

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1094

INTRODUCER: Education Committee and Senator Bean

SUBJECT: Required Health Education Instruction

DATE: April 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sagues</u>	<u>Bouck</u>	<u>ED</u>	Fav/CS
2.	<u>Underhill</u>	<u>Sadberry</u>	<u>AP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1094 requires that the general health education curriculum for K-12 public schools be developmentally and age-appropriate. The curriculum must include information on the prevention of child sexual abuse, exploitation, and human trafficking.

The bill also modifies the existing health education requirement to specify that instruction on abstinence and the consequences of teen pregnancy applies only to those students in grades six through 12.

The bill does not require a state appropriation. The bill may have a fiscal impact to school districts. See section V.

The bill takes effect on July 1, 2021.

II. Present Situation:

Required Instruction in Schools

Florida law specifies required coursework and instruction for public school students. Specifically, each district school board must provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education (SBE) adopted standards in the following subject areas: reading

and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.¹

Instructional staff of public schools,² subject to the rules of the SBE and the district school board, must provide instruction in:

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- Flag education, including proper flag display and flag salute.
- The elements of civil government.
- The history of the Holocaust.
- The history of the United States.
- The history of African Americans.
- The elementary principles of agriculture.
- The effects of alcoholic and intoxicating liquors and beverages and narcotics.
- Kindness to animals.
- The history of the state.
- The conservation of natural resources.
- Comprehensive health education.
- The study of Hispanic contributions to the United States.
- The study of women's contributions to the United States.
- The nature and importance of free enterprise to the United States economy.
- A character-development program in kindergarten through grade 12.
- The sacrifices that veterans and Medal of Honor recipients have made serving the country.³

Comprehensive health education currently addresses 12 components. Eleven of the components are delivered in kindergarten through grade 12, and include: concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; Internet safety; nutrition; personal health; prevention and control of disease; and substance use and abuse. Instruction related to teen dating violence and abuse must be provided in grades 7 through 12 only.⁴

Human Trafficking Instruction and Awareness in Schools

Florida law defines human trafficking as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person. Human trafficking is a form of modern-day slavery.⁵ Victims of human trafficking are young children, teenagers, and adults; include citizens of the United States and those persons trafficked

¹ Section 1003.42(1), F.S.

² Instructional staff of charter schools are exempt from this section of law. Section 1002.33(16), F.S.

³ The law encourages the SBE to adopt standards and pursue assessment relating to the required instructional content. Section 1003.42(2), F.S.

⁴ Section 1003.42(2)(n), F.S.

⁵ Section 787.06(1) and (2)(d), F.S.

domestically within the borders of the United States; and are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.⁶

Florida is third in the nation for reported human trafficking cases.⁷ In 2018, there were 767 human trafficking cases reported in Florida. Of those cases, 149 were minors. The average ages of trafficked youth are 11-13 years old.⁸ In fiscal year 2019-2020, the total number of reports received by the Florida Abuse Hotline alleging human trafficking was 1,901 reports involving 1,463 children.⁹

Information on human trafficking is not currently included in required comprehensive health education instruction.¹⁰ Additionally, SBE adopted standards do not include instruction on human trafficking, nor is there an instructional model currently available in CPALMS.¹¹

In September 2019, the SBE adopted a rule addressing Child Trafficking Prevention Education, which requires school districts to annually provide instruction to students in grades K-12 related to child trafficking prevention and awareness using current health education standards. Age appropriate elements of effective and evidence-based programs, on child trafficking prevention and awareness must address the following topics:

- Recognition of signs of human trafficking;
- Awareness of resources, including national, state and local resources;
- Prevention of the abuse of and addiction to alcohol, nicotine, and drugs;
- Information of the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance; and
- Information on how social media and mobile device applications are used for human trafficking.¹²

As required by the new rule, the Florida Department of Education (FDOE) maintains resources and training for the required instruction on child trafficking prevention and awareness.¹³

⁶ Florida law describes sexual exploitation as prostitution or the work in the sexual entertainment industry and forced labor as domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work. *Id.*

⁷ You Can Stop HT, *Get the Facts*, <http://www.youcanstopht.com/get-the-facts.html> (last visited March 18, 2021).

