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TITLE XLIX

PARENTAL RIGHTS

CHAPTER 1014 PARENTS' BILL OF RIGHTS

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1014.01 Short title.—This section and ss. 1014.02-1014.06 may be cited as the “Parents’ Bill of Rights.”
History.—s. 2, ch. 2021-199.

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.

History.—s. 3, ch. 2021-199.

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.

History.—s. 4, ch. 2021-199.

1014.04 Parental rights.—

(1) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference 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 apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.

(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 employees 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.

History.—s. 5, ch. 2021-199.

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

(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.

History.—s. 6, ch. 2021-199.

1014.06 Parental consent for health care services.—

- (1) Except as otherwise provided by law, a health care practitioner, as defined in s. 456.001, 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 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.

History.—s. 7, ch. 2021-199.