

STORAGE NAME: h0309s1.edk

DATE: March 8, 1999

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

BILL #: CS/HB 309

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

SPONSOR(S): Committee on Education Representative Diaz de la Portilla

COMPANION BILL(S): None

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

- (1) EDUCATION K-12 YEAS 9 NAYS 0
 - (2) HEALTH CARE SERVICES
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The committee substitute for House Bill 309 authorizes certain exemptions from reproductive health or HIV/AIDS instructional activities. Any student whose parent or guardian makes written request to the school principal must be exempted from the teaching of reproductive health or disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption. Course descriptions for comprehensive health education must not interfere with local determination of appropriate curriculum which reflects local values and concerns.

This bill has no fiscal impact to the state.

Provides an effective date upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

PRESENT SITUATION:

Section 233.061, F.S., requires the following instruction:

- ◆ The content of the Declaration of Independence;
- ◆ Support of adopting our republican form of government;
- ◆ Essentials of the United States Constitution;
- ◆ Flag education;
- ◆ Elements of civil government;
- ◆ History of the Holocaust;
- ◆ History of African Americans;
- ◆ The elementary principles of agriculture;
- ◆ Effect of alcohol and narcotics upon the human body;
- ◆ Kindness to animals;
- ◆ The history of the state;
- ◆ Conservation of natural resources;
- ◆ Comprehensive health education;
- ◆ Additional materials, subjects, courses, or fields required by law;
- ◆ Hispanic contributions to the United States; and
- ◆ Women's contributions to the United States.

Subsection (3) 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 viewing of pictures or motion pictures that teach about disease, conflicts with the religious teachings of the child's religious affiliation, is exempt from such instructional activities.

A. EFFECT OF PROPOSED CHANGES:

The committee substitute authorizes certain exemptions from required reproductive health or HIV/AIDS instructional activities and conforms terminology. The committee substitute specifies that any student whose parent or guardian makes written request to the school principal must be exempt from the teaching of reproductive health or disease, including HIV/AIDS, its symptoms, development, and treatment. A student may not be penalized by reason of that exemption. Course descriptions for comprehensive health education must not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

B. 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 committee substitute provides that any student whose parent or guardian makes written request to the school principal must be exempted from the teaching of

reproductive health or disease, including HIV/AIDS, its symptoms, development, and treatment.

- 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

C. STATUTE(S) AFFECTED:

The committee substitute amends s. 233.061, F.S.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: The committee substitute for House Bill 309 authorizes certain exemptions from reproductive health or HIV/AIDS instructional activities. Any student whose parent or guardian makes written request to the school principal must be exempted from the teaching or reproductive health or disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption. Course descriptions for comprehensive health education must not interfere with local determination of appropriate curriculum which reflects local values and concerns.

Section 2: Provides an effective date 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 committee substitute 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 committee substitute 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 committee substitute does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 309 was prefiled with the Florida House of Representatives on January 12, 1999, and referred to the Committee on Education K-12 on January 21, 1999.

HB 309 was amended in the Education K-12 Committee of the House on February 15, 1999, and made into a committee substitute. The committee substitute differs from the bill in the following ways:

- ◆ Technical changes to reflect current terminology;
- ◆ Combined duplicative exemptions for AIDS instruction; and
- ◆ Incorporated current exemption from penalties.

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VII. SIGNATURES:

COMMITTEE ON Education K-12:

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