

1 A bill to be entitled
2 An act relating to education in public schools
3 concerning human sexuality; providing a short title;
4 requiring public schools that provide certain
5 information or programs to students relating to human
6 sexuality to provide information that meets specified
7 criteria; providing definitions; providing a
8 compliance review process that meets certain
9 requirements; requiring schools to make certain
10 curriculum available to parents and guardians upon
11 request; authorizing students to be excused from
12 certain portions of a program or class under certain
13 circumstances; prohibiting an excused student from
14 disciplinary action, academic penalty, or any other
15 form of punishment for being excused; authorizing a
16 parent or guardian to seek review of a school's
17 compliance; providing for district school
18 superintendents, district schools boards, and the
19 Commissioner of Education to review compliance and
20 corrective actions; repealing s. 1003.46, F.S.,
21 relating to health education and instruction in
22 acquired immune deficiency syndrome; providing for
23 severability; providing an effective date.
24

25 WHEREAS, fifty-nine percent of all pregnancies in
26 Florida are described as "unintended," and, in 2010,
27 Florida spent \$1.3 million on births resulting from
28 unintended pregnancies, and

29 WHEREAS, in 2013, Florida had the 29th highest
30 birthrate among women between the ages of 15 to 19, and
31 Florida was one of only three states whose number of births
32 rose in 2012 and 2013, and

33 WHEREAS, between federal fiscal years 1996-1997 and
34 2009-2010, Congress disbursed a total of over 1.5 billion
35 tax dollars into abstinence-only-until-marriage programs,
36 with funding for such programs continuing today, and

37 WHEREAS, scientific evidence contends that
38 comprehensive sex education helps adolescents withstand
39 social pressures and promotes healthy, responsible, and
40 mutually protective relationships once adolescents do
41 become sexually active and that withholding such
42 information contributes to uninformed adolescents who can
43 carry habits and misinformation into adulthood, and

44 WHEREAS, adolescents and young adults between the ages
45 of 15 to 24 account for nearly half of the 20 million new
46 cases of sexually transmitted infections each year and, in
47 2014, 16 percent of reported new HIV infections were from
48 individuals under the age of 25, and

49 WHEREAS, Florida has the 4th highest number of
 50 syphilis cases in the nation and, in 2013, had the highest
 51 rate of new HIV infections, and

52 WHEREAS, providing adolescents with comprehensive and
 53 age-appropriate sex education will give them the
 54 information necessary to make responsible decisions about
 55 their sexual health and provide a common sense solution to
 56 reducing unintended adolescent pregnancies and cases of
 57 sexually transmitted diseases, NOW, THEREFORE,

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

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61 Section 1. The Florida Healthy Adolescent Act.-

62 (1) This section may be cited as the "Florida Healthy
 63 Adolescent Act."

64 (2) Each public school that directly or indirectly
 65 receives state funding and that provides information, offers
 66 programs, or contracts with third parties to provide information
 67 or offer programs regarding human sexuality, including family
 68 planning, pregnancy, or sexually transmitted infections
 69 prevention, including the prevention of HIV and AIDS, shall
 70 provide comprehensive, medically accurate, and factual
 71 information that is developmentally and age appropriate.

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

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

- 74 1. Helps young people gain knowledge about the physical,
75 biological, and hormonal changes of adolescence and subsequent
76 stages of human maturation;
- 77 2. Develops the knowledge and skills necessary to protect
78 young people with respect to their sexual and reproductive
79 health and to promote an understanding of sexuality as a normal
80 part of human development;
- 81 3. Helps young people gain knowledge about responsible
82 decisionmaking;
- 83 4. Is culturally competent and appropriate for use with
84 students of any race, gender, gender identity, sexual
85 orientation, and ethnic and cultural background;
- 86 5. Develops healthy attitudes and behaviors concerning
87 growth, development, and body image;
- 88 6. Encourages young people to practice healthy life
89 skills, including negotiation and refusal skills, to assist in
90 overcoming peer pressure and using effective decisionmaking
91 skills to avoid high-risk activities;
- 92 7. Promotes self-esteem and positive interpersonal skills,
93 focusing on skills needed to develop healthy relationships and
94 interactions, and provides young people with the knowledge and
95 skills necessary to have healthy, positive, and safe
96 relationships and behaviors; and

97 8. Includes medically accurate information about all
98 methods of contraception and each method's effectiveness rate,
99 including, but not limited to, abstinence.

