

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Policy Committee

BILL: CS/SB 162

INTRODUCER: Education Pre-K-12 Committee and Senators Geller and Deutch

SUBJECT: Human Sexuality Instruction

DATE: April 3, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Garner</u>	<u>Wilson</u>	<u>HP</u>	<u>Favorable</u>
3.	_____	_____	<u>EA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires each school district to make information available regarding the human sexuality and pregnancy and disease prevention curriculum provided to secondary school students. The curriculum information must be posted on the school district website or delivered through other commonly used methods of parental and community notification. The communication must also include the procedures available for reviewing the curriculum and provisions for parents and the community to offer input or comments.

This bill amends s. 1003.42, F.S.

II. Present Situation:

Current law provides for required instruction in comprehensive health education. Among other subjects, comprehensive health education must address family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy, and prevention and control of disease.¹ A parent may request in writing that a student be exempted from instruction in reproductive health or any disease without any penalty.² Currently, there is no requirement in law that school districts notify parents of the nature of human sexuality instruction offered to students, regardless of whether the instruction is abstinence-only or abstinence-based, often referred to in the literature as Abstinence Plus,³ or alternative instruction methods other than abstinence.

¹ S. 1003.42(2)(n), F.S.

² S. 1003.42(3), F.S.

³ Abstinence Plus programs emphasize other prevention methods as well as abstinence.

In order to address and maintain local-level decision-making, s. 1001.42(17)(a), F.S., requires district school boards to adopt policies that encourage and enhance maximum decision making appropriate to the school site for instructional materials, technology, and implementation of student health and fitness. Section 1003.42(3), F.S., provides that course requirements, which include HIV/AIDS and human sexuality instructional activities, shall not interfere with curriculum locally determined to be aligned with local values and concerns. The Florida Department of Education also includes this language as a disclaimer within each health-related course description.⁴

III. Effect of Proposed Changes:

The bill requires each school district to make information available to parents and the community regarding the human sexuality and pregnancy and disease prevention instruction provided to secondary school students. The information concerning this instructional curriculum must be posted on the district website or delivered through commonly used methods of parental and community notification. The communication must also include procedures available to parents and the community for the review of the curriculum and provisions for parent and community input or comments.

The effective date of the bill is July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

⁴ <http://data.fldoe.org/crsCode/default.cfm?level=912&category=Health> (last visited on April 3, 2007)

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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