

By Senator Berman

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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; requiring schools to
8 make a certain curriculum available to parents and
9 guardians upon request; authorizing students to be
10 excused from certain portions of a program or class
11 under certain circumstances; prohibiting an excused
12 student from receiving disciplinary action, academic
13 penalty, or any other form of punishment for being
14 excused; providing a compliance review process that
15 meets certain requirements; authorizing a parent or
16 guardian to seek review of a school's compliance;
17 providing for district school superintendents,
18 district schools boards, and the Commissioner of
19 Education to review compliance and corrective actions;
20 repealing s. 1003.46, F.S., relating to health
21 education and instruction in acquired immune
22 deficiency syndrome; providing for severability;
23 providing an effective date.

24
25 WHEREAS, 59 percent of all pregnancies in Florida are
26 described as "unintended," and, in 2010, Florida spent \$1.3
27 million on births resulting from unintended pregnancies, and

28 WHEREAS, in 2013, Florida had the 29th highest birthrate
29 among women between the ages of 15 and 19, and Florida was one

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30 of only three states whose number of births rose in 2012 and
31 2013, and

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

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

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

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

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

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

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60 Section 1. The Florida Healthy Adolescent Act.-61 (1) This section may be cited as the "Florida Healthy
62 Adolescent Act."63 (2) Each public school that directly or indirectly receives
64 state funding and that provides information, offers programs, or
65 contracts with third parties to provide information or offer
66 programs regarding human sexuality, including family planning,
67 pregnancy, or sexually transmitted infections prevention,
68 including the prevention of HIV and AIDS, shall provide
69 comprehensive, medically accurate, and factual information that
70 is developmentally and age appropriate.71 (3) As used in this section, the term:72 (a) "Comprehensive information" means information that:73 1. Helps young people gain knowledge about the physical,
74 biological, and hormonal changes of adolescence and subsequent
75 stages of human maturation;76 2. Develops the knowledge and skills necessary to protect
77 young people with respect to their sexual and reproductive
78 health and to promote an understanding of sexuality as a normal
79 part of human development;80 3. Helps young people gain knowledge about responsible
81 decisionmaking;82 4. Is culturally competent and appropriate for use with
83 students of any race, gender, gender identity, sexual
84 orientation, and ethnic and cultural background;85 5. Develops healthy attitudes and behaviors concerning
86 growth, development, and body image;87 6. Encourages young people to practice healthy life skills,

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88 including negotiation and refusal skills, to assist in
89 overcoming peer pressure and using effective decisionmaking
90 skills to avoid high-risk activities;

91 7. Promotes self-esteem and positive interpersonal skills,
92 focusing on skills needed to develop healthy relationships and
93 interactions, and provides young people with the knowledge and
94 skills necessary to have healthy, positive, and safe
95 relationships and behaviors; and

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

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

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

106 (d) "Medically accurate information" means information
107 relevant to informed decisionmaking which is based on scientific
108 evidence; consistent with generally recognized scientific
109 theory; conducted under accepted scientific methods; published
110 in peer-reviewed journals; and recognized as accurate,
111 objective, and complete by mainstream professional
112 organizations, including the American Medical Association, the
113 American College of Obstetricians and Gynecologists, the
114 American Public Health Association, and the American Academy of
115 Pediatrics, government agencies, including the United States
116 Centers for Disease Control and Prevention, the United States

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117 Food and Drug Administration, and the United States Department
118 of Health's National Institutes of Health, and scientific
119 advisory groups, including the Institute of Medicine and the
120 Advisory Committee on Immunization Practices. The deliberate
121 withholding of information that is needed to protect the life
122 and health of an individual is considered medically inaccurate.

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

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

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

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

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

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

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

170 Section 3. If any provision of this act or its application
171 to any person or circumstance is held invalid, the invalidity
172 does not affect the remaining provisions or applications of the
173 act which can be given effect without the invalid provision or
174 application, and to this end the provisions of this act are

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175 severable.

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