

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

24  
25          WHEREAS, fifty-nine percent of all pregnancies in  
26          Florida are described as "unintended," and, in 2010,

27 Florida spent \$1.3 million on births resulting from  
28 unintended pregnancies, and

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

33 WHEREAS, between federal fiscal years 1996-1997 and  
34 2009-2010, Congress disbursed a total of over 1.5 billion  
35 tax dollars into abstinence-only-until-marriage programs,  
36 with funding for such programs continuing today, and

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

44 WHEREAS, adolescents and young adults between the ages  
45 of 15 to 24 account for nearly half of the 20 million new  
46 cases of sexually transmitted infections each year and, in  
47 2014, 16 percent of reported new HIV infections were from  
48 individuals under the age of 25, and

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

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

58

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

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61 Section 1. The Florida Healthy Adolescent Act.-

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

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

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

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

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

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

81        3. Helps young people gain knowledge about responsible  
82 decisionmaking;

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

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

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

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

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

100        (b) "Developmentally and age appropriate" means suitable  
101 for particular ages or age groups of children and adolescents

102 and based on the developing cognitive, emotional, and behavioral  
103 capacity typical for that age or age group.

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

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

124 (4) (a) Each public school that provides information,  
125 offers programs, or contracts with a third party to provide  
126 information or offer programs regarding human sexuality under

127 this section must provide the curriculum for review to a parent  
128 or guardian upon request.

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

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

145 (b) A parent or guardian who is not satisfied with the  
146 district school superintendent's response to the filed complaint  
147 may file an appeal with the district school board within 30 days  
148 after receiving the district school superintendent's written  
149 notice of any corrective action or, if notice was not timely  
150 provided under paragraph (a), within 60 days after the complaint  
151 was filed with the district school superintendent. Within 30  
152 days after receipt of an appeal under this paragraph, the

153 district school board shall take any warranted corrective action  
154 and provide the appellant and the district school superintendent  
155 with a written notice of what, if any, corrective action was  
156 taken.

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

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

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

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