

By the Committee on Education; and Senator Stargel

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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 limited or denied; providing that certain actions by
16 specified individuals are grounds for disciplinary
17 actions against those individuals; providing
18 construction; creating s. 1014.05, F.S.; requiring
19 each district school board in consultation with
20 parents, teachers, and administrators, to develop and
21 adopt a policy to promote parental involvement in the
22 public school system; providing requirements for such
23 policy; defining the term "instructional materials";
24 authorizing a district school board to provide such
25 policy electronically or on its website; authorizing a
26 parent to request certain information in writing;
27 providing a procedure for appealing the denial of such
28 information requests; creating s. 1014.06, F.S.;
29 prohibiting certain health care practitioners from

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30 taking specified actions without a parent's written
31 permission; prohibiting certain entities from taking
32 specified actions relating to a minor's health care
33 without a parent's written permission; prohibiting a
34 health care facility from allowing certain actions
35 without a parent's written permission; providing
36 exceptions; providing for disciplinary actions and
37 criminal penalties; amending s. 408.813, F.S.;

38 providing that certain violations relating to parental
39 consent are grounds for administrative fines for
40 health care facilities; amending s. 456.072, F.S.;

41 providing that failure to comply with certain parental
42 consent requirements is grounds for disciplinary
43 action for health care practitioners; providing an
44 effective date.

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

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

51 Section 2. Section 1014.01, Florida Statutes, is created to
52 read:

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

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

57 1014.02 Legislative findings and definition.—

58 (1) The Legislature finds that it is a fundamental right of

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

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

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

74 1014.03 Infringement of parental rights.—The state, any of
75 its political subdivisions, any other governmental entity, or
76 any other institution may not infringe on the fundamental rights
77 of a parent to direct the upbringing, education, health care,
78 and mental health of his or her minor child without
79 demonstrating that such action is reasonable and necessary to
80 achieve a compelling state interest and that such action is
81 narrowly tailored and is not otherwise served by a less
82 restrictive means.

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

85 1014.04 Parental rights.—

86 (1) All parental rights are reserved to the parent of a
87 minor child in this state without obstruction or interference

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88 from the state, any of its political subdivisions, any other
89 governmental entity, or any other institution, including, but
90 not limited to, all of the following rights of a parent of a
91 minor child in this state:

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

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

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

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

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

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

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

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

115 (i) The right to consent in writing before the state or any
116 of its political subdivisions makes a video or voice recording

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117 of his or her minor child unless such recording is made during
118 or as part of a court proceeding or is made as part of a
119 forensic interview in a criminal or Department of Children and
120 Families investigation or is to be used solely for the following
121 purposes:

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

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

127 3. A purpose related to regular classroom instructions;

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

129 5. A photo identification card.

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

137 (2) This section does not:

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

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

143 (c) Prohibit a court of competent jurisdiction, law
144 enforcement officer, or employee of a government agency that is
145 responsible for child welfare from acting in his or her official

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146 capacity within the reasonable and prudent scope of his or her
147 authority; or

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

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

155 (4) A parent of a minor child in this state has inalienable
156 rights that are more comprehensive than those listed in this
157 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 to
164 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

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175 parent to learn about his or her minor child's course of study,
176 including the source of any supplemental education materials.

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

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

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

203 (f) Procedures for a parent to learn about parental rights

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204 and responsibilities under general law, including all of the
205 following:

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

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

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

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

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

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

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

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

231 9. In accordance with s. 1002.23, the right of a parent to
232 access information relating to the state public education

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233 system, state standards, report card requirements, attendance
234 requirements, and instructional materials requirements.

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

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

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

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

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

258 1014.06 Parental consent for health care services.-

259 (1)(a) Except as otherwise provided by law, a health care
260 practitioner, as defined in s. 456.001, may not provide or
261 solicit or arrange to provide health care services or prescribe

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262 medicinal drugs to a minor child without first obtaining written
263 parental consent.

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

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

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

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

280 (5) A health care practitioner or other person who violates
281 this section is subject to disciplinary action pursuant to s.
282 408.813 or s. 456.072, as applicable, and commits a misdemeanor
283 of the first degree, punishable as provided in s. 775.082 or s.
284 775.083.

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

287 408.813 Administrative fines; violations.—As a penalty for
288 any violation of this part, authorizing statutes, or applicable
289 rules, the agency may impose an administrative fine.

290 (3) The agency may impose an administrative fine for a

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291 violation that is not designated as a class I, class II, class
292 III, or class IV violation. Unless otherwise specified by law,
293 the amount of the fine may not exceed \$500 for each violation.

294 Unclassified violations include:

295 (f) Violating the parental consent requirements of s.
296 1014.06.

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

299 456.072 Grounds for discipline; penalties; enforcement.—

300 (1) The following acts shall constitute grounds for which
301 the disciplinary actions specified in subsection (2) may be
302 taken:

303 (pp) Failure to comply with the parental consent
304 requirements of s. 1014.06.

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