

By the Committees on Education; and Judiciary; and Senators
Rodrigues and Baxley

581-03257-21

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1 A bill to be entitled
2 An act relating to parental rights; creating ch. 1014,
3 F.S.; creating s. 1014.01, F.S.; providing a short
4 title; creating s. 1014.02, F.S.; providing
5 legislative findings; defining the term "parent";
6 creating s. 1014.03, F.S.; prohibiting the state, its
7 political subdivisions, other governmental entities,
8 or other institutions from infringing on parental
9 rights unless specified conditions are met; creating
10 s. 1014.04, F.S.; prohibiting the state, its political
11 subdivisions, other governmental entities, or other
12 institutions from obstructing or interfering with
13 specified parental rights; providing construction;
14 authorizing discipline of state employees who
15 encourage or coerce, or attempt to encourage or
16 coerce, a minor child to withhold information from his
17 or her parent; providing construction; creating s.
18 1014.05, F.S.; requiring each district school board to
19 develop and adopt a policy to promote parental
20 involvement in the public school system; specifying
21 requirements for such policy; defining the term
22 "instructional materials"; authorizing a district
23 school board to provide such policy electronically or
24 on its website; authorizing a parent to request
25 certain information in writing from a district school
26 superintendent; requiring the district school
27 superintendent to provide requested information in a
28 specified timeframe; authorizing a parent to appeal a
29 district school superintendent's denial of, or failure

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30 to provide, requested information; requiring a
31 district school board to place such appeal on the
32 agenda for its next public meeting, or the subsequent
33 meeting if it is too late to place such appeal on the
34 next agenda; creating s. 1014.06, F.S.; prohibiting
35 health care practitioners and their employees from
36 providing health care services or prescribing
37 medicinal drugs to a minor child without a parent's
38 written consent; prohibiting a provider from allowing
39 a medical procedure to be performed on a minor child
40 in its facility without a parent's written consent;
41 providing exceptions; providing applicability;
42 providing for disciplinary action and criminal
43 penalties; amending s. 408.813, F.S.; authorizing the
44 Agency for Health Care Administration to impose an
45 administrative fine on providers that violate certain
46 parental consent requirements; amending s. 456.072,
47 F.S.; authorizing the Department of Health to take
48 disciplinary action against health care practitioners
49 who fail to comply with certain parental consent
50 requirements; providing an effective date.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Chapter 1014, Florida Statutes, consisting of
55 ss. 1014.01-1014.06, is created and shall be entitled "Parents'
56 Bill of Rights."

57 Section 2. Section 1014.01, Florida Statutes, is created to
58 read:

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59 1014.01 Short title.—This section and ss. 1014.02-1014.06
60 may be cited as the "Parents' Bill of Rights."

61 Section 3. Section 1014.02, Florida Statutes, is created to
62 read:

63 1014.02 Legislative findings and definition.—

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

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

78 Section 4. Section 1014.03, Florida Statutes, is created to
79 read:

80 1014.03 Infringement of parental rights.—The state, any of
81 its political subdivisions, any other governmental entity, or
82 any other institution may not infringe on the fundamental right
83 of a parent to oversee the upbringing, education, health care,
84 and mental health of his or her minor child without
85 demonstrating that such action is reasonable and necessary to
86 achieve a compelling state interest and that such action is
87 narrowly tailored and is not otherwise served by a less

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88 restrictive means.

89 Section 5. Section 1014.04, Florida Statutes, is created to
90 read:

91 1014.04 Parental rights.—

92 (1) All parental rights are reserved to the parent of a
93 minor child in this state without obstruction or interference
94 from the state, any of its political subdivisions, any other
95 governmental entity, or any other institution, including, but
96 not limited to, all of the following rights of a parent of a
97 minor child in this state:

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

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

102 (c) The right, pursuant to s. 1002.20(2)(b) and (6), to
103 apply to enroll his or her minor child in a public school or, as
104 an alternative to public education, a private school, including
105 a religious school, a home education program, or other available
106 options, as authorized by law.

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

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

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

116 (g) The right to consent in writing before a biometric scan

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117 of his or her minor child is made, shared, or stored.

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

122 (i) The right to consent in writing before the state or any
123 of its political subdivisions makes a video or voice recording
124 of his or her minor child, unless such recording is made during
125 or as part of a court proceeding or is made as part of a
126 forensic interview in a criminal or Department of Children and
127 Families investigation or is to be used solely for the following
128 purposes:

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

132 2. A purpose related to a legitimate academic or
133 extracurricular activity;

134 3. A purpose related to regular classroom instruction;

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

136 5. A photo identification card.

137 (j) The right to be notified promptly if an employee of the
138 state, any of its political subdivisions, any other governmental
139 entity, or any other institution suspects that a criminal
140 offense has been committed against his or her minor child,
141 unless the incident has first been reported to law enforcement
142 or the Department of Children and Families and notifying the
143 parent would impede the investigation.

