A bill to be entitled
An act relating to parental rights; creating chapter
1014, F.S.; creating s. 1014.01, F.S.; providing a
short title; creating s. 1014.02, F.S.; providing
legislative findings; defining the term “parent”; creating s. 1014.03, F.S.; providing that the state,
its political subdivisions, other governmental
entities, or other institutions may not infringe on
parental rights without demonstrating specified
information; creating s. 1014.04, F.S.; providing that
a parent of a minor child has specified rights
relating to his or her minor child; prohibiting the
state from infringing upon specified parental rights;
prohibiting specified parental rights from being
limited or denied; providing that certain actions by
specified individuals are grounds for disciplinary
actions against those individuals; providing
construction; creating s. 1014.05, F.S.; requiring
each district school board in consultation with
parents, teachers, and administrators, to develop and
adopt a policy to promote parental involvement in the
public school system; providing requirements for such
policy; defining the term “instructional materials”; authorizing a district school board to provide such
policy electronically or on its website; authorizing a
parent to request certain information in writing;
providing a procedure for appealing the denial of such
information requests; creating s. 1014.06, F.S.;
prohibiting certain health care practitioners from
taking specified actions without a parent’s written permission; prohibiting certain entities from taking specified actions relating to a minor’s health care without a parent’s written permission; prohibiting a health care facility from allowing certain actions without a parent’s written permission; providing exceptions; providing for disciplinary actions and criminal penalties; amending s. 408.813, F.S.; providing that certain violations relating to parental consent are grounds for administrative fines for health care facilities; amending s. 456.072, F.S.; providing that failure to comply with certain parental consent requirements is grounds for disciplinary action for health care practitioners; providing an effective date.

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

Section 1. Chapter 1014, Florida Statutes, consisting of ss. 1014.01-1014.06, is created and shall be entitled “Parents’ Bill of Rights.”

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

1014.01 Short title.—This section and ss. 1014.02-1014.06 may be cited as the “Parents’ Bill of Rights.”

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

1014.02 Legislative findings and definition.—
(1) The Legislature finds that it is a fundamental right of
parents to direct the upbringing, education, and care of their minor children. The Legislature further finds that important information relating to a minor child should not be withheld, either inadvertently or purposefully, from his or her parent, including information relating to the minor child’s health, well-being, and education, while the minor child is in the custody of the school district. The Legislature further finds it is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

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

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

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

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

1014.04 Parental rights.—

(1) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference
Florida Senate – 2020

CODING: Words stricken are deletions; words underlined are additions.

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

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

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

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

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

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

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

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

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

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

1. A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;
2. A purpose related to a legitimate academic or extracurricular activity;
3. A purpose related to regular classroom instructions;
4. Security or surveillance of buildings or grounds; or
5. A photo identification card.

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

(2) This section does not:

(a) Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law;
(b) Condone, authorize, approve, or apply to a parental action or decision that would end life;
(c) Prohibit a court of competent jurisdiction, law enforcement officer, or employee of a government agency that is responsible for child welfare from acting in his or her official
capacity within the reasonable and prudent scope of his or her authority; or

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

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

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

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

1014.05 School district notifications on parental rights.—
(1) Each district school board shall, in consultation with parents, teachers, and administrators, develop and adopt a policy to promote parental involvement in the public school system. Such policy must include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1014.06 Parental consent for health care services.—
(1)(a) Except as otherwise provided by law, a health care
practitioner, as defined in s. 456.001, may not provide or
solicit or arrange to provide health care services or prescribe
medicinal drugs to a minor child without first obtaining written parental consent.

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

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

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

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

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

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

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

(3) The agency may impose an administrative fine for a
violation that is not designated as a class I, class II, class III, or class IV violation. Unless otherwise specified by law, the amount of the fine may not exceed $500 for each violation.

Unclassified violations include:

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

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

456.072 Grounds for discipline; penalties; enforcement.—

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

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

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