

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

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15 WHEREAS, the United States has the highest teen pregnancy
16 rate in the industrialized world, with between 750,000 and
17 850,000 teen pregnancies each year, and

18 WHEREAS, in this country, 75 to 90 percent of teen
19 pregnancies occurring between the ages of 15 to 19 are
20 unintended, and

21 WHEREAS, Florida has the sixth highest teen pregnancy rate
22 of any state, with 48,440 teenage pregnancies, and

23 WHEREAS, the United States has the highest rate of sexually
24 transmitted infections in the industrialized world, with
25 approximately 19 million new cases of sexually transmitted
26 infections in 2005, almost half of them occurring in young
27 people between the ages of 15 to 24, and

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28 WHEREAS, according to the Centers for Disease Control and
 29 Prevention, Florida has the second highest rate of AIDS cases in
 30 the country, with 4,960 new cases of AIDS reported in 2005 and
 31 100,809 cases overall, and

32 WHEREAS, according to the Centers for Disease Control and
 33 Prevention, sexually transmitted infections impose a tremendous
 34 economic burden on the United States, with direct medical costs
 35 as high as \$14.1 billion per year, and

36 WHEREAS, research shows that teenagers who receive
 37 sexuality education that includes discussion of contraception
 38 are more likely than those who receive abstinence-only messages
 39 to delay sexual activity and to use contraceptives when they do
 40 become sexually active, and

41 WHEREAS, the American Medical Association, the American
 42 Nurses Association, the American Academy of Pediatrics, the
 43 American College of Obstetricians and Gynecologists, the
 44 American Public Health Association, and the Society of
 45 Adolescent Medicine support responsible sexuality education that
 46 includes information regarding abstinence and contraception,

47 NOW, THEREFORE,

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

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51 Section 1. The Florida Healthy Teens Act.--

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

54 (2) Any public school that receives state funding directly
 55 or indirectly and that provides information, offers programs, or

56 contracts with third parties to provide information or offer
57 programs regarding family planning, pregnancy, or sexually
58 transmitted infections, including HIV and AIDS, shall provide
59 comprehensive, medically accurate, and factual information that
60 is age-appropriate.

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

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

63 1. Helps young people gain knowledge about the physical,
64 biological, and hormonal changes of adolescence and subsequent
65 stages of human maturation;

66 2. Develops the knowledge and skills necessary to ensure
67 and protect young people with respect to their sexual and
68 reproductive health;

69 3. Helps young people gain knowledge about responsible
70 decisionmaking;

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

73 5. Develops healthy attitudes and values concerning
74 growth, development, and body image;

75 6. Encourages young people to practice healthy life
76 skills, including goal setting, decisionmaking, negotiation, and
77 communication;

78 7. Promotes self-esteem and positive interpersonal skills,
79 focusing on skills concerning human relationships and
80 interactions, including platonic, romantic, intimate, and family
81 relationships and interactions, and how to avoid abusive
82 relationships and interactions;

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

85 9. Commencing in the 6th grade:

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

89 b. Helps young people gain knowledge about the specific
90 involvement and responsibilities of sexual decisionmaking for
91 both genders;

92 c. Provides information about the health benefits and side
93 effects of all contraceptives and barrier-protection methods as
94 a means of preventing pregnancy and reducing the risk of
95 contracting sexually transmitted infections, including HIV and
96 AIDS;

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

99 e. Teaches skills for making responsible decisions about
100 sexuality, including how to avoid unwanted verbal, physical, and
101 sexual advances and how to avoid making unwanted verbal,
102 physical, and sexual advances; and

103 f. Teaches how alcohol and drug use may affect responsible
104 decisionmaking.

105 (b) "Factual information" includes, but is not limited to,
106 medical, psychiatric, psychological, empirical, and statistical
107 statements.

108 (c) "Medically accurate information" means information
109 supported by the weight of research conducted in compliance with
110 generally accepted scientific methods and recognized as accurate

111 and objective by leading professional organizations and agencies
112 having relevant expertise in the field.

113 (4) (a) The parent or guardian of a student who is enrolled
114 in a school subject to the requirements of subsection (2) who
115 believes that the school is not complying with the requirements
116 may file a complaint with the district school superintendent.
117 Within 30 days after receipt of a complaint, the superintendent
118 shall take any warranted corrective action and provide the
119 complainant and the school principal with written notice of the
120 corrective action, if any, which was taken.

121 (b) A parent or guardian who is not satisfied with the
122 district school superintendent's response to the complaint may
123 file an appeal with the district school board within 30 days
124 after receiving the superintendent's written notice of any
125 corrective action or, if notice was not timely provided under
126 paragraph (a), within 60 days after the complaint was filed with
127 the superintendent. Within 30 days after receipt of an appeal
128 under this paragraph, the school board shall take any warranted
129 corrective action and provide the appellant and the
130 superintendent with a written notice of what, if any, corrective
131 action was taken.

132 (c) A parent or guardian who is not satisfied with the
133 district school board's response to such an appeal may file an
134 appeal with the Commissioner of Education within 30 days after
135 receiving the district school board's written notice of any
136 corrective action or, if notice was not timely provided under
137 paragraph (b), within 60 days after the appeal was filed with
138 the school board. The Commissioner of Education shall

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139 investigate the claim and make a finding regarding compliance
140 with subsection (2). Upon a finding of substantial
141 noncompliance, the commissioner shall take corrective action,
142 including, but not limited to, notifying the parents and
143 guardians of all students enrolled in the school that the school
144 is in violation of state law.

145 Section 2. If any provision of this act or its application
146 to any person or circumstance is held invalid, the invalidity
147 does not affect the remaining provisions or applications of the
148 act which can be given effect without the invalid provision or
149 application, and to this end the provisions of this act are
150 severable.

151 Section 3. This act shall take effect July 1, 2008.