22 right to raise, educate, and care for their children. The  
23 legislature shall protect parental rights by appropriate

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24 | legislation, notwithstanding Section 23 of Article I as it  
 25 | relates to the privacy of minors. Nothing in this section shall  
 26 | be construed to apply to minors emancipated by general law or  
 27 | laws protecting minors from neglect, abuse, or criminal  
 28 | wrongdoing.

29 | BE IT FURTHER RESOLVED that the title and substance of the  
 30 | amendment proposed herein shall appear on the ballot as follows:

31 | PARENTAL RIGHTS

32 | Proposes the creation of Section 26 of Article I of the  
 33 | State Constitution to provide that parents have a fundamental  
 34 | right to raise, educate, and care for their children; to require  
 35 | the Legislature to protect parental rights by appropriate  
 36 | legislation, notwithstanding Section 23 of Article I of the  
 37 | State Constitution as it relates to the privacy of minors; and  
 38 | to exclude application of the new section to minors emancipated  
 39 | by general law or laws protecting minors from neglect, abuse, or  
 40 | criminal wrongdoing. The amendment addresses the relationship  
 41 | between parents and the state by expressly affirming parental  
 42 | rights with express exceptions. The amendment also addresses the  
 43 | relative rights of parents and children when such rights come  
 44 | into legal conflict. The amendment establishes that parental  
 45 | rights supersede any rights specifically claimed by minors under  
 46 | the state privacy provision, Section 23 of Article I of the  
 47 | State Constitution. This would allow the Legislature to protect  
 48 | parental rights in the matters affecting their children,  
 49 | including, but not limited to, the decision of a minor to obtain  
 50 | an abortion. Minors would retain all of the rights guaranteed  
 51 | under the United States Constitution. Minors would also continue

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52 | to be protected under the State Constitution, including the  
53 | state privacy provision, except when in conflict with a parental  
54 | right under the amendment.