

By Senator Baxley

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1                   A bill to be entitled  
2           An act relating to reproductive health and disease  
3           education; amending s. 1003.42, F.S.; requiring school  
4           districts or schools within a district to notify and  
5           request the written consent of parents and guardians  
6           before the teaching of reproductive health or any  
7           sexually transmitted disease; prohibiting schools from  
8           allowing students to be exposed to such teaching  
9           without the written consent of their parents or  
10          guardians; prohibiting a student whose parent or  
11          guardian does not give such written consent from being  
12          penalized; amending ss. 1002.20 and 1014.05, F.S.;  
13          conforming provisions to changes made by the act;  
14          providing an effective date.

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

17  
18           Section 1. Subsection (3) of section 1003.42, Florida  
19           Statutes, is amended to read:

20           1003.42 Required instruction.—

21           (3) School districts, or schools as defined in s.  
22 1003.01(2), shall notify and request the written consent of  
23 parents or guardians at least 10 instructional days before ~~Any~~  
24 ~~student whose parent makes written request to the school~~  
25 ~~principal shall be exempted from~~ the teaching of reproductive  
26 health or any sexually transmitted disease, including HIV/AIDS  
27 and ~~its~~ symptoms, development, and treatment. A school may not  
28 allow a student to be exposed to such teaching without the prior  
29 written consent of his or her parent or guardian. A student

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30 whose parent or guardian does not give written consent for such  
31 teaching ~~so exempted~~ may not be penalized by reason of that  
32 withholding of consent ~~exemption~~. Course descriptions for  
33 comprehensive health education may ~~shall~~ not interfere with the  
34 local determination of appropriate curriculum which reflects  
35 local values and concerns. Each school district shall, on the  
36 district's website homepage, notify parents of this right ~~and~~  
37 ~~the process to request an exemption~~. The home page must include  
38 a link for a student's parent to access and review the  
39 instructional materials, as defined in s. 1006.29(2), used to  
40 teach the curriculum.

41 Section 2. Paragraph (d) of subsection (3) of section  
42 1002.20, Florida Statutes, is amended to read:

43 1002.20 K-12 student and parent rights.—Parents of public  
44 school students must receive accurate and timely information  
45 regarding their child's academic progress and must be informed  
46 of ways they can help their child to succeed in school. K-12  
47 students and their parents are afforded numerous statutory  
48 rights including, but not limited to, the following:

49 (3) HEALTH ISSUES.—

50 (d) *Reproductive health and disease education*.—A public  
51 school student may be exposed to ~~whose parent makes written~~  
52 ~~request to the school principal shall be exempted from the~~  
53 teaching of reproductive health or any sexually transmitted  
54 disease, including HIV/AIDS, only in accordance with s.  
55 1003.42(3). Each school district shall, on the district's  
56 website homepage, notify parents of the right to provide or  
57 withhold consent to such instruction ~~this right and the process~~  
58 ~~to request an exemption~~. The homepage must include a link for a

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59 student's parent to access and review the instructional  
60 materials, as defined in s. 1006.29(2), used to teach the  
61 curriculum.

62 Section 3. Paragraphs (d) and (f) of subsection (1) of  
63 section 1014.05, Florida Statutes, are amended to read:

64 1014.05 School district notifications on parental rights.—

65 (1) Each district school board shall, in consultation with  
66 parents, teachers, and administrators, develop and adopt a  
67 policy to promote parental involvement in the public school  
68 system. Such policy must include:

69 (d) Procedures, pursuant to ss. 1002.20(3)(d) and  
70 1003.42(3) s. 1002.20(3)(d), for a parent to provide or withhold  
71 consent for withdraw his or her minor child to be exposed to  
72 ~~from~~ any portion of the school district's comprehensive health  
73 education required under s. 1003.42(2)(n) which that relates to  
74 sex education or instruction in any sexually transmitted  
75 disease, including acquired immune deficiency syndrome  
76 education, or any instruction regarding sexuality ~~if the parent~~  
77 ~~provides a written objection to his or her minor child's~~  
78 ~~participation.~~ Such procedures must provide for a parent to be  
79 notified at least 10 instructional days before ~~in advance of~~  
80 such course content so that he or she may provide or withhold  
81 consent for withdraw his or her minor child to be exposed to  
82 ~~from~~ those portions of the course.

83 (f) Procedures for a parent to learn about parental rights  
84 and responsibilities under general law, including all of the  
85 following:

86 1. Pursuant to ss. 1002.20(3)(d) and 1003.42(3) s.  
87 ~~1002.20(3)(d)~~, the right to be notified at least 10

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88 instructional days before ~~opt his or her minor child out of~~ any  
89 portion of the school district's comprehensive health education  
90 required under s. 1003.42(2)(n) which ~~that~~ relates to sex  
91 education instruction in any sexually transmitted disease,  
92 including acquired immune deficiency syndrome education, or any  
93 instruction regarding sexuality.

94 2. A plan to disseminate information, pursuant to s.  
95 1002.20(6), about school choice options, including open  
96 enrollment.

97 3. In accordance with s. 1002.20(3)(b), the right of a  
98 parent to exempt his or her minor child from immunizations.

99 4. In accordance with s. 1008.22, the right of a parent to  
100 review statewide, standardized assessment results.

101 5. In accordance with s. 1003.57, the right of a parent to  
102 enroll his or her minor child in gifted or special education  
103 programs.

104 6. In accordance with s. 1006.28(2)(a)1., the right of a  
105 parent to inspect school district instructional materials.

106 7. In accordance with s. 1008.25, the right of a parent to  
107 access information relating to the school district's policies  
108 for promotion or retention, including high school graduation  
109 requirements.

110 8. In accordance with s. 1002.20(14), the right of a parent  
111 to receive a school report card and be informed of his or her  
112 minor child's attendance requirements.

113 9. In accordance with s. 1002.23, the right of a parent to  
114 access information relating to the state public education  
115 system, state standards, report card requirements, attendance  
116 requirements, and instructional materials requirements.

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117           10. In accordance with s. 1002.23(4), the right of a parent  
118 to participate in parent-teacher associations and organizations  
119 that are sanctioned by a district school board or the Department  
120 of Education.

121           11. In accordance with s. 1002.222(1)(a), the right of a  
122 parent to opt out of any district-level data collection relating  
123 to his or her minor child not required by law.

124           Section 4. This act shall take effect July 1, 2022.