

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 health care facility from allowing certain actions
33 without a parent's written permission; providing
34 exceptions; providing for disciplinary actions and
35 criminal penalties; amending s. 408.813, F.S.;
36 providing that certain violations relating to parental
37 consent are grounds for administrative fines for
38 health care facilities; amending s. 456.072, F.S.;
39 providing that failure to comply with certain parental
40 consent requirements is grounds for disciplinary
41 action for health care practitioners; providing an
42 effective date.

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44 Be It Enacted by the Legislature of the State of Florida:

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

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

51 1014.01 Short title.—This section and ss. 1014.02-1014.06
 52 may be cited as the "Parents' Bill of Rights."

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

55 1014.02 Legislative findings and definition.—

56 (1) The Legislature finds that important information
 57 relating to a child should not be withheld, either inadvertently
 58 or purposefully, from his or her parent, including information
 59 relating to the child's health, well-being, and education, while
 60 the child is in the custody of the school district. The
 61 Legislature further finds it is necessary to establish a
 62 consistent mechanism for parents to be notified of information
 63 relating to the health and well-being of their children and that
 64 it is a fundamental right of parents to direct the upbringing,
 65 education, and care of their children.

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

69 Section 4. Section 1014.03, Florida Statutes, is created
 70 to read:

71 1014.03 Infringement of parental rights.—The state, any of
 72 its political subdivisions, any other governmental entity, or
 73 any other institution may not infringe on the fundamental rights
 74 of a parent to direct the upbringing, education, health care,
 75 and mental health of his or her minor child without

76 demonstrating that such action is reasonable and necessary to
77 achieve a compelling state interest and that such action is
78 narrowly tailored and is not otherwise served by a less
79 restrictive means.

80 Section 5. Section 1014.04, Florida Statutes, is created
81 to read:

82 1014.04 Parental rights.—

83 (1) All parental rights are reserved to the parent of a
84 minor child in this state without obstruction or interference
85 from the state, any of its political subdivisions, any other
86 governmental entity, or any other institution, including, but
87 not limited to, all of the following rights of a parent of a
88 minor child in this state:

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

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

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

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

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

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

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

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

112 (i) The right to consent in writing before the state or
113 any of its political subdivisions makes a video or voice
114 recording of his or her minor child unless such recording is
115 made during or as part of a court proceeding, is made by law
116 enforcement or during a law enforcement investigation, is made
117 as part of a forensic interview in a criminal or Department of
118 Children and Families investigation or to be used solely for the
119 following purposes:

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

123 2. A purpose related to a legitimate academic or
124 extracurricular activity;

125 3. A purpose related to regular classroom instructions;

- 126 4. Security or surveillance of buildings or grounds; or
- 127 5. A photo identification card.

128 (j) The right to be notified promptly if an employee of
 129 the state, any of its political subdivisions, any other
 130 governmental entity, or any other institution suspects that a
 131 criminal offense has been committed against his or her minor
 132 child, unless the incident has first been reported to law
 133 enforcement or the Department of Children and Families and
 134 notifying the parent would impede the investigation.

135 (2) This section does not:

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

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

141 (c) Prohibit a court of competent jurisdiction, law
 142 enforcement officer, or employees of a government agency that is
 143 responsible for child welfare from acting in his or her official
 144 capacity within the reasonable and prudent scope of his or her
 145 authority; or

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

148 (3) An employee of the state, any of its political
 149 subdivisions, or any other governmental entity who encourages or
 150 coerces, or attempts to encourage or coerce, a minor child to

151 withhold information from his or her parent may be subject to
152 disciplinary action. This subsection does not apply to law
153 enforcement personnel and Department of Children and Families
154 personnel acting within their official capacities.

155 (4) A parent of a minor child in this state has
156 inalienable rights that are more comprehensive than those listed
157 in this section, unless such rights have been legally waived or
158 terminated. This chapter does not prescribe all rights to a
159 parent of a minor child in this state. Unless required by law,
160 the rights of a parent of a minor child in this state may not be
161 limited or denied. This chapter may not be construed to apply to
162 a parental action or decision that would end life.

163 Section 6. Section 1014.05, Florida Statutes, is created
164 to read:

165 1014.05 School district notifications on parental rights.-

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

170 (a) A plan, pursuant to s. 1002.23, for parental
171 participation in schools to improve parent and teacher
172 cooperation in such areas as homework, school attendance, and
173 discipline.

174 (b) A procedure, pursuant to s. 1002.20(19)(b), for a
175 parent to learn about his or her child's course of study,

176 | including the source of any supplemental education materials.

