

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 certain public schools that provide
5 information or offer programs to students relating to
6 human sexuality to provide information or offer
7 programs that meet specified criteria; providing
8 definitions; requiring public schools to make a
9 certain curriculum available to parents and guardians
10 upon request; authorizing students to be excused from
11 certain portions of a program under certain
12 circumstances; prohibiting an excused student from
13 receiving disciplinary action, academic penalty, or
14 any other form of punishment for being excused;
15 providing a compliance review process that meets
16 certain requirements; providing for district school
17 superintendents, district school boards, and the
18 Commissioner of Education to review compliance and
19 take corrective actions; amending s. 1003.46, F.S.;
20 revising required instruction in acquired immune
21 deficiency syndrome; amending s. 1006.40, F.S.;
22 conforming a cross-reference to changes made by the
23 act; providing for severability; providing an
24 effective date.
25

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

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

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

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

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

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

51 HIV infections, and

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

58

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

60

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 infection
 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 young people of any race, sex, gender identity, sexual
85 orientation, or ethnic or 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 use effective decisionmaking skills
91 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 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, but not limited to, the American
114 Medical Association, the American College of Obstetricians and
115 Gynecologists, the American Public Health Association, and the
116 American Academy of Pediatrics; government agencies, including
117 the United States Centers for Disease Control and Prevention,
118 the United States Food and Drug Administration, and the National
119 Institutes of Health; and scientific advisory groups, including
120 the Institute of Medicine and the Advisory Committee on
121 Immunization Practices. The deliberate withholding of
122 information that is needed to protect the life and health of an
123 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 shall make the curriculum available to a parent or
128 guardian upon request.

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

135 (5) (a) The parent or guardian of a student who is enrolled
136 in a public school subject to the requirements of subsection (2)
137 may file a complaint with the district school superintendent if
138 the parent or guardian believes that the public school is not in
139 compliance with such requirements. Within 30 days after receipt
140 of a complaint, the district school superintendent shall take
141 any warranted corrective action and provide the complainant and
142 the school principal with written notice of the corrective
143 action, if any, 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
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 the corrective action, if any, that was taken or, if
149 written notice was not timely provided under paragraph (a),
150 within 60 days after the complaint was filed with the district

151 school superintendent. Within 30 days after receipt of an appeal
152 under this paragraph, the district school board shall take any
153 warranted corrective action and provide the appellant and the
154 district school superintendent with a written notice of the
155 corrective action, if any, that was 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 the
160 corrective action, if any, that was taken or, if written notice
161 was not timely provided under paragraph (b), within 60 days
162 after the appeal was filed with the district school board. The
163 commissioner shall investigate the claim and make a finding
164 regarding the public school's compliance with subsection (2).
165 Upon a finding of substantial noncompliance, the commissioner
166 shall take corrective action, including, but not limited to,
167 notifying the parent or guardian of each student enrolled in the
168 public school that the public school is in violation of state
169 law.

170 Section 2. Section 1003.46, Florida Statutes, is amended
171 to read:

172 1003.46 Health education; instruction in acquired immune
173 deficiency syndrome.—

174 ~~(1)~~ Each district school board may provide instruction in
175 acquired immune deficiency syndrome education as a specific area

176 of health education. Such instruction may include, but is not
177 limited to, the known modes of transmission, signs and symptoms,
178 risk factors associated with acquired immune deficiency
179 syndrome, and means used to control the spread of acquired
180 immune deficiency syndrome. The instruction shall be appropriate
181 for the grade and age of the student and shall reflect current
182 theory, knowledge, and practice regarding acquired immune
183 deficiency syndrome and its prevention.

184 ~~(2) Throughout instruction in acquired immune deficiency~~
185 ~~syndrome, sexually transmitted diseases, or health education,~~
186 ~~when such instruction and course material contains instruction~~
187 ~~in human sexuality, a school shall:~~

188 ~~(a) Teach abstinence from sexual activity outside of~~
189 ~~marriage as the expected standard for all school-age students~~
190 ~~while teaching the benefits of monogamous heterosexual marriage.~~

191 ~~(b) Emphasize that abstinence from sexual activity is a~~
192 ~~certain way to avoid out-of-wedlock pregnancy, sexually~~
193 ~~transmitted diseases, including acquired immune deficiency~~
194 ~~syndrome, and other associated health problems.~~

195 ~~(c) Teach that each student has the power to control~~
196 ~~personal behavior and encourage students to base actions on~~
197 ~~reasoning, self-esteem, and respect for others.~~

198 ~~(d) Provide instruction and material that is appropriate~~
199 ~~for the grade and age of the student.~~

200 Section 3. Paragraph (b) of subsection (4) of section

201 1006.40, Florida Statutes, is amended to read:

202 1006.40 Use of instructional materials allocation;
 203 instructional materials, library books, and reference books;
 204 repair of books.—

205 (4) Each district school board is responsible for the
 206 content of all materials used in a classroom or otherwise made
 207 available to students. Each district school board shall adopt
 208 rules, and each district school superintendent shall implement
 209 procedures, that:

210 (b) Provide a process for public review of, public comment
 211 on, and the adoption of instructional materials, including
 212 instructional materials used to teach reproductive health or any
 213 disease, including HIV/AIDS, under s. 1003.42(3) ~~ss. 1003.42(3)~~
 214 ~~and 1003.46~~, which satisfies the requirements of s.
 215 1006.283(2)(b) 8., 9., and 11.

216 Section 4. If any provision of this act or its application
 217 to any person or circumstance is held invalid, the invalidity
 218 does not affect the remaining provisions or applications of the
 219 act which can be given effect without the invalid provision or
 220 application, and to this end the provisions of this act are
 221 declared severable.

222 Section 5. This act shall take effect July 1, 2022.