

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Grall offered the following:

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Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Chapter 1014, Florida Statutes, consisting of ss. 1014.01-1014.06, is created and shall be entitled "Parents' Bill of Rights."

Section 2. Section 1014.01, Florida Statutes, is created to read:

1014.01 Short title.—This section and ss. 1014.02-1014.06 may be cited as the "Parents' Bill of Rights."

Section 3. Section 1014.02, Florida Statutes, is created to read:

1014.02 Legislative findings and definition.—

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17 (1) The Legislature finds that important information
18 relating to a child should not be withheld, either inadvertently
19 or purposefully, from his or her parent, including information
20 relating to the child's health, well-being, and education, while
21 the child is in the custody of the school district. The
22 Legislature further finds it is necessary to establish a
23 consistent mechanism for parents to be notified of information
24 relating to the health and well-being of their children and that
25 it is a fundamental right of parents to direct the upbringing,
26 education, and care of their children.

27 (2) For purposes of this chapter, the term "parent" means
28 a person who has legal custody of a minor child as a natural or
29 adoptive parent or a legal guardian.

30 Section 4. Section 1014.03, Florida Statutes, is created
31 to read:

32 1014.03 Infringement of parental rights.—The state, any of
33 its political subdivisions, any other governmental entity, or
34 any other institution may not infringe on the fundamental rights
35 of a parent to direct the upbringing, education, health care,
36 and mental health of his or her minor child without
37 demonstrating that such action is reasonable and necessary to
38 achieve a compelling state interest and that such action is
39 narrowly tailored and is not otherwise served by a less
40 restrictive means.

41 Section 5. Section 1014.04, Florida Statutes, is created

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42 to read:

43 1014.04 Parental rights.—

44 (1) All parental rights are reserved to the parent of a
45 minor child in this state without obstruction or interference
46 from the state, any of its political subdivisions, any other
47 governmental entity, or any other institution, including, but
48 not limited to, all of the following rights of a parent of a
49 minor child in this state:

50 (a) The right to direct the education and care of his or
51 her minor child.

52 (b) The right to direct the upbringing and the moral or
53 religious training of the minor child.

54 (c) The right, pursuant to s. 1002.20(2)(b) and (6), to
55 enroll his or her child in a public school or, as an alternative
56 to public education, a private school, religious school, a home
57 education program, or other available options.

58 (d) The right, pursuant to s. 1002.20(13), to access and
59 review all school records relating to the minor child.

60 (e) The right to make health care decisions for his or her
61 minor child, unless otherwise prohibited by law.

62 (f) The right to access and review all medical records of
63 the minor child, unless prohibited by law or if the parent is
64 the subject of an investigation of a crime committed against the
65 minor child and a law enforcement agency or official requests
66 that the information not be released.

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67 (g) The right to consent in writing before a biometric
68 scan of the minor child is made, shared, or stored.

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

73 (i) The right to consent in writing before the state or
74 any of its political subdivisions makes a video or voice
75 recording of his or her minor child unless such recording is
76 made during or as part of a court proceeding, is made by law
77 enforcement or during a law enforcement investigation, is made
78 as part of a forensic interview in a criminal or Department of
79 Children and Families investigation or to be used solely for the
80 following purposes:

81 1. A safety demonstration, including the maintenance of
82 order and discipline in the common areas of a school or on
83 student transportation vehicles;

84 2. A purpose related to a legitimate academic or
85 extracurricular activity;

86 3. A purpose related to regular classroom instructions;

87 4. Security or surveillance of buildings or grounds; or

88 5. A photo identification card.

89 (j) The right to be notified promptly if an employee of
90 the state, any of its political subdivisions, any other
91 governmental entity, or any other institution suspects that a

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92 criminal offense has been committed against his or her minor
93 child, unless the incident has first been reported to law
94 enforcement or the Department of Children and Families and
95 notifying the parent would impede the investigation.

96 (2) This section does not:

97 (a) Authorize a parent of a minor child in this state to
98 engage in conduct that is unlawful or to abuse or neglect his or
99 her minor child in violation of general law;

100 (b) Condone, authorize, approve, or apply to a parental
101 action or decision that would end life;

102 (c) Prohibit a court of competent jurisdiction, law
103 enforcement officer, or employees of a government agency that is
104 responsible for child welfare from acting in his or her official
105 capacity within the reasonable and prudent scope of his or her
106 authority; or

107 (d) Prohibit a court of competent jurisdiction from
108 issuing an order that is otherwise permitted by law.

