

By Senator Bullard

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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 public schools that provide certain  
5       information or programs to students relating to human  
6       sexuality to provide information that meets specified  
7       criteria; providing definitions; requiring schools to  
8       make certain curriculum available to parents and  
9       guardians upon request; authorizing students to be  
10      excused from certain portions of a program or class  
11      under certain circumstances; prohibiting an excused  
12      student from disciplinary action, academic penalty, or  
13      any other form of punishment for being excused;  
14      authorizing a parent or guardian to seek review of a  
15      school's compliance; providing for district school  
16      superintendents, district schools boards, and the  
17      Commissioner of Education to review compliance and  
18      take corrective actions; repealing s. 1003.46, F.S.,  
19      relating to health education and instruction in  
20      acquired immune deficiency syndrome; providing for  
21      severability; providing an effective date.

22  
23       WHEREAS, fifty-nine percent of all pregnancies in Florida  
24       are described as "unintended," and, in 2010, Florida spent \$1.3  
25       million on births resulting from unintended pregnancies, and

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

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30 WHEREAS, between federal fiscal years 1996-1997 and 2009-  
31 2010, Congress disbursed a total of over 1.5 billion tax dollars  
32 into abstinence-only-until-marriage programs, with funding for  
33 such programs continuing today, and

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

41 WHEREAS, adolescents and young adults between the ages of  
42 15 to 24 account for nearly half of the 20 million new cases of  
43 sexually transmitted infections each year and, in 2014, 16  
44 percent of reported new HIV infections were from individuals  
45 under the age of 25, and

46 WHEREAS, Florida has the 4th highest number of syphilis  
47 cases in the nation and, in 2013, had the highest rate of new  
48 HIV infections, and

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

55  
56 Be It Enacted by the Legislature of the State of Florida:

57  
58 Section 1. The Florida Healthy Adolescent Act.-

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59       (1) This section may be cited as the "Florida Healthy  
60 Adolescent Act."

61       (2) Each public school that directly or indirectly receives  
62 state funding and that provides information, offers programs, or  
63 contracts with third parties to provide information or offer  
64 programs regarding human sexuality, including family planning,  
65 pregnancy, or sexually transmitted infections prevention,  
66 including the prevention of HIV and AIDS, shall provide  
67 comprehensive, medically accurate, and factual information that  
68 is developmentally and age appropriate.

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

70       (a) "Comprehensive information" means information that:

71       1. Helps young people gain knowledge about the physical,  
72 biological, and hormonal changes of adolescence and subsequent  
73 stages of human maturation;

74       2. Develops the knowledge and skills necessary to protect  
75 young people with respect to their sexual and reproductive  
76 health and to promote an understanding of sexuality as a normal  
77 part of human development;

78       3. Helps young people gain knowledge about responsible  
79 decisionmaking;

80       4. Is culturally competent and appropriate for use with  
81 students of any race, gender, gender identity, sexual  
82 orientation, and ethnic and cultural background;

83       5. Develops healthy attitudes and behaviors concerning  
84 growth, development, and body image;

85       6. Encourages young people to practice healthy life skills,  
86 including negotiation and refusal skills, to assist in  
87 overcoming peer pressure and using effective decisionmaking

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88 skills to avoid high-risk activities;

89 7. Promotes self-esteem and positive interpersonal skills,  
90 focusing on skills needed to develop healthy relationships and  
91 interactions, and provides young people with the knowledge and  
92 skills necessary to have healthy, positive, and safe  
93 relationships and behaviors; and

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

97 (b) "Developmentally and age appropriate" means suitable  
98 for particular ages or age groups of children and adolescents  
99 and based on the developing cognitive, emotional, and behavioral  
100 capacity typical for that age or age group.

101 (c) "Factual information" includes, but is not limited to,  
102 medical, psychiatric, psychological, empirical, and statistical  
103 statements.

104 (d) "Medically accurate information" means information  
105 relevant to informed decisionmaking that is based on scientific  
106 evidence; consistent with generally recognized scientific  
107 theory; conducted under accepted scientific methods; published  
108 in peer-reviewed journals; and recognized as accurate,  
109 objective, and complete by mainstream professional  
110 organizations, including the American Medical Association, the  
111 American College of Obstetricians and Gynecologists, the  
112 American Public Health Association, and the American Academy of  
113 Pediatrics, government agencies, including the United States  
114 Centers for Disease Control and Prevention, the United States  
115 Food and Drug Administration, the United States Department of  
116 Health's National Institutes of Health, and scientific advisory

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117 groups, including the Institute of Medicine and the Advisory  
118 Committee on Immunization Practices. The deliberate withholding  
119 of information that is needed to protect the life and health of  
120 an individual is considered medically inaccurate.

121 (4) (a) Each public school that provides information, offers  
122 programs, or contracts with a third party to provide information  
123 or offer programs regarding human sexuality under this section  
124 must provide the curriculum for review to a parent or guardian  
125 upon request.

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

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

142 (b) A parent or guardian who is not satisfied with the  
143 district school superintendent's response to the filed complaint  
144 may file an appeal with the district school board within 30 days  
145 after receiving the district school superintendent's written

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146 notice of any corrective action or, if notice was not timely  
147 provided under paragraph (a), within 60 days after the complaint  
148 was filed with the district school superintendent. Within 30  
149 days after receipt of an appeal under this paragraph, the  
150 district school board shall take any warranted corrective action  
151 and provide the appellant and the district school superintendent  
152 with a written notice of what, if any, corrective action was  
153 taken.

154 (c) A parent or guardian who is not satisfied with the  
155 district school board's response to such an appeal may file an  
156 appeal with the Commissioner of Education within 30 days after  
157 receiving the district school board's written notice of any  
158 corrective action taken or, if notice was not timely provided  
159 under paragraph (b), within 60 days after the appeal was filed  
160 with the school board. The commissioner shall investigate the  
161 claim and make a finding regarding compliance with subsection  
162 (2). Upon a finding of substantial noncompliance, the  
163 commissioner shall take corrective action, including, but not  
164 limited to, notifying the parent or guardian of each student  
165 enrolled in the school that the school is in violation of state  
166 law.

167 Section 2. Section 1003.46, Florida Statutes, is repealed.

168 Section 3. If any provision of this act or its application  
169 to any person or circumstance is held invalid, the invalidity  
170 does not affect the remaining provisions or applications of the  
171 act which can be given effect without the invalid provision or  
172 application, and to this end the provisions of this act are  
173 severable.

174 Section 4. This act shall take effect July 1, 2016.