

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

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Chapter 1014, Florida Statutes, consisting of
45 ss. 1014.01-1014.06, is created and shall be entitled "Parents'
46 Bill of Rights."

47 Section 2. Section 1014.01, Florida Statutes, is created
48 to read:

49 1014.01 Short title.—This section and ss. 1014.02-1014.06
50 may be cited as the "Parents' Bill of Rights."

51 Section 3. Section 1014.02, Florida Statutes, is created
52 to read:

53 1014.02 Legislative findings and definition.-

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

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

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

70 1014.03 Infringement of parental rights.-The state, any of
71 its political subdivisions, any other governmental entity, or
72 any other institution may not infringe on the fundamental rights
73 of a parent to direct the upbringing, education, health care,
74 and mental health of his or her minor child without
75 demonstrating that such action is reasonable and necessary to

76 | achieve a compelling state interest and that such action is
 77 | narrowly tailored and is not otherwise served by a less
 78 | restrictive means.

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

81 | 1014.04 Parental rights.—

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

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

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

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

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

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

100 | (f) The right to access and review all medical records of

101 his or her minor child, unless prohibited by law or if the
102 parent is the subject of an investigation of a crime committed
103 against the minor child and a law enforcement agency or official
104 requests that the information not be released.

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

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

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

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

121 2. A purpose related to a legitimate academic or
122 extracurricular activity;

123 3. A purpose related to regular classroom instructions;

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

125 5. A photo identification card.

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

133 (2) This section does not:

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

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

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

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

146 (3) An employee of the state, any of its political
 147 subdivisions, or any other governmental entity who encourages or
 148 coerces, or attempts to encourage or coerce, a minor child to
 149 withhold information from his or her parent may be subject to
 150 disciplinary action.

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

159 Section 6. Section 1014.05, Florida Statutes, is created
160 to read:

161 1014.05 School district notifications on parental rights.-

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

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

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

173 (c) Procedures for a parent to object to instructional
174 materials, including all classroom materials and school
175 activities, pursuant to s. 1006.28(2)(a)2., and a process for

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

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

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

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

201 following:

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

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

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

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

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

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

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

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

226 her minor child's attendance requirements.

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

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

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

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

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

251 agenda for the subsequent meeting.

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

254 1014.06 Parental consent for health care services.—

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

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

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

267 (4) This section does not apply to services provided by a
268 clinical laboratory, unless the services are delivered through a
269 direct encounter with the minor at the clinical laboratory
270 facility. For purposes of this subsection, the term "clinical
271 laboratory" has the same meaning as provided in s. 483.803.

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

276 775.082 or s. 775.083.

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

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

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

287 (f) Violating the parental consent requirements of s.
288 1014.06.

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

291 456.072 Grounds for discipline; penalties; enforcement.—

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

295 (pp) Failure to comply with the parental consent
296 requirements of s. 1014.06.

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