

By Senators Deutch, Geller, Rich and Bennett

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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 such
8 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 an
13 effective date.

14
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 people
27 between the ages of 15 to 24, and

28 WHEREAS, according to the Centers for Disease Control and
29 Prevention, Florida has the second highest rate of AIDS cases in

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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 sexuality
37 | education that includes discussion of contraception, are more
38 | likely than those who receive abstinence-only messages to delay
39 | sexual activity and to use contraceptives when they do become
40 | 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 American
44 | Public Health Association, and the Society of Adolescent Medicine
45 | support responsible sexuality education that includes information
46 | regarding abstinence and contraception, NOW, THEREFORE,

47 |

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

49 |

50 | Section 1. The Florida Healthy Teens Act.--

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

53 | (2) Any public school that receives state funding directly
54 | or indirectly and that provides information, offers programs, or
55 | contracts with third parties to provide information or offer
56 | programs regarding family planning, pregnancy, or sexually
57 | transmitted infections, including HIV and AIDS, shall provide

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58 comprehensive, medically accurate, and factual information that
59 is age-appropriate.

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

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

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

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

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

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

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

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

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

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

84 9. Commencing in the 6th grade:

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

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

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

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

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

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

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

107 (c) "Medically accurate information" means information
108 supported by the weight of research conducted in compliance with
109 generally accepted scientific methods and recognized as accurate
110 and objective by leading professional organizations and agencies
111 having relevant expertise in the field.

112 (4) (a) The parent or guardian of a student who is enrolled
113 in a school subject to the requirements of subsection (2) who

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114 believes that the school is not complying with the requirements
115 may file a complaint with the district school superintendent.
116 Within 30 days after receipt of a complaint, the superintendent
117 shall take any warranted corrective action and provide the
118 complainant and the school principal with written notice of the
119 corrective action, if any, which was taken.

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

131 (c) A parent or guardian who is not satisfied with the
132 district school board's response to such an appeal may file an
133 appeal with the Commissioner of Education within 30 days after
134 receiving the district school board's written notice of any
135 corrective action or if notice was not timely provided under
136 paragraph (b), within 60 days after the appeal was filed with the
137 school board. The Commissioner of Education shall investigate the
138 claim and make a finding regarding compliance with subsection
139 (2). Upon a finding of substantial noncompliance, the
140 commissioner shall take corrective action, including, but not
141 limited to, notifying the parents and guardians of all students

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142 enrolled in the school that the school is in violation of state
143 law.

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

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