

1 A bill to be entitled
2 An act relating to education in public schools concerning
3 human sexuality; providing a short title; providing
4 definitions; requiring public schools that provide certain
5 information or programs to students concerning human
6 sexuality to provide information that meets specified
7 criteria; providing a process to review compliance with
8 such requirement; authorizing parents and guardians to
9 seek review of a school's compliance; providing for school
10 superintendents, district schools boards, and the
11 Commissioner of Education to review compliance and take
12 corrective actions; providing for exemption from certain
13 teaching; providing for severability; providing an
14 effective date.

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16 WHEREAS, one in four teen girls in the United States has a
17 sexually transmitted disease, according to the United States
18 Centers for Disease Control and Prevention, and

19 WHEREAS, Florida has the third highest AIDS rate and the
20 fifth highest HIV rate in the nation, according to the United
21 States Centers for Disease Control and Prevention, and

22 WHEREAS, in 2007, persons under the age of 25 accounted
23 for 15 percent of new HIV infections in Florida, and

24 WHEREAS, according to the Florida Department of Health, in
25 2007, youth accounted for 65.5 percent of new sexually
26 transmitted disease infections in Florida, and

27 WHEREAS, Florida has the sixth highest teen pregnancy rate
28 in the nation, according to the Guttmacher Institute, and

29 WHEREAS, the Legislature recognizes that between 1991 and
 30 2004 there have been more than 354,000 teen births in Florida,
 31 costing taxpayers a total of \$8.1 billion over this period,
 32 according to the National Campaign to Prevent Teen and
 33 Unplanned Pregnancy, and

34 WHEREAS, the Legislature recognizes that several recent
 35 studies have found abstinence-only programs to be ineffective,
 36 including a 2007 study commissioned by the Federal Government
 37 and conducted by Mathematica Policy Research, Inc., and

38 WHEREAS, the Budget of the United States Government for
 39 Fiscal Year 2010 transmitted to Congress by the President of
 40 the United States eliminates funding for abstinence-only
 41 programs and invests in medically accurate and age-appropriate
 42 teen pregnancy and sexually transmitted infection prevention
 43 programs for adolescents that have been proven effective, and

44 WHEREAS, Florida must prioritize state-based effective
 45 models and strategies for evidence-based teen pregnancy and
 46 disease prevention in order to be competitive for federal
 47 funding, NOW, THEREFORE,

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

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51 Section 1. The Florida Healthy Teens Act.--

52 (1) This section may be cited as the "Florida Healthy
 53 Teens Act."

54 (2) Any public school that receives state funding directly
 55 or indirectly and that provides information, offers programs, or
 56 contracts with third parties to provide information or offer

57 programs regarding family planning, pregnancy, or sexually
58 transmitted infections, including HIV and AIDS, shall provide
59 comprehensive, medically accurate, and factual information that
60 is age appropriate.

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

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

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

66 2. Develops the knowledge and skills necessary to protect
67 young people with respect to their sexual and reproductive
68 health;

69 3. Helps young people gain knowledge about responsible
70 decisionmaking;

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

73 5. Develops healthy attitudes and values concerning
74 growth, development, and body image;

75 6. Encourages young people to practice healthy life
76 skills, including goal setting, decisionmaking, negotiation, and
77 communication;

78 7. Promotes self-esteem and positive interpersonal skills,
79 focusing on skills concerning human relationships and
80 interactions, including platonic, romantic, intimate, and family
81 relationships and interactions, and how to avoid abusive
82 relationships and interactions;

83 8. Teaches that abstinence is the only certain way to
84 avoid pregnancy or sexually transmitted diseases; and

85 9. Commencing in the 6th grade:

86 a. Emphasizes the value of abstinence while not ignoring
87 those adolescents who have had sexual intercourse and who
88 thereafter may or may not remain sexually active;

89 b. Helps young people gain knowledge about the specific
90 involvement and responsibilities of sexual decisionmaking for
91 both genders;

92 c. Provides information about the health benefits and side
93 effects of all contraceptives and barrier-protection methods as
94 a means of preventing pregnancy and reducing the risk of
95 contracting sexually transmitted infections, including HIV and
96 AIDS;

97 d. Encourages family communication about sexuality among
98 parents, their children, and other adult household members;

99 e. Teaches skills for making responsible decisions about
100 sexuality, including how to avoid unwanted verbal, physical, and
101 sexual advances and how to avoid making unwanted verbal,
102 physical, and sexual advances; and

103 f. Teaches how alcohol and drug use may affect responsible
104 decisionmaking.

105 (b) "Factual information" includes, but is not limited to,
106 medical, psychiatric, psychological, empirical, and statistical
107 statements.

108 (c) "Medically accurate information" means information
109 supported by the weight of research conducted in compliance with
110 generally accepted scientific methods and recognized as accurate
111 and objective by leading professional organizations and agencies
112 having relevant expertise in the field.

113 (4) (a) The parent or guardian of a student enrolled in a
114 school that is subject to the requirements of subsection (2) who
115 believes that the school is not complying with those
116 requirements may file a complaint with the district school
117 superintendent. Within 30 days after receipt of the complaint,
118 the superintendent shall take any warranted corrective action
119 and provide the complainant and the school principal with
120 written notice of the corrective action, if any, that was taken.

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

132 (c) A parent or guardian who is not satisfied with the
133 district school board's response to such an appeal may file an
134 appeal with the Commissioner of Education within 30 days after
135 receiving the district school board's written notice of any
136 corrective action or, if notice was not timely provided under
137 paragraph (b), within 60 days after the appeal was filed with
138 the school board. The Commissioner of Education shall
139 investigate the claim and make a finding regarding compliance
140 with subsection (2). Upon a finding of substantial

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141 noncompliance, the commissioner shall take corrective action,
142 including, but not limited to, notifying the parents and
143 guardians of all students enrolled in the school that the school
144 is in violation of state law.

145 (5) A public school student whose parent makes written
146 request to the school principal shall be exempted from the
147 teaching of reproductive health or any disease, including HIV
148 and AIDS, in accordance with the provisions of s. 1003.42(3),
149 Florida Statutes.

150 Section 2. If any provision of this act or its application
151 to any person or circumstance is held invalid, the invalidity
152 does not affect the remaining provisions or applications of the
153 act which can be given effect without the invalid provision or
154 application, and to this end the provisions of this act are
155 severable.

156 Section 3. This act shall take effect July 1, 2010.