

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 defining the term "instructional materials";
23 authorizing a district school board to provide such
24 policy electronically or on its website; authorizing a
25 parent to request certain information in writing;

26 providing a procedure for the denial of such
27 information; creating s. 1014.06, F.S.; prohibiting
28 certain health care practitioners from taking
29 specified actions without a parent's written
30 permission; prohibiting certain entities from taking
31 specified actions relating to a minor's health care
32 without a parent's written permission; prohibiting a
33 health care facility from allowing certain actions
34 without a parent's written permission; providing
35 exceptions; providing for disciplinary actions and
36 criminal penalties; amending s. 408.813, F.S.;;
37 providing that certain violations relating to parental
38 consent are grounds for administrative fines for
39 health care facilities; amending s. 456.072, F.S.;;
40 providing that failure to comply with certain parental
41 consent requirements is grounds for disciplinary
42 action for health care practitioners; providing an
43 effective date.

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

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

50 Section 2. Section 1014.01, Florida Statutes, is created

51 to read:

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

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

56 1014.02 Legislative findings and definition.—

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

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

71 Section 4. Section 1014.03, Florida Statutes, is created
 72 to read:

73 1014.03 Infringement of parental rights.—The state, any of
 74 its political subdivisions, any other governmental entity, or
 75 any other institution may not infringe on the fundamental rights

76 of a parent to direct the upbringing, education, health care,
77 and mental health of his or her minor child without
78 demonstrating that such action is reasonable and necessary to
79 achieve a compelling state interest and that such action is
80 narrowly tailored and is not otherwise served by a less
81 restrictive means.

82 Section 5. Section 1014.04, Florida Statutes, is created
83 to read:

84 1014.04 Parental rights.—

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

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

93 (b) The right to direct the upbringing and the moral or
94 religious training of his or her minor child.

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

99 (d) The right, pursuant to s. 1002.20(13), to access and
100 review all school records relating to his or her minor child.

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

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

108 (g) The right to consent in writing before a biometric
109 scan of his or her minor child is made, shared, or stored.

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

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

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

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

- 126 3. A purpose related to regular classroom instructions;
- 127 4. Security or surveillance of buildings or grounds; or
- 128 5. A photo identification card.

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

136 (2) This section does not:

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

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

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

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

149 (3) An employee of the state, any of its political
 150 subdivisions, or any other governmental entity who encourages or

151 coerces, or attempts to encourage or coerce, a minor child to
152 withhold information from his or her parent may be subject to
153 disciplinary action.

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

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

164 1014.05 School district notifications on parental rights.-

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

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

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

176 (c) Procedures for a parent to object to instructional
177 materials, including all classroom materials and school
178 activities, pursuant to s. 1006.28(2)(a)2., and a process for
179 withdrawing his or her minor child from the activity, class, or
180 program in which such materials or activities are used. Such
181 objections may be based on beliefs regarding morality, sex, and
182 religion or the belief that such materials or activities are
183 harmful. The term "instructional materials" includes, but is not
184 limited to, textbooks, workbooks and worksheets, handouts,
185 software, applications, internet courses, and any and all
186 digital media available to students pursuant to their role as a
187 student in public school.

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

198 (e) Procedures, pursuant to s. 1006.195(1)(a), for a
199 parent to learn about the nature and purpose of clubs and
200 activities offered at his or her minor child's school, including

201 those that are extracurricular or part of the school curriculum.

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

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

211 2. A plan to disseminate information, pursuant to s.
212 1002.20(6), about school choice options, including open
213 enrollment.

214 3. In accordance with s. 1002.20(3)(b), the right of a
215 parent to exempt his or her minor child from immunizations.

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

218 5. In accordance with s. 1003.57, the right of a parent to
219 enroll his or her minor child in gifted or special education
220 programs.

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

223 7. In accordance with s. 1008.25, the right of a parent to
224 access information relating to the school district's policies
225 for promotion or retention, including high school graduation

226 requirements.

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

230 9. In accordance with s. 1002.23, the right of a parent to
231 access information relating to the state public education
232 system, state standards, report card requirements, attendance
233 requirements, and instructional materials requirements.

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

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

241 (2) A district school board may provide the information
242 required in this section electronically or post such information
243 on its website.

244 (3) A parent may request, in writing, from the district
245 school superintendent the information required under this
246 section. Within 10 days, the district school superintendent must
247 provide such information to the parent. If the district school
248 superintendent denies a parent's request for information or does
249 not respond to the parent's request within 10 days, the parent
250 may appeal the denial to the district school board. The district

251 school board must place a parent's appeal on the agenda for its
252 next public meeting. If it is too late for a parent's appeal to
253 appear on the next agenda, the appeal must be included on the
254 agenda for the subsequent meeting.

255 Section 7. Section 1014.06, Florida Statutes, is created
256 to read:

257 1014.06 Parental consent for health care services.—

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

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

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

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

274 (4) A health care practitioner or other person who
275 violates this section is subject to disciplinary action pursuant

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276 | to s. 408.813 or s. 456.072, as applicable, and commits a
277 | misdemeanor of the first degree, punishable as provided in s.
278 | 775.082 or s. 775.083.

279 | Section 8. Paragraph (f) is added to subsection (3) of
280 | section 408.813, Florida Statutes, to read:

281 | 408.813 Administrative fines; violations.—As a penalty for
282 | any violation of this part, authorizing statutes, or applicable
283 | rules, the agency may impose an administrative fine.

284 | (3) The agency may impose an administrative fine for a
285 | violation that is not designated as a class I, class II, class
286 | III, or class IV violation. Unless otherwise specified by law,
287 | the amount of the fine may not exceed \$500 for each violation.
288 | Unclassified violations include:

289 | (f) Violating the parental consent requirements of s.
290 | 1014.06.

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

293 | 456.072 Grounds for discipline; penalties; enforcement.—

294 | (1) The following acts shall constitute grounds for which
295 | the disciplinary actions specified in subsection (2) may be
296 | taken:

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

299 | Section 10. This act shall take effect July 1, 2020.