

1                   A bill to be entitled  
2           An act relating to parental rights; creating chapter  
3           1014, F.S.; creating s. 1014.01, F.S.; providing a  
4           short title; creating s. 1014.02, F.S.; providing  
5           legislative findings; defining the term "parent";  
6           creating s. 1014.03, F.S.; providing that the state,  
7           its political subdivisions, other governmental  
8           entities, or other institutions may not infringe on  
9           parental rights without demonstrating specified  
10          information; creating s. 1014.04, F.S.; providing that  
11          a parent of a minor child has specified rights  
12          relating to his or her minor child; prohibiting the  
13          state from infringing upon specified parental rights;  
14          prohibiting specified parental rights from being  
15          denied or abridged; providing that certain actions by  
16          specified individuals are grounds for disciplinary  
17          actions against such individuals; providing  
18          constructions; creating s. 1014.05, F.S.; requiring  
19          each district school board to develop and adopt a  
20          policy to promote parental involvement in the public  
21          school system; providing requirements for such policy;  
22          authorizing a district school board to provide such  
23          policy electronically or on its website; authorizing a  
24          parent to request certain information in writing;  
25          providing a procedure for the denial of such

26 information; creating s. 1014.06, F.S.; prohibiting  
 27 certain health care practitioners from taking  
 28 specified actions without a parent's written  
 29 permission; prohibiting certain entities from taking  
 30 specified actions relating to a minor's health care  
 31 without a parent's written permission; prohibiting a  
 32 hospital from allowing certain actions without a  
 33 parent's written permission; providing exceptions;  
 34 providing penalties; providing an effective date.

35  
 36 Be It Enacted by the Legislature of the State of Florida:

37  
 38 Section 1. Chapter 1014, Florida Statutes, consisting of  
 39 ss. 1014.01-1014.06, is created and shall be entitled "Parents'  
 40 Bill of Rights."

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

43 1014.01 Short title.—This section and ss. 1014.02-1014.06  
 44 may be cited as the "Parents' Bill of Rights."

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

47 1014.02 Legislative findings and definition.—

48 (1) The Legislature finds that important information  
 49 relating to a child should not be withheld, either inadvertently  
 50 or purposefully, from his or her parent, including information

51 relating to the child's health, well-being, and education, while  
52 the child is in the custody of the school district. The  
53 Legislature further finds it is necessary to establish a  
54 consistent mechanism for parents to be notified of information  
55 relating to the health and well-being of their children and that  
56 it is a fundamental right of parents to direct the upbringing,  
57 education, and care of their children.

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

61 Section 4. Section 1014.03, Florida Statutes, is created  
62 to read:

63 1014.03 Infringement of parental rights.—The state, any of  
64 its political subdivisions, any other governmental entity, or  
65 any other institution may not infringe on the fundamental rights  
66 of a parent to direct the upbringing, education, health care,  
67 and mental health of his or her minor child without  
68 demonstrating that such action is reasonable and necessary to  
69 achieve a compelling state interest and that such action is  
70 narrowly tailored and is not otherwise served by a less  
71 restrictive means.

72 Section 5. Section 1014.04, Florida Statutes, is created  
73 to read:

74 1014.04 Parental rights.—

75 (1) All parental rights are reserved to the parent of a

76 | minor child in this state without obstruction or interference  
77 | from the state, any of its political subdivisions, any other  
78 | governmental entity, or any other institution, including, but  
79 | not limited to, all of the following rights of a parent of a  
80 | minor child in this state:

81 | (a) The right to direct the education and care of his or  
82 | her minor child.

83 | (b) The right to direct the upbringing and the moral or  
84 | religious training of the minor child.

85 | (c) The right, pursuant to s. 1002.20(2)(b) and (6), to  
86 | enroll his or her child in a public school or, as an alternative  
87 | to public education, a private school, religious school, a home  
88 | education program, or other available options.

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

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

93 | (f) The right to access and review all medical records of  
94 | the minor child, unless prohibited by law or if the parent is  
95 | the subject of an investigation of a crime committed against the  
96 | minor child and a law enforcement agency or official requests  
97 | that the information not be released.

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

100 | (h) The right to consent in writing before any record of

101 his or her minor child's blood or deoxyribonucleic acid (DNA) is  
 102 created, stored, or shared, except as required by general law or  
 103 authorized pursuant to a court order.

104 (i) The right to consent in writing before the state or  
 105 any of its political subdivisions makes a video or voice  
 106 recording of his or her minor child unless such recording is  
 107 made during or as part of a court proceeding, is made by law  
 108 enforcement or during a law enforcement investigation, is made  
 109 as part of a forensic interview in a criminal or Department of  
 110 Children and Families investigation or to be used solely for the  
 111 following purposes:

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

115 2. A purpose related to a legitimate academic or  
 116 extracurricular activity;

117 3. A purpose related to regular classroom instructions;

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

119 5. A photo identification card.

