

STORAGE NAME: h0309.edk

DATE: February 10, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION K-12
ANALYSIS**

BILL #: HB 309

RELATING TO: Course of Study (Exemptions from Reproductive Health or AIDS Instructional Activities)

SPONSOR(S): Representative Diaz de la Portilla

COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION K-12
 - (2) HEALTH CARE SERVICES
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill reinstates language that was repealed in 1997 by CS/HB 137 (Ch. 97-190, L.O.F.). The language was previously contained in section 233.067, F.S., The bill authorizes student exemptions from required reproductive health or AIDS instructional activities upon written request of the student's parent. The bill specifies that curriculum frameworks for comprehensive health education must not interfere with the local determination of appropriate curriculum.

The effective date of this bill is contingent upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 233.061, F.S., prescribes required instruction to include the following:

(a) The content of the Declaration of Independence, (b) Support of adopting our republican form of government, (c) Essentials of the United States Constitution, (d) Flag education, (e) Elements of civil government, (f) History of the Holocaust, (g) History of African Americans, (h) Principles of agriculture, (i) Effect of alcohol and narcotics upon the human body, (j) Kindness to animals, (k) The history of the state, (l) Conservation of natural resources, (m) Comprehensive health education, (n) Additional subjects required by law, (o) Hispanic contributions to the United States, and (p) Women's contributions to the United States.

Section 233.061(3), F.S., provides for any child whose parent presents to the school principal a signed statement that the teaching of disease, its symptoms, development, and treatment, and the viewing of pictures or motion pictures that teach about disease, conflict with the religious teachings of the child's religious affiliation, is exempted without penalty from instructional activities.

B. EFFECT OF PROPOSED CHANGES:

The bill authorizes student exemptions from required reproductive health or AIDS instructional activities upon written request of the student's parent. The bill specifies that curriculum frameworks for comprehensive health education must not interfere with the local determination of appropriate curriculum.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No

(3) any entitlement to a government service or benefit?

No

b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No

b. Does the bill require or authorize an increase in any fees?

No

c. Does the bill reduce total taxes, both rates and revenues?

No

d. Does the bill reduce total fees, both rates and revenues?

No

e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes, the bill allows for student exemptions from required reproductive health or AIDS instructional activities upon written request of the student's parent.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program providing services to families or children.

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

The bill amends section 233.061, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: The bill authorizes student exemptions from required reproductive health or AIDS instructional activities upon written request of the student's parent. The bill specifies that curriculum frameworks for comprehensive health education must not interfere with the local determination of appropriate curriculum.

Section 2: The effective date of this bill is contingent upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

None

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON Education K-12:
Prepared by:

Staff Director:

Janifer J. Booher

Patricia Levesque