

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 241 Parents' Bill of Rights
SPONSOR(S): Grall and others
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 582

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Committee	13 Y, 7 N	McElroy	Calamas
2) Judiciary Committee	14 Y, 7 N	Brascomb	Kramer
3) Education & Employment Committee	15 Y, 6 N	Wolff	Hassell

SUMMARY ANALYSIS

It is well-settled that the interest of parents in the care, custody, and control of their children is perhaps the oldest of the recognized fundamental liberty interests protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. This fundamental liberty interest is rooted in the fundamental right of privacy from interference in making important decisions relating to marriage, family relationships, and child rearing and education. The Florida Supreme Court has likewise recognized that parents have a fundamental liberty interest in determining the care and upbringing of their children. These rights may not be intruded upon absent a compelling state interest.

HB 241 creates Chapter 1014, Florida Statutes, as the "Parents' Bill of Rights." Chapter 1014, F.S., enumerates parental rights with respect to his or her minor child for education, health care, and criminal justice procedures. The bill prohibits the state, its political subdivision, any other governmental entity or any other institution from infringing upon the fundamental right of a parent to direct the upbringing, education, health care, and mental health of his or her minor child. The bill requires state action that infringes upon this fundamental right to be reviewed with strict scrutiny.

For education-related parental rights, the Florida K-20 Education Code currently includes s. 1002.20, F.S., relating to K-12 Student and Parents Rights. This section enumerates 24 rights of students and parents, most of which are duplicated in the bill. The bill requires school districts to adopt policies that govern the plans and procedures by which each school district must promote parental involvement. School districts must also adopt notification procedures for specific parental rights.

The bill establishes parental consent requirements for, among other things, the collection of certain identifying information for a minor child. The bill requires parental notification when a state actor suspects a child is the victim of a criminal offense but provides exceptions including when a suspected offense has been reported to law enforcement or the Department of Children and Families.

The bill also requires a health care practitioner, or his or her employees, to obtain parental consent before performing health care services on a minor child and subjects health care practitioners and health care facilities to disciplinary action for violation of these parental consent requirements in certain instances.

The bill may have a fiscal impact on state government; but does not have a fiscal impact on local governments.

The bill provides an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Constitutional Principles

It is well-settled that the interest of parents in the care, custody, and control of their children is perhaps the oldest of the recognized fundamental liberty interests protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution.¹ This fundamental liberty interest is rooted in the fundamental right of privacy from interference in making important decisions relating to marriage, family relationships, and child rearing and education.² The United States Supreme Court has explained the fundamental nature of this right is rooted in history and tradition:³

The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.

The Florida Supreme Court has likewise recognized that parents have a fundamental liberty interest in determining the care and upbringing of their children.⁴ These rights may not be intruded upon absent a compelling state interest.⁵ According to the Florida Supreme Court, when analyzing a statute that infringes on the fundamental right of privacy, the applicable standard of review requires that the statute survive the highest level of scrutiny:⁶

The right of privacy is a fundamental right which we believe demands the compelling state interest standard. This test shifts the burden of proof to the state to justify an intrusion on privacy. The burden can be met by demonstrating that the challenged regulation serves a compelling state interest and accomplishes its goal through the use of the least intrusive means.

Present Situation - Education

Student and Parental Rights Protected under Current Florida Law

Dependent upon the area of law, Florida Statutes includes several definitions of the term “parent.” For example, for purposes of the child welfare system, parent is defined as, “a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). The term ‘parent’ also means legal father as defined in this section.”⁷ In the Florida K-20 Education Code,⁸ parent is defined as, “either or both parents of a student, any guardian of a student, any person in a

¹ *Santosky v. Kramer*, 455 U.S. 745, 748 and 753 (1982) (holding the fundamental liberty interest of natural parents in the care custody, and management of their child is protected by the Fourteenth Amendment, and termination of any parental rights requires due process proceedings); *Troxel v. Granville*, 530 U.S. 57, 66 (2000) (holding there is a fundamental right under the Fourteenth Amendment for parents to oversee the care, custody, and control of their children).

