HB 737 2015

A bill to be entitled

An act relating to parental rights; amending s. 39.001, F.S.; revising legislative intent to establish the right of a parent to make decisions regarding the care, custody, and management of his or her child; requiring specific findings to overcome that right; providing requirements for subsequent legislation that seeks to supersede the right; providing an effective date.

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

- Section 1. Subsection (7) of section 39.001, Florida Statutes, is amended to read:
- 39.001 Purposes and intent; personnel standards and screening.—
- (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES:
 PARENTAL RIGHTS.—
- (a) Responsibilities.—Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that

Page 1 of 2

HB 737 2015

factors impeding the ability of caregivers to fulfill their responsibilities are identified through the dependency process and that appropriate recommendations and services to address those problems are considered in any judicial or nonjudicial proceeding.

(b) Parental rights.-

- 1. The liberty of a parent to direct the upbringing, education, and care of the parent's child is a fundamental right.
- 2.a. Neither the state nor a political subdivision of the state shall infringe upon such right of a parent without demonstrating that its governmental interest, as applied to the parent, is of the highest order and not otherwise served.
- b. This paragraph applies to any state general or local law or local ordinance and the implementation of that law or ordinance, whether adopted or effective before or after the effective date of this paragraph.
- c. A subsequent inconsistent general law may supersede this paragraph, but only to the extent that it does so by express reference to this paragraph.
 - Section 2. This act shall take effect July 1, 2015.