109 (3) An employee of the state, any of its political
110 subdivisions, or any other governmental entity who encourages or
111 coerces, or attempts to encourage or coerce, a minor child to
112 withhold information from his or her parent may be subject to
113 disciplinary action. This subsection does not apply to law
114 enforcement personnel and Department of Children and Families
115 personnel acting within their official capacities.

116 (4) A parent of a minor child in this state has

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117 inalienable rights that are more comprehensive than those listed
118 in this section, unless such rights have been legally waived or
119 terminated. This chapter does not prescribe all rights to a
120 parent of a minor child in this state. Unless required by law,
121 the rights of a parent of a minor child in this state may not be
122 limited or denied. This chapter may not be construed to apply to
123 a parental action or decision that would end life.

124 Section 6. Section 1014.05, Florida Statutes, is created
125 to read:

126 1014.05 School district notifications on parental rights.-

127 (1) Each district school board shall, in consultation with
128 parents, teachers, and administrators, develop and adopt a
129 policy to promote parental involvement in the public school
130 system. Such policy must include:

131 (a) A plan pursuant to s. 1002.23, for parental
132 participation in schools to improve parent and teacher
133 cooperation in such areas as homework, school attendance, and
134 discipline.

135 (b) A procedure pursuant to s. 1002.20(19)(b), for a
136 parent to learn about his or her child's course of study,
137 including the source of any supplemental education materials.

138 (c) Procedures for a parent to object to classroom
139 materials and activities pursuant to s. 1006.28(2)(a)2, and a
140 process for withdrawing his or her student from the activity,
141 class, or program in which such materials or activities are

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142 used. Such objections may be based on beliefs regarding
143 morality, sex, and religion or the belief that such materials or
144 activities are harmful.

145 (d) Procedures, pursuant to s. 1002.20(3) (d), for a parent
146 to withdraw his or her student from any portion of the school
147 district's comprehensive health education required under s.
148 1003.42(2) (n) that relates to sex education or instruction in
149 acquired immune deficiency syndrome education or any instruction
150 regarding sexuality if the parent provides a written objection
151 to his or her child's participation. Such procedures must
152 provide for a parent to be notified in advance of such course
153 content so that he or she may withdraw his or her student from
154 those portions of the course.

155 (e) Procedures, pursuant to s. 1006.195(1) (a), for a
156 parent to learn about the nature and purpose of clubs and
157 activities offered at his or her child's school, including those
158 that are extracurricular or part of the school curriculum.

159 (f) Procedures for a parent to learn about parental rights
160 and responsibilities under general law, including all of the
161 following:

162 1. Pursuant to s. 1002.20(3) (d), the right to opt his or
163 her minor child out of any portion of the school district's
164 comprehensive health education required under s. 1003.42(2) (n)
165 that relates to sex education instruction in acquired immune
166 deficiency syndrome education or any instruction regarding

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167 sexuality.

168 2. A plan to disseminate information, pursuant to s.
169 1002.20(6), about school choice options, including open
170 enrollment.

171 3. In accordance with s. 1002.20(3)(b), the right of a
172 parent to exempt his or her student from immunizations.

173 4. In accordance with s. 1008.22, the right of a parent to
174 review statewide, standardized assessment results.

175 5. In accordance with s. 1003.57, the right of a parent to
176 enroll his or her student in gifted or special education
177 programs.

178 6. In accordance with s. 1006.28(2)(a)1, the right of a
179 parent to inspect school district instructional materials.

180 7. In accordance with s. 1008.25, the right of a parent to
181 access to information relating to the school district's policies
182 for promotion or retention, including high school graduation
183 requirements.

184 8. In accordance with s. 1002.20(14), the right of a
185 parent to receive a school report card and be informed of his or
186 her child's attendance requirements.

187 9. In accordance with s. 1002.23, the right of a parent to
188 access information relating to the state public education
189 system, state standards, report card requirements, attendance
190 requirements, and instructional materials requirements.