² *Carey v. Population Svcs. Int'l*, 431 US 678, 684-685 (1977) (recognizing the right of privacy in personal decisions relating to marriage, family relationships, child rearing, and education); See *Wisconsin v. Yoder*, 406, U.S. 205, 232-33 (1972) (holding a state law requiring that children attend school past eight grade violates the parents’ constitutional right to direct the religious upbringing of their children); See *Parham v. J.R.*, 442 U.S. 584, 602 (1979) (recognizing the presumption that parents act in their children’s best interest); *Meyer v. Nebraska*, 262 U.S. 390, 400-01 (1923) (affirming that the Constitution protects the preferences of the parent in education over those of the state); *Pierce v. Society of Sisters*, 268 U.S. 510, 534-35 (1925) (recognizing the right of parents to direct the upbringing of and education of their children).

³ *Wisconsin v. Yoder*, 406, U.S. 205, 232 (1972).

⁴ *Beagle v. Beagle*, 678 So. 2d 1271, 1272 (Fla. 1996) (holding a state law violated a parent’s constitutional right to privacy by imposing grandparent visitation rights over objection of the parent without evidence of harm to the child or other compelling state interest).

⁵ *Id.* See, e.g., *Shevin v. Byron, Harless, Schaffer, Reid & Assocs., Inc.*, 379 So. 2d 633, 637 (Fla. 1980) and *Belair v. Drew*, 776 So. 2d 1105, 1107 (Fla. 5th DCA 2001).

⁶ *Winfield v. Division of Pari-Mutuel Wagering, Dept. of Bus. Regulation*, 477 So. 2d 544, 547 (Fla. 1985).

⁷ S. 39.01(56), F.S.

⁸ Chs. 1000–1013, F.S., are referred to as the K-20 Education Code.

parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent.”⁹

According to the K-12 Student and Parents Rights section of Florida law, “Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school.”¹⁰ Further, the Florida Education Code includes numerous statutory rights of students and their parents. Among other rights, the code establishes that parents have the right to seek education school choice options including charter schools, private schools that accept students who participate in a state scholarship program, and home education programs.¹¹ Additionally, a school district must notify high school students and their parents, in writing, of the requirements for a standard high school diploma, available diploma designations,¹² and the eligibility requirements for state scholarship programs¹³ and postsecondary admissions.¹⁴

Parents of public school students must be provided accurate and timely information regarding their child’s academic progress and informed of ways they can help their child to succeed in school.¹⁵ Parents must be provided the student’s report card, progress reports, the school’s report cards, and financial reports.¹⁶

To inform parents and enable them to direct and control their child’s education, current law specifies various parental notice requirements, requires parental consent before public schools may take certain actions, and allows parents to opt their child out of certain requirements for religious or other reasons.¹⁷ Students and their parents must be notified regarding student promotion policies, including policies for whole grade and mid-year promotion, third grade retention, and remediating academic deficiencies.¹⁸

Current law requires public schools to notify a student’s parent regarding:

- Education records privacy rights.¹⁹
- The Academically Challenging Curriculum to Enhance Learning (ACCEL) options available at the school and student eligibility requirements for ACCEL options.²⁰
- Accessing their child’s instructional materials through the district’s local instructional improvement system.²¹
- The process for a parent to request that his or her child be transferred to another classroom teacher.²²
- The availability of a scholarship from the Opportunity Scholarship Program,²³ John M. McKay Scholarship Program,²⁴ or Florida Tax Credit Scholarship Program, if the student is eligible.²⁵

Additionally, current law requires each district school board to share the following with parents:

- The district’s code of student conduct.²⁶

⁹ S. 1000.21(5), F.S.

¹⁰ S. 1002.20, F.S.

¹¹ S. 1002.20(6), F.S.

¹² Students who satisfy standard high school diploma requirements and complete specified credit and testing requirements may earn a Scholar designation. Students who satisfy standard high school diploma requirements and attain one or more industry certifications may earn a Merit designation. S. 1003.4285(1)(b), F.S.

