

By Senators Smith, Deutch, Rich, and Joyner

30-00248-10

20101502\_\_

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

15  
16           WHEREAS, one in four teenage girls in the United States has  
17          a sexually transmitted disease according to the Centers for  
18          Disease Control and Prevention, and

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

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

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

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

30-00248-10

20101502

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

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

40 WHEREAS, the federal budget for the 2010 fiscal year  
41 eliminates funding for abstinence-only programs and invests in  
42 medically accurate and age-appropriate prevention programs for  
43 teen pregnancy and sexually transmitted infections among  
44 adolescents which have been proven effective, and

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

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

51  
52 Section 1. The Florida Healthy Teens Act.—

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

55 (2) (a) Any public school that receives state funding  
56 directly or indirectly and that provides information, offers  
57 programs, or contracts with third parties to provide information  
58 or offer programs regarding family planning, pregnancy, or

30-00248-10

20101502

59 sexually transmitted infections, including HIV and AIDS, shall  
60 provide comprehensive, medically accurate, and factual  
61 information that is age-appropriate.

62 (b) The parent or legal guardian of a student who attends a  
63 public school described in paragraph (a) may provide a written  
64 request to the school principal to exempt his or her child from  
65 instruction concerning reproductive health or sexually  
66 transmitted disease, including HIV/AIDS, in accordance with s.  
67 1003.42(3), Florida Statutes.

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

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

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

73 2. Develops the knowledge and skills necessary to ensure  
74 and protect young people with respect to their sexual and  
75 reproductive health;

76 3. Helps young people gain knowledge about responsible  
77 decisionmaking;

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

80 5. Develops healthy attitudes and values concerning growth,  
81 development, and body image;

82 6. Encourages young people to practice healthy life skills,  
83 including goal setting, decisionmaking, negotiation, and  
84 communication;

85 7. Promotes self-esteem and positive interpersonal skills,  
86 focusing on skills concerning human relationships and  
87 interactions, including platonic, romantic, intimate, and family

30-00248-10

20101502

88 relationships and interactions, and how to avoid abusive  
89 relationships and interactions;

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

92 9. Commences in the 6th grade and:

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

96 b. Helps young people gain knowledge about the specific  
97 involvement and responsibilities of sexual decisionmaking for  
98 both genders;

99 c. Provides information about the health benefits and side  
100 effects of all contraceptives and barrier-protection methods as  
101 a means of preventing pregnancy and reducing the risk of  
102 contracting sexually transmitted infections, including HIV and  
103 AIDS;

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

106 e. Teaches skills for making responsible decisions about  
107 sexuality, including how to avoid unwanted verbal, physical, and  
108 sexual advances and how to avoid making unwanted verbal,  
109 physical, and sexual advances; and

110 f. Teaches how alcohol and drug use may affect responsible  
111 decisionmaking.

112 (b) "Factual information" includes, but is not limited to,  
113 medical, psychiatric, psychological, empirical, and statistical  
114 statements.

115 (c) "Medically accurate information" means information  
116 supported by the weight of research conducted in compliance with

30-00248-10

20101502

117 generally accepted scientific methods and recognized as accurate  
118 and objective by leading professional organizations and agencies  
119 having relevant expertise in the field.

120 (4) (a) The parent or guardian of a student enrolled in a  
121 school that is subject to the requirements of subsection (2) who  
122 believes that the school is not complying with those  
123 requirements may file a complaint with the district school  
124 superintendent. Within 30 days after receipt of the complaint,  
125 the superintendent shall take any warranted corrective action  
126 and provide the complainant and the school principal with  
127 written notice of the corrective action, if any, which was  
128 taken.

129 (b) A parent or guardian who is not satisfied with the  
130 district school superintendent's response to the complaint may  
131 file an appeal with the district school board within 30 days  
132 after receiving the superintendent's written notice of any  
133 corrective action or, if notice was not timely provided under  
134 paragraph (a), within 60 days after the date the complaint was  
135 filed with the superintendent. Within 30 days after receipt of  
136 an appeal under this paragraph, the school board shall take any  
137 warranted corrective action and provide the complainant and the  
138 superintendent with a written notice of what, if any, corrective  
139 action was taken.

140 (c) A parent or guardian who is not satisfied with the  
141 district school board's response to such an appeal may file an  
142 appeal with the Commissioner of Education within 30 days after  
143 receiving the district school board's written notice of any  
144 corrective action or, if notice was not timely provided under  
145 paragraph (b), within 60 days after the appeal was filed with

30-00248-10

20101502\_\_

146 the school board. The Commissioner of Education shall  
147 investigate the claim and make a finding regarding compliance  
148 with subsection (2). Upon a finding of substantial  
149 noncompliance, the commissioner shall take corrective action,  
150 including, but not limited to, notifying the parents and  
151 guardians of all students enrolled in the school that the school  
152 is in violation of state law.

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

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