191 10. In accordance with s. 1002.23(4), the right of a

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192 parent to participate in parent-teacher associations and
193 organizations that are sanctioned by a district school board or
194 the Department of Education.

195 11. In accordance with s. 1002.222(1)(a), the right of a
196 parent to opt out of any district-level data collection relating
197 to his or her minor child not required by law.

198 (2) A district school board may provide the information
199 required in this section electronically or post such information
200 on its website.

201 (3) A parent may request, in writing, from the district
202 school superintendent the information required under this
203 section. Within 10 days, the district school superintendent must
204 provide such information to the parent. If the district school
205 superintendent denies a parent's request for information or does
206 not respond to the parent's request within 10 days, the parent
207 may appeal the denial to the district school board. The district
208 school board must place a parent's appeal on the agenda for its
209 next public meeting. If it is too late for a parent's appeal to
210 appear on the next agenda, the appeal must be included on the
211 agenda for the subsequent meeting.

212 Section 7. Section 1014.06, Florida Statutes, is created
213 to read:

214 1014.06 Parental consent for health care purposes.-

215 (1)(a) Except as otherwise provided by law or a court
216 order, a health care practitioner, as defined in s. 456.001, may

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217 not solicit to perform, arrange to perform, or perform surgical
218 procedures, physical examinations, mental health evaluations in
219 a clinical or nonclinical setting, or mental health treatments
220 on a minor child or prescribe any prescription drugs to a minor
221 child without the written consent of his or her parent.

222 (b) Except as otherwise provided by law, a person,
223 corporation, association, organization, state-supported
224 institution, or an individual employed by such entities may not
225 procure, solicit to perform, or arrange for the performance of
226 surgical procedures, physical examinations, mental health
227 evaluations in a clinical or nonclinical setting, or mental
228 health treatments on or the prescribing of prescription drugs to
229 minor child without the written consent of his or her parent.

230 (2) Pursuant to general law, a hospital licensed under
231 chapter 395 may not allow a surgical procedure to be performed
232 on a minor child in its facilities without first receiving the
233 written consent of his or her parent.

234 (3) This section does not apply when an emergency
235 condition exists that requires immediate medical attention to
236 prevent a serious injury or save the minor child from death or
237 if a minor child's parent cannot be located or contacted after a
238 reasonably diligent effort.

239 (4) This section does not apply to an abortion, which is
240 governed by chapter 390.

241 (5) A health care practitioner or other person who

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242 violates this section is subject to disciplinary action as
243 provided in general law and commits a misdemeanor of the first
244 degree, punishable as provided in ss. 775.082 and 775.083.

245 Section 8. This act shall take effect July 1, 2019.

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248 **T I T L E A M E N D M E N T**

249 Remove everything before the enacting clause and insert:

250 An act relating to parental rights; creating chapter 1014, F.S.;
251 creating s. 1014.01, F.S.; providing a short title; creating s.
252 1014.02, F.S.; providing legislative findings; defining the term
253 "parent"; creating s. 1014.03, F.S.; providing that the state,
254 its political subdivisions, other governmental entities, or
255 other institutions may not infringe on parental rights without
256 demonstrating specified information; creating s. 1014.04, F.S.;
257 providing that a parent of a minor child has specified rights
258 relating to his or her minor child; prohibiting the state from
259 infringing upon specified parental rights; prohibiting specified
260 parental rights from being denied or abridged; providing that
261 certain actions by specified individuals are grounds for
262 disciplinary actions against such individuals; providing
263 constructions; creating s. 1014.05, F.S.; requiring each
264 district school board to develop and adopt a policy to promote
265 parental involvement in the public school system; providing
266 requirements for such policy; authorizing a district school

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267 board to provide such policy electronically or on its website;
268 authorizing a parent to request certain information in writing;
269 providing a procedure for the denial of such information;
270 creating s. 1014.06, F.S.; prohibiting certain health care
271 practitioners from taking specified actions without a parent's
272 written permission; prohibiting certain entities from taking
273 specified actions relating to a minor's health care without a
274 parent's written permission; prohibiting a hospital from
275 allowing certain actions without a parent's written permission;
276 providing exceptions; providing penalties; providing an
277 effective date.