¹³ State law establishes several scholarship programs, such as the Bright Futures Scholarship Program, that enable qualified students to earn money for postsecondary education. Ch. 1009, F.S.

¹⁴ S. 1003.4282(2), F.S.

¹⁵ S. 1002.20, F.S.

¹⁶ S. 1002.20(14)-(16), F.S.

¹⁷ See, e.g., s. 1002.20(3), F.S.

¹⁸ S. 1008.25(2), (4), (5), and (7), F.S.

¹⁹ S. 1002.22(2)(e), F.S.

²⁰ S. 1002.3105 (4)(a), F.S.

²¹ S. 1006.283(2)(b)11., F.S.

²² Ss. 1003.3101 and 1012.42(2), F.S.

²³ Ss. 1002.38(2) and (3)(a)1., F.S.

²⁴ S. 1002.39(5)(a)1., F.S.

²⁵ S. 1002.395, F.S.

²⁶ S. 1006.07(2), F.S.

- A parent guide to successful student achievement, consistent with the guidelines of the Department of Education, which addresses what parents need to know about their child's educational progress and how parents can help their child to succeed in school.²⁷
- A checklist of parental actions that can strengthen parental involvement in their child's educational progress. The checklist must be provided each school year to all parents of students in kindergarten through grade 12 and must focus on academics, especially reading; high expectations for students; citizenship; and communication.²⁸

Current Florida law authorizes a parent to opt his or her child out of a school entry health examination or school immunization requirements if the parent submits a written request stating objections on religious grounds.²⁹ A parent of a public school student may also request that their child be excused from:

- Performing surgery or dissection in biological science classes.³⁰
- The teaching of reproductive health or any disease, including HIV/AIDS.³¹
- Reciting the pledge of allegiance.³²
- Reciting the Declaration of Independence during "Celebrate Freedom Week."³³

Each district school board must establish a policy enabling a parent to object to a child's use of a specific instructional material and a process enabling parents to contest the district school board's adoption of a specific instructional material.³⁴ Florida law defines instructional material as, "items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software."³⁵

State law prohibits public schools from collecting, obtaining, or retaining information on the political affiliation, voting history, religious affiliation, or biometric information of a student, a student's parent, or a student's sibling.³⁶

The Commissioner of Education and school districts must provide individual student assessment results and teacher, school and district-level student achievement levels and learning gains to parents annually.³⁷ Additionally, school districts are required to distribute an annual report to every student's parent that includes the student's individual results on statewide, standardized assessment and progress toward proficiency in English Language Arts, science, social studies and math. School districts are also required to annually publish the previous school year's aggregated results on specific assessments and revisions to district school policies with regard to retention and promotion.³⁸

Effect of Proposed Changes – Education

Student and Parental Rights Protected under Current Florida Law

HB 241 creates Chapter 1014, Florida Statutes, as the "Parents' Bill of Rights," which enumerates rights of parents with respect to their minor child for education, health care and criminal justice procedures. The bill provides legislative intent for the Parents' Bill of Rights and, for the purposes of ch.

²⁷ S. 1002.23(5), F.S.

²⁸ S. 1002.23(6), F.S.

²⁹ Ss. 1002.20(3)(a)-(b) and 1003.22(5)(a), F.S.

³⁰ Ss. 1002.20(3)(c) and 1003.47, F.S.

³¹ Ss. 1002.20(3)(d) and 1003.42(3), F.S.

³² Ss. 1002.20(12) and 1003.44(1) F.S.

³³ S. 1003.421(4), F.S.

³⁴ S. 1006.28(2)(a)2., F.S.

³⁵ S. 1006.29(2), F.S.

³⁶ S. 1002.222(1)(a), F.S., defines biometric information as information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that may be personally identifiable, including characteristics of fingerprints, hands, eyes, and the voice. Thus, agencies or institutions may not use fingerprint scans, palm scans, retina or iris scans, face geometry scans, or voice prints.

³⁷ S. 1008.22, F.S.

³⁸ S. 1008.25(8), F.S.