177 | (c) Procedures for a parent to object to classroom
178 | materials and activities, pursuant to s. 1006.28(2)(a)2., and a
179 | process for withdrawing his or her student from the activity,
180 | class, or program in which such materials or activities are
181 | used. Such objections may be based on beliefs regarding
182 | morality, sex, and religion or the belief that such materials or
183 | activities are harmful.

184 | (d) Procedures, pursuant to s. 1002.20(3)(d), for a parent
185 | to withdraw his or her student from any portion of the school
186 | district's comprehensive health education required under s.
187 | 1003.42(2)(n) that relates to sex education or instruction in
188 | acquired immune deficiency syndrome education or any instruction
189 | regarding sexuality if the parent provides a written objection
190 | to his or her child's participation. Such procedures must
191 | provide for a parent to be notified in advance of such course
192 | content so that he or she may withdraw his or her student from
193 | those portions of the course.

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

198 | (f) Procedures for a parent to learn about parental rights
199 | and responsibilities under general law, including all of the
200 | following:

201 1. Pursuant to s. 1002.20(3)(d), the right to opt his or
202 her minor child out of any portion of the school district's
203 comprehensive health education required under s. 1003.42(2)(n)
204 that relates to sex education instruction in acquired immune
205 deficiency syndrome education or any instruction regarding
206 sexuality.

207 2. A plan to disseminate information, pursuant to s.
208 1002.20(6), about school choice options, including open
209 enrollment.

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

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

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

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

219 7. In accordance with s. 1008.25, the right of a parent to
220 access information relating to the school district's policies
221 for promotion or retention, including high school graduation
222 requirements.

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

226 9. In accordance with s. 1002.23, the right of a parent to
227 access information relating to the state public education
228 system, state standards, report card requirements, attendance
229 requirements, and instructional materials requirements.

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

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

237 (2) A district school board may provide the information
238 required in this section electronically or post such information
239 on its website.

240 (3) A parent may request, in writing, from the district
241 school superintendent the information required under this
242 section. Within 10 days, the district school superintendent must
243 provide such information to the parent. If the district school
244 superintendent denies a parent's request for information or does
245 not respond to the parent's request within 10 days, the parent
246 may appeal the denial to the district school board. The district
247 school board must place a parent's appeal on the agenda for its
248 next public meeting. If it is too late for a parent's appeal to
249 appear on the next agenda, the appeal must be included on the
250 agenda for the subsequent meeting.

251 Section 7. Section 1014.06, Florida Statutes, is created
252 to read:

253 1014.06 Parental consent for health care services.-

254 (1) (a) Except as otherwise provided by law, a health care
255 practitioner, as defined in s. 456.001, may not provide or
256 solicit or arrange to provide health care services or prescribe
257 medicinal drugs to a minor child without first obtaining written
258 parental consent.

259 (b) Except as otherwise provided by law, a person, as
260 defined in s. 1.01, or an individual employed by such person may
261 not provide or solicit or arrange to provide health care
262 services or prescribe medicinal drugs to a minor child without
263 first obtaining written parental consent.

264 (2) Except as otherwise provided by law or a court order,
265 a provider, as defined in s. 408.803, may not allow a medical
266 procedure to be performed on a minor child in its facility
267 without first obtaining written parental consent.

268 (3) This section does not apply to an abortion, which is
269 governed by chapter 390.

270 (4) A health care practitioner or other person who
271 violates this section is subject to disciplinary action pursuant
272 to s. 408.813 or s. 456.072, as applicable, and commits a
273 misdemeanor of the first degree, punishable as provided in s.
274 775.082 or s. 775.083.

275 Section 8. Paragraph (f) is added to subsection (3) of

276 | section 408.813, Florida Statutes, to read:

277 | 408.813 Administrative fines; violations.—As a penalty for
278 | any violation of this part, authorizing statutes, or applicable
279 | rules, the agency may impose an administrative fine.

280 | (3) The agency may impose an administrative fine for a
281 | violation that is not designated as a class I, class II, class
282 | III, or class IV violation. Unless otherwise specified by law,
283 | the amount of the fine may not exceed \$500 for each violation.

284 | Unclassified violations include:

285 | (f) Violating the parental consent requirements of s.
286 | 1014.06.

287 | Section 9. Paragraph (pp) is added to subsection (1) of
288 | section 456.072, Florida Statutes, to read:

289 | 456.072 Grounds for discipline; penalties; enforcement.—

290 | (1) The following acts shall constitute grounds for which
291 | the disciplinary actions specified in subsection (2) may be
292 | taken:

293 | (pp) Failure to comply with the parental consent
294 | requirements of s. 1014.06.

295 | Section 10. This act shall take effect July 1, 2019.