100 (b) "Developmentally and age appropriate" means suitable
101 for particular ages or age groups of children and adolescents
102 and based on the developing cognitive, emotional, and behavioral
103 capacity typical for that age or age group.

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

107 (d) "Medically accurate information" means information
108 relevant to informed decisionmaking that is based on scientific
109 evidence; consistent with generally recognized scientific
110 theory; conducted under accepted scientific methods; published
111 in peer-reviewed journals; and recognized as accurate,
112 objective, and complete by mainstream professional
113 organizations, including the American Medical Association, the
114 American College of Obstetricians and Gynecologists, the
115 American Public Health Association, and the American Academy of
116 Pediatrics, government agencies, including the United States
117 Centers for Disease Control and Prevention, the United States
118 Food and Drug Administration, the United States Department of
119 Health's National Institutes of Health, and scientific advisory
120 groups, including the Institute of Medicine and the Advisory
121 Committee on Immunization Practices. The deliberate withholding

122 of information that is needed to protect the life and health of
123 an individual is considered medically inaccurate.

124 (4) (a) Each public school that provides information,
125 offers programs, or contracts with a third party to provide
126 information or offer programs regarding human sexuality under
127 this section must provide the curriculum for review to a parent
128 or guardian upon request.

129 (b) A student may be excused from the portion of a program
130 or class that provides information relating to human sexuality
131 pursuant to this section upon written request by the student's
132 parent or guardian. A student excused from the program or class
133 may not be subject to disciplinary action, academic penalty, or
134 any other form of punishment for being excused from that portion
135 of the program or class.

136 (5) (a) The parent or guardian of a student who is enrolled
137 in a school subject to the requirements of subsection (2) may
138 file a complaint with the district school superintendent if the
139 parent or guardian believes the school is not in compliance with
140 such requirements. Within 30 days after receipt of a complaint,
141 the district school superintendent shall take any warranted
142 corrective action and provide the complainant and the school
143 principal with written notice of the corrective action, if any,
144 that was taken.

145 (b) A parent or guardian who is not satisfied with the
146 district school superintendent's response to the filed complaint

147 may file an appeal with the district school board within 30 days
148 after receiving the district school superintendent's written
149 notice of any corrective action or, if notice was not timely
150 provided under paragraph (a), within 60 days after the complaint
151 was filed with the district school superintendent. Within 30
152 days after receipt of an appeal under this paragraph, the
153 district school board shall take any warranted corrective action
154 and provide the appellant and the district school superintendent
155 with a written notice of what, if any, corrective action was
156 taken.

157 (c) A parent or guardian who is not satisfied with the
158 district school board's response to such an appeal may file an
159 appeal with the Commissioner of Education within 30 days after
160 receiving the district school board's written notice of any
161 corrective action taken or, if notice was not timely provided
162 under paragraph (b), within 60 days after the appeal was filed
163 with the school board. The commissioner shall investigate the
164 claim and make a finding regarding compliance with subsection
165 (2). Upon a finding of substantial noncompliance, the
166 commissioner shall take corrective action, including, but not
167 limited to, notifying the parent or guardian of each student
168 enrolled in the school that the school is in violation of state
169 law.

170 Section 2. Section 1003.46, Florida Statutes, is repealed.

171 Section 3. If any provision of this act or its application

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172 | to any person or circumstance is held invalid, the invalidity
173 | does not affect the remaining provisions or applications of the
174 | act which can be given effect without the invalid provision or
175 | application, and to this end the provisions of this act are
176 | severable.

177 | Section 4. This act shall take effect July 1, 2019.