1014, F.S., defines “parent” as a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

The bill provides that a parent of a minor child has inalienable rights that exceed those delineated in the newly-created Parents’ Bill of Rights. Further, the bill provides that the parental rights of a minor child in the state may not be limited or denied. The bill clarifies that Parents’ Bill of Rights does not authorize a parent of a minor child to engage in conduct that is unlawful or to abuse or neglect his or her minor child and does not apply to a parental decision that would end life.

The bill requires the state, political subdivisions, governmental entities and other institutions to demonstrate as reasonable and necessary any action that would infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child. The action must be narrowly tailored, achieve a compelling state interest and may not be achieved by a less restrictive means.

The bill enumerates the following rights of a parent:

- The right to direct the education and care of his or her minor child.
- The right to direct the upbringing and the moral or religious training of the minor child.
- The right, pursuant to s. 1002.20(2)(b) and (6), F.S., to apply to enroll his or her 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, as authorized by law.
- The right, pursuant to s. 1002.20(13), F.S., to access and review all school records relating to the minor child.
- The right to make health care decisions for his or her minor child, unless otherwise prohibited by law.
- The right to access and review all medical records of the 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.
- The right to consent in writing before a biometric scan of the minor child is made, shared, or stored.
- 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.
- 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. Exceptions to consent for recording include where the recording is:
 - Made during or as part of a court proceeding.
 - Made as part of a forensic interview in a criminal or Department of Children and Families investigation.
 - Used solely for the following purposes:
 - A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;
 - A purpose related to a legitimate academic or extracurricular activity;
 - A purpose related to regular classroom instructions;
 - Security or surveillance of buildings or grounds; or
 - A photo identification card.
- 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. The bill provides an exception to this notification right for incidents that have first been reported to law enforcement or the Department of Children and Families and notifying the parent would impede the investigation.

The bill clarifies that parental rights enumerated in the bill do not prohibit or impede child welfare activities when performed by a court of competent jurisdiction, law enforcement officer, or employees of a government agency. The bill also provides that these parental rights do not prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

Additionally, the bill authorizes disciplinary action against an employee of the state, any of its political subdivisions, or any other governmental entity for coercing or attempting to encourage or coerce a minor child to withhold information from his or her parent.

The bill requires a school district to adopt a policy that governs the plans and procedures by which the school district shall promote parental involvement and provide notification to parents of specific parental rights. Policy development and notification is required for:

- A plan, pursuant to s. 1002.23, F.S., for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline.
- A procedure, pursuant to s. 1002.20(19)(b), F.S., for a parent to learn about his or her child's course of study, including the source of any supplemental education materials.
- Procedures for a parent to object to instructional materials, pursuant to s. 1006.28(2)(a)2., F.S. Such objections may be based on beliefs regarding morality, sex, and religion or the belief that such materials are harmful.
- Procedures, pursuant to s. 1002.20(3)(d), F.S., for a parent to withdraw his or her student from any portion of the school district's comprehensive health education required under s. 1003.42(2)(n), F.S., 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 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 student from those portions of the course.
- Procedures, pursuant to s. 1006.195(1)(a), F.S., for a parent to learn about the nature and purpose of clubs and activities offered at his or her child's school, including those that are extracurricular or part of the school curriculum.

The bill requires school districts to develop procedures for parents to learn about specific parental rights and responsibilities. They are:

- Pursuant to s. 1002.20(3)(d), F.S., 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), F.S., that relates to sex education instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality.
- A plan to disseminate information, pursuant to s. 1002.20(6), F.S., about school choice options, including open enrollment.
- In accordance with s. 1002.20(3)(b), F.S., the right of a parent to exempt his or her student from immunizations.
- In accordance with s. 1008.22, F.S., the right of a parent to review statewide, standardized assessment results.
- In accordance with s. 1003.57, F.S., the right of a parent to enroll his or her student in gifted or special education programs.
- In accordance with s. 1006.28(2)(a)1., F.S., the right of a parent to inspect school district instructional materials.
- In accordance with s. 1008.25, F.S., the right of a parent to access to information relating to the school district's policies for promotion or retention, including high school graduation requirements.
- In accordance with s. 1002.20(14), F.S., the right of a parent to receive a school report card and be informed of his or her child's attendance requirements.
- In accordance with s. 1002.23, F.S., 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.
- In accordance with s. 1002.23(4), F.S., 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.
- In accordance with s. 1002.222(1)(a), F.S., 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.

