A bill to be entitled
An act relating to education in public schools
concerning human sexuality; providing a short title;
requiring public schools that provide certain
information or programs to students relating to human
sexuality to provide information that meets specified
criteria; providing definitions; requiring schools to
make certain curriculum available to parents and
guardians upon request; authorizing students to be
excused from certain portions of a program or class
under certain circumstances; prohibiting an excused
student from disciplinary action, academic penalty, or
any other form of punishment for being excused;
authorizing a parent or guardian to seek review of a
school’s compliance; providing for district school
superintendents, district schools boards, and the
Commissioner of Education to review compliance and
take corrective actions; repealing s. 1003.46, F.S.,
relating to health education and instruction in
acquired immune deficiency syndrome; providing for
severability; providing an effective date.

WHEREAS, fifty-nine percent of all pregnancies in Florida
are described as “unintended,” and, in 2010, Florida spent $1.3
million on births resulting from unintended pregnancies, and
WHEREAS, in 2013, Florida had the 29th highest birthrate
among women between the ages of 15 to 19, and Florida was one of
only three states whose number of births rose in 2012 and 2013,
WHEREAS, between federal fiscal years 1996-1997 and 2009-2010, Congress disbursed a total of over 1.5 billion tax dollars into abstinence-only-until-marriage programs, with funding for such programs continuing today, and

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

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

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

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

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

Section 1. The Florida Healthy Adolescent Act.—
(1) This section may be cited as the “Florida Healthy Adolescent Act.”

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

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

(a) “Comprehensive information” means information that:

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

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

3. Helps young people gain knowledge about responsible decisionmaking;

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

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

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

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

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

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

(c) “Factual information” includes, but is not limited to, medical, psychiatric, psychological, empirical, and statistical statements.

(d) “Medically accurate information” means information relevant to informed decisionmaking that is based on scientific evidence; consistent with generally recognized scientific theory; conducted under accepted scientific methods; published in peer-reviewed journals; and recognized as accurate, objective, and complete by mainstream professional organizations, including the American Medical Association, the American College of Obstetricians and Gynecologists, the American Public Health Association, and the American Academy of Pediatrics, government agencies, including the United States Centers for Disease Control and Prevention, the United States Food and Drug Administration, the United States Department of Health’s National Institutes of Health, and scientific advisory
groups, including the Institute of Medicine and the Advisory Committee on Immunization Practices. The deliberate withholding of information that is needed to protect the life and health of an individual is considered medically inaccurate.

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

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

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

(b) A parent or guardian who is not satisfied with the district school superintendent’s response to the filed complaint may file an appeal with the district school board within 30 days after receiving the district school superintendent’s written
notice of any corrective action or, if notice was not timely
provided under paragraph (a), within 60 days after the complaint
was filed with the district school superintendent. Within 30
days after receipt of an appeal under this paragraph, the
district school board shall take any warranted corrective action
and provide the appellant and the district school superintendent
with a written notice of what, if any, corrective action was
taken.

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

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

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

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