

By the Committee on Education; and Senator Gruters

581-04152-19

20191726c1

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

581-04152-19

20191726c1

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:

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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

581-04152-19

20191726c1

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

581-04152-19

20191726c1

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 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;

581-04152-19

20191726c1

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

581-04152-19

20191726c1

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, 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

581-04152-19

20191726c1

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 parent
187 to learn about the nature and purpose of clubs and activities
188 offered at his or her child's school, including those that are
189 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.

581-04152-19

20191726c1

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 parent
216 to receive a school report card and be informed of his or her
217 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 parent
223 to participate in parent-teacher associations and organizations
224 that are sanctioned by a district school board or the Department
225 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

581-04152-19

20191726c1

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 to
244 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 minor child without the written consent of his or her parent.

261 (2) Pursuant to general law, a hospital licensed under

581-04152-19

20191726c1

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 condition
266 exists that requires immediate medical attention to prevent a
267 serious injury or save the minor child from death or if a minor
268 child's parent cannot be located or contacted after a reasonably
269 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 violates
273 this section is subject to disciplinary action as provided in
274 general law and commits a misdemeanor of the first degree,
275 punishable as provided in ss. 775.082 and 775.083.

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