The bill provides the definition of “instructional materials,” pursuant to s. 1006.29(2), F.S., and provides examples of those materials.

The bill authorizes school districts to post parental rights information on their websites or to transmit the information electronically. If a parent requests any information governed in the Parents’ Bill of Rights, the district must provide the requested information within 10 days. The bill creates a process by which a parent may appeal to the school board should a district deny a request for information.

Present Situation – Health Care

Parental Consent for Medical Treatment

Parents generally have the right to be informed about, and give consent for, proposed medical procedures on their children. However, the state also has an obligation to ensure that children receive reasonable medical treatment that is necessary for the preservation of life.³⁹ The state’s interest diminishes as the severity of an affliction and the likelihood of death increase.⁴⁰

There is a substantial distinction in the State’s insistence that human life be saved where the affliction is curable, as opposed to the State interest where . . . the issue is not whether, but when, for how long and at what cost to the individual . . . life may be briefly extended.

A parent may reject medical treatment for a child and the state may not interfere with such decision if the evidence is not sufficiently compelling to establish the primacy of the state’s interest, or that the child’s own welfare would be best served by such treatment.⁴¹

Medical Treatment without Parental Consent

Current Florida law does not expressly provide that medical care of a minor requires parental consent. Instead, it provides exceptions for circumstances in which someone other than a parent may consent for medical care of a minor or provide medical care without parental consent.

Section 743.064, F.S., allows physicians, paramedics, emergency medical technicians, or other emergency medical services personnel to provide emergency medical care or treatment to a minor without parental consent when a child has been injured in an accident or is suffering from an acute illness, disease, or condition and delaying treatment would endanger the health or physical well-being of the minor. Even in emergency situations, medical treatment can only be provided without parental consent if:⁴²

- The child’s condition has rendered him or her unable to reveal the identity of his or her parents, guardian, or legal custodian, and such information is unknown to any person who accompanied the child to the hospital.
- The parents, guardian, or legal custodian cannot be immediately located by telephone at their place of residence or business.

The hospital must notify the parent or legal guardian as soon as possible after the emergency medical care or treatment is administered and document in the hospital records the reason parental consent was not initially obtained. This must include a statement from the attending physician that immediate emergency medical care or treatment was necessary for the child’s health or physical well-being.⁴³

Section 743.0645, F.S., establishes a list of people, by priority, who may consent to the medical care or treatment of a minor in instances where the treatment provider is unable to contact the parent or legal guardian and the provider has not been given contrary instructions. Specifically, the following people may consent, in this order:

³⁹ *Von Eiff v. Azicri*, 720 So. 2d 510, 515 (Fla. 1998).

⁴⁰ *M.N. v. S. Baptist Hosp.*, 648 So. 2d 769, 771 (Fla. 1st DCA 1994).

⁴¹ *Id.*

⁴² S. 743.064(2), F.S.

⁴³ S. 743.064(3), F.S.

- A health care surrogate or a person with power of attorney to provide medical consent for the minor;⁴⁴
- The stepparent;
- The grandparent of the minor;
- An adult brother or sister of the minor; or
- An adult aunt or uncle of the minor.

If a parent or legal guardian cannot be reached while the child is committed to the Department of Children Families or the Department of Juvenile Justice,⁴⁵ then the following individuals may consent to the medical care or treatment of a minor, unless the parent or legal guardian has expressly stated otherwise:⁴⁶

- The caseworker, juvenile probation officer, or person primarily responsible for the case management of the child.
- The administrator of the state-licensed facility⁴⁷ or state-contracted or state-operated delinquency residential treatment facility where the child is committed.