144 (k) The right to consent in writing before his or her minor
145 child's grades are released to a law enforcement officer or law

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146 enforcement agency by an agency or institution as defined in s.
147 1002.22 unless such release is authorized by s. 1002.221 and the
148 Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

149 (2) This section does not:

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

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

155 (c) Prohibit a court of competent jurisdiction, law
156 enforcement officer, or employee of a government agency that is
157 responsible for child welfare from acting in his or her official
158 capacity within the reasonable and prudent scope of his or her
159 authority; or

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

162 (3) An employee of the state, any of its political
163 subdivisions, or any other governmental entity who encourages or
164 coerces, or attempts to encourage or coerce, a minor child to
165 withhold information from his or her parent may be subject to
166 disciplinary action.

167 (4) A parent of a minor child in this state has inalienable
168 rights that are more comprehensive than those listed in this
169 section, unless such rights have been legally waived or
170 terminated. This chapter does not prescribe all rights to a
171 parent of a minor child in this state. Unless required by law,
172 the rights of a parent of a minor child in this state may not be
173 limited or denied. This chapter may not be construed to apply to
174 a parental action or decision that would end life.

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175 Section 6. Section 1014.05, Florida Statutes, is created to
176 read:

177 1014.05 School district notifications on parental rights.-

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

182 (a) A plan, pursuant to s. 1002.23, for parental
183 participation in schools to improve parent and teacher
184 cooperation in such areas as homework, school attendance, and
185 discipline.

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

189 (c) Procedures, pursuant to s. 1006.28(2)(a)2., for a
190 parent to object to instructional materials and other materials
191 used in the classroom. Such objections may be based on beliefs
192 regarding morality, sex, or religion or on the belief that such
193 materials are harmful. For purposes of this section, the term
194 "instructional materials" has the same meaning as in s.
195 1006.29(2) and may include other materials used in the
196 classroom, including workbooks and worksheets, handouts,
197 software, applications, and any digital media made available to
198 students.

199 (d) Procedures, pursuant to s. 1002.20(3)(d), for a parent
200 to withdraw his or her minor child from any portion of the
201 school district's comprehensive health education required under
202 s. 1003.42(2)(n) which relates to sex education or instruction
203 in acquired immune deficiency syndrome education or any

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204 instruction regarding sexuality if the parent provides a written
205 objection to his or her minor child's participation. Such
206 procedures must provide for a parent to be notified in advance
207 of such course content so that he or she may withdraw his or her
208 minor child from those portions of the course.

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

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

216 1. Pursuant to s. 1002.20(3) (d), the right to opt his or
217 her minor child out of any portion of the school district's
218 comprehensive health education required under s. 1003.42(2) (n)
219 which relates to sex education instruction in acquired immune
220 deficiency syndrome education or any instruction regarding
221 sexuality.

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

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

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

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

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

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233 7. In accordance with s. 1008.25, the right of a parent to
234 access information relating to the school district's policies
235 for promotion or retention, including high school graduation
236 requirements.

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

240 9. In accordance with s. 1002.23, the right of a parent to
241 access information relating to the state public education
242 system, state standards, report card requirements, attendance
243 requirements, and instructional materials requirements.

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

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

251 (2) A district school board may provide the information
252 required in this section electronically or post such information
253 on its website.

254 (3) A parent may request, in writing, from the district
255 school superintendent the information required under this
256 section. The district school superintendent must provide such
257 information to the parent within 10 days. If the district school
258 superintendent denies a parent's request for information or does
259 not respond to the parent's request within 10 days, the parent
260 may appeal the denial to the district school board. The district
261 school board must place a parent's appeal on the agenda for its

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262 next public meeting. If it is too late for a parent's appeal to
263 appear on the next agenda, the appeal must be included on the
264 agenda for the subsequent meeting.

265 Section 7. Section 1014.06, Florida Statutes, is created to
266 read:

267 1014.06 Parental consent for health care services.—

268 (1) Except as otherwise provided by law, a health care
269 practitioner as defined in s. 456.001 or an individual employed
270 by such health care practitioner may not provide or solicit or
271 arrange to provide health care services or prescribe medicinal
272 drugs to a minor child without first obtaining written parental
273 consent.

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

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

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

285 (5) This section does not apply to care that is necessary
286 to treat an acute medical condition or to care provided pursuant
287 to s. 768.135.

288 (6) A health care practitioner or other person who violates
289 this section is subject to disciplinary action pursuant to s.
290 408.813 or s. 456.072, as applicable, and commits a misdemeanor

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291 of the first degree, punishable as provided in s. 775.082 or s.
292 775.083.

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

295 408.813 Administrative fines; violations.—As a penalty for
296 any violation of this part, authorizing statutes, or applicable
297 rules, the agency may impose an administrative fine.

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

303 (f) Violating the parental consent requirements of s.
304 1014.06.

305 Section 9. Paragraph (rr) is added to subsection (1) of
306 section 456.072, Florida Statutes, to read:

307 456.072 Grounds for discipline; penalties; enforcement.—

308 (1) The following acts shall constitute grounds for which
309 the disciplinary actions specified in subsection (2) may be
310 taken:

311 (rr) Failure to comply with the parental consent
312 requirements of s. 1014.06.

313 Section 10. This act shall take effect July 1, 2021.