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2021 Legislature

1  
2 An act relating to Parents' Bill of Rights; creating  
3 chapter 1014, F.S.; creating s. 1014.01, F.S.;  
4 providing a short title; creating s. 1014.02, F.S.;  
5 providing legislative findings; defining the term  
6 "parent"; creating s. 1014.03, F.S.; providing that  
7 the state, its political subdivisions, other  
8 governmental entities, or other institutions may not  
9 infringe on parental rights without demonstrating  
10 specified information; creating s. 1014.04, F.S.;  
11 providing that a parent of a minor child has specified  
12 rights relating to his or her minor child; prohibiting  
13 the state from infringing upon specified parental  
14 rights; providing that certain actions by specified  
15 individuals are grounds for disciplinary actions  
16 against such individuals; prohibiting specified  
17 parental rights from being denied or abridged;  
18 providing construction; creating s. 1014.05, F.S.;  
19 requiring each district school board to develop and  
20 adopt a policy to promote parental involvement in the  
21 public school system; providing requirements for such  
22 policy; 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;

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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."

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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

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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 | apply to enroll his or her minor child in a public school or, as  
 94 | an alternative to public education, a private school, including  
 95 | a religious school, a home education program, or other available  
 96 | options, as authorized by law.

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

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

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

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

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

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

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

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

124            3. A purpose related to regular classroom instructions;

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

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126        5. A photo identification card.  
 127        (j) The right to be notified promptly if an employee of  
 128 the state, any of its political subdivisions, any other  
 129 governmental entity, or any other institution suspects that a  
 130 criminal offense has been committed against his or her minor  
 131 child, unless the incident has first been reported to law  
 132 enforcement or the Department of Children and Families and  
 133 notifying the parent would impede the investigation.  
 134        (2) This section does not:  
 135        (a) Authorize a parent of a minor child in this state to  
 136 engage in conduct that is unlawful or to abuse or neglect his or  
 137 her minor child in violation of general law;  
 138        (b) Condone, authorize, approve, or apply to a parental  
 139 action or decision that would end life;  
 140        (c) Prohibit a court of competent jurisdiction, law  
 141 enforcement officer, or employees of a government agency that is  
 142 responsible for child welfare from acting in his or her official  
 143 capacity within the reasonable and prudent scope of his or her  
 144 authority; or  
 145        (d) Prohibit a court of competent jurisdiction from  
 146 issuing an order that is otherwise permitted by law.  
 147        (3) An employee of the state, any of its political  
 148 subdivisions, or any other governmental entity who encourages or  
 149 coerces, or attempts to encourage or coerce, a minor child to  
 150 withhold information from his or her parent may be subject to

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151 disciplinary action.

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

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

162 1014.05 School district notifications on parental rights.—

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

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

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

174 (c) Procedures, pursuant to s. 1006.28(2)(a)2., for a  
175 parent to object to instructional materials and other materials

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176 used in the classroom. Such objections may be based on beliefs  
177 regarding morality, sex, and religion or the belief that such  
178 materials are harmful. For purposes of this section, the term  
179 "instructional materials" has the same meaning as in s.  
180 1006.29(2) and may include other materials used in the  
181 classroom, including workbooks and worksheets, handouts,  
182 software, applications, and any digital media made available to  
183 students.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

253 1014.06 Parental consent for health care services.-

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

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

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

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

271 (5) A health care practitioner or other person who  
272 violates this section is subject to disciplinary action pursuant  
273 to s. 408.813 or s. 456.072, as applicable, and commits a  
274 misdemeanor of the first degree, punishable as provided in s.  
275 775.082 or s. 775.083.

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

278 408.813 Administrative fines; violations.—As a penalty for  
 279 any violation of this part, authorizing statutes, or applicable  
 280 rules, the agency may impose an administrative fine.

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

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

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

290 456.072 Grounds for discipline; penalties; enforcement.—

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

294 (rr) Failure to comply with the parental consent  
 295 requirements of s. 1014.06.

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