

By Senator Altman

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1                   A bill to be entitled  
2       An act relating to parental rights; amending s.  
3       39.001, F.S.; revising legislative intent to establish  
4       the right of a parent to make decisions regarding the  
5       care, custody, and management of his or her child;  
6       requiring a specific determination to overcome that  
7       right; providing for applicability; providing that  
8       general law adopted after a specified date may  
9       supersede the right if a specified requirement is met;  
10      providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Subsection (7) of section 39.001, Florida  
15 Statutes, is amended to read:

16       39.001 Purposes and intent; personnel standards and  
17 screening.—

18       (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES;  
19 PARENTAL RIGHTS.—

20       (a) Responsibilities.—Parents, custodians, and guardians  
21 are deemed by the state to be responsible for providing their  
22 children with sufficient support, guidance, and supervision. The  
23 state further recognizes that the ability of parents,  
24 custodians, and guardians to fulfill these ~~these~~  
25 responsibilities can be greatly impaired by economic, social,  
26 behavioral, emotional, and related problems. It is, therefore,  
27 the policy of the Legislature that it is the state's  
28 responsibility to ensure that factors impeding the ability of  
29 caregivers to fulfill their responsibilities are identified

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30 through the dependency process and that appropriate  
31 recommendations and services to address those problems are  
32 considered in any judicial or nonjudicial proceeding.

33 (b) Parental rights.—

34 1. The liberty of a parent to direct the upbringing,  
35 education, and care of his or her child is a fundamental right.

36 2.a. The state, or a political subdivision of the state,  
37 may not infringe upon the right of a parent as stated in  
38 subparagraph 1. unless it demonstrates that the public safety,  
39 health, and welfare of a child is in jeopardy or that its  
40 interest, as applied to the parent, is of the highest order and  
41 cannot be otherwise served.

42 b. This paragraph applies retroactively and prospectively  
43 to any state, general, or local law or local ordinance and the  
44 implementation of that law or ordinance.

45 c. A general law adopted after July 1, 2015, may supersede  
46 this paragraph, but only to the extent that it does so by  
47 express reference to this paragraph.

48 Section 2. This act shall take effect July 1, 2015.