

By Senator Farmer

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

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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 younger than 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 infections, NOW, THEREFORE,

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

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Section 1. Section 1003.46, Florida Statutes, is amended to read:

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

~~(1)~~ Each district school board may provide instruction in acquired immune deficiency syndrome education as a specific area of health education. Such instruction may include, but is not limited to, the known modes of transmission, signs and symptoms, risk factors associated with acquired immune deficiency syndrome, and means used to control the spread of acquired immune deficiency syndrome. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding acquired immune deficiency syndrome and its prevention.

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

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

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

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

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

90 Section 2. The Florida Healthy Adolescent Act.—

91 (1) This section may be cited as the “Florida Healthy
92 Adolescent Act.”

93 (2) Each public school that directly or indirectly receives
94 state funding and that provides information, offers programs, or
95 contracts with third parties to provide information or offer
96 programs regarding human sexuality, including family planning,
97 pregnancy, or sexually transmitted infection prevention,
98 including the prevention of HIV and AIDS, shall provide
99 comprehensive, medically accurate, and factual information that
100 is developmentally and age appropriate.

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

102 (a) “Comprehensive information” means information that:

103 1. Helps young people gain knowledge about the physical,
104 biological, and hormonal changes of adolescence and subsequent
105 stages of human maturation;

106 2. Develops the knowledge and skills necessary to protect
107 young people with respect to their sexual and reproductive
108 health and to promote an understanding of sexuality as a normal
109 part of human development;

110 3. Helps young people gain knowledge about responsible
111 decisionmaking;

112 4. Is culturally competent and appropriate for use with
113 young people of any race, sex, gender identity, sexual
114 orientation, or ethnic or cultural background;

115 5. Develops healthy attitudes and behaviors concerning
116 growth, development, and body image;

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117 6. Encourages young people to practice healthy life skills,
118 including negotiation and refusal skills, to assist in
119 overcoming peer pressure and use effective decisionmaking skills
120 to avoid high-risk activities;

121 7. Promotes self-esteem and positive interpersonal skills,
122 focusing on skills needed to develop healthy relationships and
123 interactions, and provides young people with the knowledge and
124 skills necessary to have healthy, positive, and safe
125 relationships and behaviors; and

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

129 (b) "Developmentally and age appropriate" means suitable
130 for particular ages or age groups of children and adolescents
131 based on the developing cognitive, emotional, and behavioral
132 capacity typical for that age or age group.

133 (c) "Factual information" includes, but is not limited to,
134 medical, psychiatric, psychological, empirical, and statistical
135 statements.

136 (d) "Medically accurate information" means information
137 relevant to informed decisionmaking which is based on scientific
138 evidence, consistent with generally recognized scientific
139 theory, conducted under accepted scientific methods, published
140 in peer-reviewed journals, and recognized as accurate,
141 objective, and complete by mainstream professional
142 organizations, including, but not limited to, the American
143 Medical Association, the American College of Obstetricians and
144 Gynecologists, the American Public Health Association, and the
145 American Academy of Pediatrics; government agencies, including

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146 the United States Centers for Disease Control and Prevention,
147 the United States Food and Drug Administration, and the National
148 Institutes of Health; and scientific advisory groups, including
149 the Institute of Medicine and the Advisory Committee on
150 Immunization Practices. The deliberate withholding of
151 information needed to protect the life and health of an
152 individual is considered medically inaccurate.

153 (4) (a) Each public school that provides information, offers
154 programs, or contracts with a third party to provide information
155 or offer programs regarding human sexuality under this section
156 shall make the curriculum available to a parent or guardian upon
157 request.

158 (b) A student may be excused from the portion of a program
159 that provides information relating to human sexuality pursuant
160 to this section upon written request by the student's parent or
161 guardian. A student excused from that portion of the program may
162 not be subject to disciplinary action, academic penalty, or any
163 other form of punishment for being excused.

164 (5) (a) The parent or guardian of a student enrolled in a
165 public school subject to the requirements of subsection (2) may
166 file a complaint with the district school superintendent if the
167 parent or guardian believes that the public school is not in
168 compliance with such requirements. Within 30 days after receipt
169 of a complaint, the district school superintendent shall take
170 any warranted corrective action and provide the complainant and
171 the school principal with written notice of the corrective
172 action, if any, that was taken.

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

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175 may file an appeal with the district school board within 30 days
176 after receiving the district school superintendent's written
177 notice of the corrective action, if any, that was taken or, if
178 written notice was not timely provided under paragraph (a),
179 within 60 days after the complaint was filed with the district
180 school superintendent. Within 30 days after receipt of an appeal
181 under this paragraph, the district school board shall take any
182 warranted corrective action and provide the appellant and the
183 district school superintendent with a written notice of the
184 corrective action, if any, that was taken.

185 (c) A parent or guardian who is not satisfied with the
186 district school board's response to such an appeal may file an
187 appeal with the Commissioner of Education within 30 days after
188 receiving the district school board's written notice of the
189 corrective action, if any, that was taken or, if written notice
190 was not timely provided under paragraph (b), within 60 days
191 after the appeal was filed with the district school board. The
192 commissioner shall investigate the claim and make a finding
193 regarding the public school's compliance with subsection (2).
194 Upon a finding of substantial noncompliance, the commissioner
195 shall take corrective action, including, but not limited to,
196 notifying the parent or guardian of each student enrolled in the
197 public school that the public school is in violation of state
198 law.

199 Section 3. If any provision of this act or its application
200 to any person or circumstance is held invalid, the invalidity
201 does not affect the remaining provisions or applications of the
202 act which can be given effect without the invalid provision or
203 application, and to this end the provisions of this act are

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204 declared severable.

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