

By Senator Gruters

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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 construction; 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

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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.

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

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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 to
42 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 to
46 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 a

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59 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 to
62 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 to
73 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

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88 education program, or other available options.

89 (d) The right to access and review all school records
90 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 scan
99 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 any
105 of its political subdivisions makes a video or voice recording
106 of his or her minor child unless such recording is made during
107 or as part of a court proceeding, is made by law enforcement or
108 during a law enforcement investigation, is made as part of a
109 forensic interview in a criminal or Department of Children and
110 Families investigation or to be used solely for the following
111 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;

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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 the
121 state, any of its political subdivisions, any other governmental
122 entity, or any other institution suspects that a criminal
123 offense has been committed against his or her minor child,
124 unless the incident has first been reported to law enforcement
125 or the Department of Children and Families and notifying the
126 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 issuing
139 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

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146 personnel acting within their official capacities.

147 (4) A parent of a minor child in this state has inalienable
148 rights that are more comprehensive than those listed in this
149 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 to
156 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 for parental participation in schools to improve
163 parent and teacher cooperation in such areas as homework, school
164 attendance, and discipline.

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

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

174 (d) Procedures for a parent to withdraw his or her student

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

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

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

190 1. The right to opt his or her minor child out of any
191 portion of the school district's comprehensive health education
192 required under s. 1003.42(2)(n) that relates to sex education
193 instruction in acquired immune deficiency syndrome education or
194 any instruction regarding sexuality.

195 2. School choice options, including open enrollment.

196 3. The right of a parent to exempt his or her student from
197 immunizations.

198 4. The right of a parent to review statewide, standardized
199 assessment results pursuant to s. 1008.22.

200 5. The right of a parent to enroll his or her student in
201 gifted or special education programs.

202 6. The right of a parent to inspect school district
203 instructional materials.

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204 7. The right of a parent to access to information relating
205 to the school district's policies for promotion or retention,
206 including high school graduation requirements.

207 8. The right of a parent to receive a school report card
208 and be informed of his or her child's attendance requirements.

209 9. The right of a parent to access information relating to
210 the state public education system, state standards, report card
211 requirements, attendance requirements, and instructional
212 materials requirements.

213 10. The right of a parent to participate in parent-teacher
214 associations and organizations that are sanctioned by a district
215 school board or the Department of Education.

216 11. The right of a parent to opt out of any district-level
217 data collection relating to his or her minor child not required
218 by law.

219 (2) A district school board may provide the information
220 required in this section electronically or post such information
221 on its website.

222 (3) A parent may request, in writing, from the district
223 school superintendent the information required under this
224 section. Within 10 days, the district school superintendent must
225 provide such information to the parent. If the district school
226 superintendent denies a parent's request for information or does
227 not respond to the parent's request within 10 days, the parent
228 may appeal the denial to the district school board. The district
229 school board must place a parent's appeal on the agenda for its
230 next public meeting. If it is too late for a parent's appeal to
231 appear on the next agenda, the appeal must be included on the
232 agenda for the subsequent meeting.

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233 Section 7. Section 1014.06, Florida Statutes, is created to
234 read:

235 1014.06 Parental consent for health care purposes.—

236 (1) (a) Except as otherwise provided by law or a court
237 order, a health care practitioner, as defined in s. 456.001, may
238 not solicit to perform, arrange to perform, or perform surgical
239 procedures, physical examinations, mental health evaluations in
240 a clinical or nonclinical setting, or mental health treatments
241 on a minor child or prescribe any prescription drugs to a minor
242 child without the written consent of his or her parent.

243 (b) Except as otherwise provided by law, a person,
244 corporation, association, organization, state-supported
245 institution, or an individual employed by such entities may not
246 procure, solicit to perform, or arrange for the performance of
247 surgical procedures, physical examinations, mental health
248 evaluations in a clinical or nonclinical setting, or mental
249 health treatments on or the prescribing of prescription drugs to
250 minor child without the written consent of his or her parent.

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

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

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

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

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

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