In both of these instances, the treatment provider must document the reasonable attempts made to contact the parent or legal guardian in the minor's treatment records, and must notify the parent or legal guardian as soon as possible after the medical care or treatment is administered.⁴⁸

Effect of Proposed Changes – Health Care

Parental Consent for Health Care Purposes

HB 241 establishes parental consent requirements for health care services. Specifically, unless otherwise permitted by law, without written, parental consent:

- A health care practitioner,⁴⁹ or an individual employed by such health care practitioner, may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor.
- A provider, as defined in s. 408.803, F.S.,⁵⁰ may not allow a medical procedure to be performed on a minor child in its facility.

The bill creates an exception for parental consent requirements for a clinical laboratory, unless the services provided are delivered through a direct encounter with the minor at the clinical laboratory facility.

The bill subjects health care practitioners and health care facilities to disciplinary action⁵¹ and makes it a first-degree misdemeanor to violate these parental consent requirements, subject to a fine of up to \$1,000 and imprisonment of up to one year.

The bill does not apply to abortions, which are governed by ch. 390, F.S.

Effect of Proposed Changes – Legislative Findings

HB 241 makes the following legislative findings to support its provisions:

⁴⁴ A health care surrogate designation under s. 765.2035, F.S., executed after September 30, 2015, or a power of attorney executed after July 1, 2001, to provide medical consent for a minor includes the power to consent to medically necessary surgical and general anesthesia services for the minor unless such services are excluded by the individual who executes the health care surrogate for a minor or power of attorney, s. 743.0645(2)(a), F.S.

⁴⁵ Specifically, under chs. 39, 984, or 985, F.S.

⁴⁶ S. 743.0645, F.S.

⁴⁷ S. 393.067, F.S., licensed facilities for individuals with developmental disabilities; s. 394.875, F.S., licensed mental health facilities for children and adolescents; s. 409.175, F.S., licensed family foster homes, residential child-caring agencies, and child-placing agencies.

⁴⁸ S. 743.0645(2)-(4), F.S.

⁴⁹ S. 456.001, F.S.

⁵⁰ "Provider" means any activity, service, agency, or facility regulated by the agency and listed in s. 408.802, F.S.

⁵¹ S. 456.072(1), F.S., provides grounds for disciplinary action against health care practitioners. S. 408.813, F.S., authorizes the Agency for Health Care Administration to impose administrative fines against providers for violations of its regulations.

- Parents have a fundamental right to direct their minor children's upbringing, education, and care.
- Important information relating to a minor child should not be withheld from a parent while the minor child is in the custody of a school district.
- It is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and wellbeing of their minor children.

B. SECTION DIRECTORY:

Section 1: Creates ch. 1014, F.S. relating to the “Parents’ Bill of Rights.”

Section 2: Creates s. 1014.01, F.S., providing a short title.

Section 3: Creates s. 1014.02, F.S., providing legislative findings and definition.

Section 4: Creates s. 1014.03, F.S., relating to infringement of parental rights.

Section 5: Creates s. 1014.04, F.S., relating to parental rights.

Section 6: Creates s. 1014.05, F.S., relating to school district notifications on parental rights.

Section 7: Creates s. 1014.06, F.S., relating to parental consent for health care services.

Section 8: Amends s. 408.813, F.S., relating to administrative fines; violations.

Section 9: Amends s. 456.072, F.S., relating to grounds for discipline; penalties; enforcement.

Section 10: Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have a fiscal impact on the Department of Health (DOH) because increased resources and staff may be needed to handle additional consent documentation requirements. DOH estimates recurring costs of \$76,624.23 for consent documentation staff, a nonrecurring cost of \$50,000 to modify the data system to incorporate consent status, and a nonrecurring cost of \$7,278 and recurring costs at \$2,400 for office and technical supplies.⁵²

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

⁵² Florida Department of Health, Agency Analysis for 2021 HB 241, p. 5, (Mar. 5, 2021).

1. Applicability of Municipality/County Mandates Provision:

None. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.