

By Senator Deutch

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1 A bill to be entitled
2 An act relating to education in public schools
3 concerning human sexuality; providing a short title;
4 providing definitions; requiring public schools that
5 provide certain information or programs to students
6 concerning human sexuality to provide information that
7 meets specified criteria; providing a process to
8 review compliance with such requirement; authorizing
9 parents and guardians to seek review of a school's
10 compliance; providing for school superintendents,
11 district schools boards, and the Commissioner of
12 Education to review compliance and corrective actions;
13 providing for severability; providing an effective
14 date.

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

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18 Section 1. The Florida Healthy Teens Act.—

19 (1) This section may be cited as the "Florida Healthy Teens
20 Act."

21 (2) Any public school that receives state funding directly
22 or indirectly and that provides information, offers programs, or
23 contracts with third parties to provide information or offer
24 programs regarding family planning, pregnancy, or sexually
25 transmitted infections, including HIV and AIDS, shall provide
26 comprehensive, medically accurate, and factual information that
27 is age-appropriate.

28 (3) As used in this section, the term:

29 (a) "Comprehensive information" means information that:

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30 1. Helps young people gain knowledge about the physical,
31 biological, and hormonal changes of adolescence and subsequent
32 stages of human maturation;

33 2. Develops the knowledge and skills necessary to ensure
34 and protect young people with respect to their sexual and
35 reproductive health;

36 3. Helps young people gain knowledge about responsible
37 decisionmaking;

38 4. Is appropriate for use with students of any race,
39 gender, sexual orientation, and ethnic and cultural background;

40 5. Develops healthy attitudes and values concerning growth,
41 development, and body image;

42 6. Encourages young people to practice healthy life skills,
43 including goal setting, decisionmaking, negotiation, and
44 communication;

45 7. Promotes self-esteem and positive interpersonal skills,
46 focusing on skills concerning human relationships and
47 interactions, including platonic, romantic, intimate, and family
48 relationships and interactions, and how to avoid abusive
49 relationships and interactions;

50 8. Teaches that abstinence is the only certain way to avoid
51 pregnancy or sexually transmitted diseases; and

52 9. Commencing in the 6th grade:

53 a. Emphasizes the value of abstinence while not ignoring
54 those adolescents who have had sexual intercourse and who
55 thereafter may or may not remain sexually active;

56 b. Helps young people gain knowledge about the specific
57 involvement and responsibilities of sexual decisionmaking for
58 both genders;

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59 c. Provides information about the health benefits and side
60 effects of all contraceptives and barrier-protection methods as
61 a means of preventing pregnancy and reducing the risk of
62 contracting sexually transmitted infections, including HIV and
63 AIDS;

64 d. Encourages family communication about sexuality among
65 parents, their children, and other adult household members;

66 e. Teaches skills for making responsible decisions about
67 sexuality, including how to avoid unwanted verbal, physical, and
68 sexual advances and how to avoid making unwanted verbal,
69 physical, and sexual advances; and

70 f. Teaches how alcohol and drug use may affect responsible
71 decisionmaking.

72 (b) "Factual information" includes, but is not limited to,
73 medical, psychiatric, psychological, empirical, and statistical
74 statements.

75 (c) "Medically accurate information" means information
76 supported by the weight of research conducted in compliance with
77 generally accepted scientific methods and recognized as accurate
78 and objective by leading professional organizations and agencies
79 having relevant expertise in the field.

80 (4) (a) The parent or guardian of a student enrolled in a
81 school that is subject to the requirements of subsection (2) who
82 believes that the school is not complying with those
83 requirements may file a complaint with the district school
84 superintendent. Within 30 days after receipt of the complaint,
85 the superintendent shall take any warranted corrective action
86 and provide the complainant and the school principal with
87 written notice of the corrective action, if any, which was

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88 taken.

89 (b) A parent or guardian who is not satisfied with the
90 district school superintendent's response to the complaint may
91 file an appeal with the district school board within 30 days
92 after receiving the superintendent's written notice of any
93 corrective action or, if notice was not timely provided under
94 paragraph (a), within 60 days after the complaint was filed with
95 the superintendent. Within 30 days after receipt of an appeal
96 under this paragraph, the school board shall take any warranted
97 corrective action and provide the appellant and the
98 superintendent with a written notice of what, if any, corrective
99 action was taken.

100 (c) A parent or guardian who is not satisfied with the
101 district school board's response to such an appeal may file an
102 appeal with the Commissioner of Education within 30 days after
103 receiving the district school board's written notice of any
104 corrective action or, if notice was not timely provided under
105 paragraph (b), within 60 days after the appeal was filed with
106 the school board. The Commissioner of Education shall
107 investigate the claim and make a finding regarding compliance
108 with subsection (2). Upon a finding of substantial
109 noncompliance, the commissioner shall take corrective action,
110 including, but not limited to, notifying the parents and
111 guardians of all students enrolled in the school that the school
112 is in violation of state law.

113 Section 2. If any provision of this act or its application
114 to any person or circumstance is held invalid, the invalidity
115 does not affect the remaining provisions or applications of the
116 act which can be given effect without the invalid provision or

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117 application, and to this end the provisions of this act are
118 severable.

119 Section 3. This act shall take effect July 1, 2009.