

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
 9 seek 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.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. The Florida Healthy Teens Act.--

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

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

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

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

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

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

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

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

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

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

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

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

51 9. Commencing in the 6th grade:

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

55 b. Helps young people gain knowledge about the specific
56 involvement and responsibilities of sexual decisionmaking for

57 both genders;

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

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

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

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

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

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

79 (4) (a) The parent or guardian of a student enrolled in a
80 school that is subject to the requirements of subsection (2) who
81 believes that the school is not complying with those
82 requirements may file a complaint with the district school
83 superintendent. Within 30 days after receipt of the complaint,
84 the superintendent shall take any warranted corrective action

85 and provide the complainant and the school principal with
86 written notice of the corrective action, if any, which was
87 taken.

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

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

112 Section 2. If any provision of this act or its application

HB 265

2009

113 to any person or circumstance is held invalid, the invalidity
114 does not affect the remaining provisions or applications of the
115 act which can be given effect without the invalid provision or
116 application, and to this end the provisions of this act are
117 severable.

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