120 (j) The right to be notified promptly if an employee of  
 121 the state, any of its political subdivisions, any other  
 122 governmental entity, or any other institution suspects that a  
 123 criminal offense has been committed against his or her minor  
 124 child, unless the incident has first been reported to law  
 125 enforcement or the Department of Children and Families and

126 notifying the parent would impede the investigation.

127 (2) This section does not:

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

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

133 (c) Prohibit a court of competent jurisdiction, law  
134 enforcement officer, or employees of a government agency that is  
135 responsible for child welfare from acting in his or her official  
136 capacity within the reasonable and prudent scope of his or her  
137 authority; or

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

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

147 (4) A parent of a minor child in this state has  
148 inalienable rights that are more comprehensive than those listed  
149 in this section, unless such rights have been legally waived or  
150 terminated. This chapter does not prescribe all rights to a

151 parent of a minor child in this state. Unless required by law,  
152 the rights of a parent of a minor child in this state may not be  
153 limited or denied. This chapter may not be construed to apply to  
154 a parental action or decision that would end life.

155 Section 6. Section 1014.05, Florida Statutes, is created  
156 to read:

157 1014.05 School district notifications on parental rights.—

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

162 (a) A plan, pursuant to s. 1002.23, for parental  
163 participation in schools to improve parent and teacher  
164 cooperation in such areas as homework, school attendance, and  
165 discipline.

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

169 (c) Procedures for a parent to object to classroom  
170 materials and activities, pursuant to s. 1006.28(2)(a)2., and a  
171 process for withdrawing his or her student from the activity,  
172 class, or program in which such materials or activities are  
173 used. Such objections may be based on beliefs regarding  
174 morality, sex, and religion or the belief that such materials or  
175 activities are harmful.

176 (d) Procedures, pursuant to s. 1002.20(3)(d), for a parent  
177 to withdraw his or her student from any portion of the school  
178 district's comprehensive health education required under s.  
179 1003.42(2)(n) that relates to sex education or instruction in  
180 acquired immune deficiency syndrome education or any instruction  
181 regarding sexuality if the parent provides a written objection  
182 to his or her child's participation. Such procedures must  
183 provide for a parent to be notified in advance of such course  
184 content so that he or she may withdraw his or her student from  
185 those portions of the course.

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

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

193 1. Pursuant to s. 1002.20(3)(d), the right to opt his or  
194 her minor child out of any portion of the school district's  
195 comprehensive health education required under s. 1003.42(2)(n)  
196 that relates to sex education instruction in acquired immune  
197 deficiency syndrome education or any instruction regarding  
198 sexuality.

199 2. A plan to disseminate information, pursuant to s.  
200 1002.20(6), about school choice options, including open

201 enrollment.

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

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

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

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

211 7. In accordance with s. 1008.25, the right of a parent to  
 212 access information relating to the school district's policies  
 213 for promotion or retention, including high school graduation  
 214 requirements.

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

218 9. In accordance with s. 1002.23, the right of a parent to  
 219 access information relating to the state public education  
 220 system, state standards, report card requirements, attendance  
 221 requirements, and instructional materials requirements.

222 10. In accordance with s. 1002.23(4), the right of a  
 223 parent to participate in parent-teacher associations and  
 224 organizations that are sanctioned by a district school board or  
 225 the Department of Education.

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

229 (2) A district school board may provide the information  
230 required in this section electronically or post such information  
231 on its website.

232 (3) A parent may request, in writing, from the district  
233 school superintendent the information required under this  
234 section. Within 10 days, the district school superintendent must  
235 provide such information to the parent. If the district school  
236 superintendent denies a parent's request for information or does  
237 not respond to the parent's request within 10 days, the parent  
238 may appeal the denial to the district school board. The district  
239 school board must place a parent's appeal on the agenda for its  
240 next public meeting. If it is too late for a parent's appeal to  
241 appear on the next agenda, the appeal must be included on the  
242 agenda for the subsequent meeting.

243 Section 7. Section 1014.06, Florida Statutes, is created  
244 to read:

245 1014.06 Parental consent for health care purposes.—

246 (1)(a) Except as otherwise provided by law or a court  
247 order, a health care practitioner, as defined in s. 456.001, may  
248 not solicit to perform, arrange to perform, or perform surgical  
249 procedures, physical examinations, mental health evaluations in  
250 a clinical or nonclinical setting, or mental health treatments

251 on a minor child or prescribe any prescription drugs to a minor  
252 child without the written consent of his or her parent.

253 (b) Except as otherwise provided by law, a person,  
254 corporation, association, organization, state-supported  
255 institution, or an individual employed by such entities may not  
256 procure, solicit to perform, or arrange for the performance of  
257 surgical procedures, physical examinations, mental health  
258 evaluations in a clinical or nonclinical setting, or mental  
259 health treatments on or the prescribing of prescription drugs to  
260 a minor child without the written consent of his or her parent.

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

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

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

272 (5) A health care practitioner or other person who  
273 violates this section is subject to disciplinary action as  
274 provided in general law and commits a misdemeanor of the first  
275 degree, punishable as provided in ss. 775.082 and 775.083.

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