⁸ Florida Department of Education, Presentation to the State Board of Education, *Child Trafficking Prevention Education* (Sept. 20, 2019), available at: <http://www.fldoe.org/core/fileparse.php/5575/urlt/ChildTraffickingPres.pdf>.

⁹ Florida Department of Children and Families, *Annual Human Trafficking Report (2020)*, available at <https://www.myflfamilies.com/service-programs/child-welfare/lmr/docs/2020LMRs/Human%20Trafficking%20Annual%20Report%202020.pdf>.

¹⁰ *Id.*

¹¹ CPALMS is the State of Florida's official source for standards information and course descriptions. It provides access to thousands of standards-aligned, free, and high-quality instructional/educational resources that have been developed specifically for the standards and vetted through a rigorous review process. CPALMS, *About CPALMS*, http://www.cpalms.org/CPALMS/about_us.aspx, (last visited March 18, 2021).

¹² Rule 6A-1.094124, F.A.C.

¹³ Florida Department of Education, *Human Trafficking*, <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited March 18, 2021).

By July 1 annually, each school district must submit a report to verify completion of the instruction required under law¹⁴ as well as instruction in Child Trafficking Prevention Education required by SBE rule.¹⁵

Child Abuse Instruction and Awareness in Schools

As defined by Florida law, child abuse means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.¹⁶ Every Florida citizen, including school teachers and other school personnel are required by law to report known or suspected child abuse.¹⁷ In 2018, the Children's Advocacy Centers in Florida served over 34,000 children who were victims of child abuse or neglect:

- Sixty percent of the victims were female and 40 percent were male.
- Thirty-six percent of the victims were between birth and age six.
- Thirty-five percent of the victims suffered from sexual abuse, of which:
 - Twenty-seven percent suffered from physical abuse; and
 - Seventeen percent suffered from neglect.¹⁸

Child abuse awareness is not included in the required comprehensive health education instruction.¹⁹ The FDOE provides child abuse prevention training materials and resources on their website.²⁰ Teachers in grades K-12 are required to participate in continuing education on identifying and reporting child abuse and neglect provided by the Florida Department of Children and Families.²¹

III. Effect of Proposed Changes:

The bill amends s. 1003.42, F.S., to require that the general health education curriculum for K-12 public schools be developmentally and age-appropriate and must include information on the prevention of child sexual abuse, exploitation, and human trafficking. Adding such topics to the required instruction health education curriculum may help raise awareness of associated dangers and improve student health.

The bill limits the existing kindergarten through grade 12 requirement to specify that instruction on abstinence and the consequences of teen pregnancy applies only to those students in grades six through 12, providing developmentally and age-appropriate instruction for this topic. Also, the bill amends s. 1006.148, F.S., to conform a cross reference for the purpose of defining dating violence and abuse.

¹⁴ Section 1003.42(2), F.S.

¹⁵ Rule 6A-1.094124, F.A.C.

¹⁶ Section 39.01(2), F.S.

¹⁷ Section 39.201(1), F.S.

¹⁸ Florida Network of Children's Advocacy Centers, Child Abuse and Neglect Statistics, <https://www.fncac.org/child-abuse-and-neglect-statistics> (last visited March 18, 2021).

¹⁹ Section 1003.42(2)(n), F.S.

²⁰ Florida Department of Education, *Child Abuse Prevention*, <http://www.fldoe.org/schools/family-community/activities-programs/child-abuse-prevention.stml> (last visited March 18, 2021).

²¹ Section 1012.98(12), F.S.

The bill takes effect on July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not require a state appropriation. However, for those school districts that do not already provide child sexual abuse prevention instruction, there may be a cost associated with including this instruction in the required health education curriculum.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1003.42 and 1006.148.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on March 23, 2021:

The committee substitute modifies the existing health education requirement to specify that instruction on abstinence and the consequences of teen pregnancy applies only to those students in grades six through 12.

- B. **Amendments:**

None.