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With drastically different House and Senate versions of what was once the same antievolution bill in the Florida state legislature, it remains uncertain whether antievolution forces will be able to devise a compromise bill to be sent to the governor before the legislature adjourns on May 2, 2008 -- especially with a host of other issues crowding the legislative calendar. At issue is Senate Bill 2692, which the Florida Senate passed and sent to the House on April 23, 2008. On April 28, 2008, the House pulled a switcheroo, substituting the language of its own, quite different and now tabled, bill, HB 1483, and sending the result back to the Senate.

As NCSE previously [reported](#) [4], SB 2692, proposed by Senator Ronda Storms (R-District 10), passed with few changes through the Senate's Pre-K-12 Education and Judiciary Committees. If enacted, the bill would be "providing public school teachers with a right to present scientific information relevant to the full range of views on biological and chemical evolution; prohibiting a teacher from being discriminated against for presenting such information; [and] prohibiting students from being penalized for subscribing to a particular position on evolution," although the state department of education reported having no information on any such discrimination or penalization occurring.

The counterpart bill in the House of Representatives, HB 1483, underwent substantial modification by the House Schools and Learning Council after its sponsor, Representative Alan Hays (R-District 25), acknowledged that "the original form of the bill raised constitutional questions about proselytizing in

public school science classes" (as quoted by the *Miami Herald*, April 11, 2008). As passed by the council, the bill would require teachers to provide a "critical analysis" of evolution, a phrase that the Associated Press (April 28, 2008) [recognized](#) [5] as "one used by intelligent design advocates," although noting that its sponsor claimed that it would neither require nor allow teaching "intelligent design."

During the Senate's debate on SB 2692, the *Orlando Sun-Sentinel* (April 17, 2008) [reported](#) [6], two senators tested the commitment of the bill's proponents to "academic freedom" by proposing to extend the bill's coverage to sex education classes, arguing, "We're talking about academic freedom ... In an abstinence-only sex education program, a teacher may wish to answer a student's question and provide additional information that may protect a life or stop an unwanted pregnancy." Their amendment was vociferously denounced (with Storms saying, "I'm concerned about prematurely deflowering kindergartners and first and second graders," according to the *Sun-Sentinel*) and rejected on a voice vote.

The question of whether the bill would allow the teaching of creationism in Florida's public schools was also debated, but its sponsor was reticent to address the question, reportedly preferring instead merely to recite the text of the bill in response to questions. According to the *Sun-Sentinel*, "Storms repeatedly refused to answer questions on whether that could happen. Her only reply: teachers could discuss a 'full range of scientific views.'" Senate Democratic leader Steve Geller (D-District 31) complained in frustration, "We could have stuck bamboo shoots under her fingernails and she wouldn't have answered."

Storms was willing, however, to discuss the supposed need for the bill. The *Miami Herald* (April 18, 2008) [reported](#) [7], "Storms said her bill was designed to counteract the 'dogmatic' new state science standards requiring for the first time evolution to be taught and that 'people are afraid. Teachers are afraid. And students, by the way, are afraid.' Geller objected, noting her bill says the 'Legislature finds that in many instances' teachers and students have feared or been disciplined for teaching the full range of scientific information about evolution. When Geller asked her for names, Storms didn't have any but said six educators who planned to talk on the topic recently weren't given the time to address a recent Senate committee."

At the Florida Citizens for Science blog (April 17, 2008), Brandon Haught echoed Geller's skepticism, [writing](#) [8]: "I definitely would love to know who these six unnamed teachers are. Even better, I want to know what they want to teach. This revealing question has yet to be asked or answered: *What are some examples of critical analysis of evolution that have no religious connotations and are based on legitimate, up-to-date scientific ideas?*" (emphasis in original). Such skepticism seems to be warranted in light of, for example, the "Critical Analysis of Evolution" model lesson plan in Ohio, which was [challenged](#) [9] on account of its creationist distortions of science and ultimately [rescinded](#) [10].

Similarly, in the *Orlando Sun-Sentinel* (April 22, 2008), columnist Mike Thomas [discussed](#) [11] the difficulty in understanding what would and would not be covered by SB 2692: "I spent an hour on Google, digging for 'scientific information' that claimed to be 'peer reviewed,' arguing that Earth is 7,000 years old and that T. rexes ate plants until Adam and Eve ate the apple. Then they got dressed, and the T. rexes switched to the Atkins Diet." He added, more seriously, "Imagine a teacher introducing such material as a critique of Darwin, with administrators and parents unable to infringe on his academic freedom to do so."

Subsequently, Storms attempted to ease the bill's passage by substituting the heavily amended House version, HB 1483, for her own; as long as the two houses have different versions, the bill cannot be sent to the governor. The Senate rejected the amendment on a voice vote, and then approved the

unamended bill on a vote of 21-17 on April 23, 2008. Steve Geller [told](#) ^[12] the Associated Press (April 23, 2008), "In 2008, it is embarrassing for us to be debating evolution," and worried that "the legislation would scare off high-tech industries that depend on sound science from moving to or staying in Florida."

In the wake of the bill's passage, its opponents continued to express their concern about its true intent and effect. "I know that the bill doesn't even mention creationism but that's what it's about," Senator Arthenia Joyner (D-District 59) [told](#) ^[13] the *Tampa Tribune* (April 24, 2008). Such concerns were not materially allayed by Senate majority leader Daniel Webster (R-District 9), who [told](#) ^[14] the *Orlando Sun-Sentinel* (April 24, 2008) that the bill was intended to promote critical thinking and inspire questioning, but added, alluding to Psalm 19, "Maybe King David was right when he ... looked up and the heavens declared the glory of God."

The *Tampa Tribune* (April 24, 2008) added, "The version of the plan passed in the Senate Wednesday does not align with the bill being floated in the House. With the legislative session set to close May 2, lawmakers will have to work overtime to make the bills palatable to both chambers." And there were signs that the task would be difficult, given that the Senate rejected Storms's attempt to substitute HB 1483 for her own bill. The *Sarasota Herald Tribune* [reported](#) ^[15] (April 24, 2008) that "Sen. Stephen Wise, R-Jacksonville, who voted for the evolution bill and spoke in favor of it, was ... blunt about the shrinking time frame. He said Hays 'must be hitting the sauce if he thinks he's going to send the bill back here.'"

On receiving SB 2692 from the Senate, the House amended it by substituting the text of HB 1483, and passed the amended version on a vote of 71-43 on April 28, 2008. Debate on the bill proceeded along familiar lines: as the *Tallahassee Democrat* (April 28, 2008) [reported](#) ^[16], "Proponents said the bill is needed to protect teachers and students from academic reprisal for challenging Charles Darwin's theories, while opponents said it was a veiled attempt at sneaking religion into the public schools." Representative Tony Sasso (D-District 32) warned, "We're opening the door to religious discussion by doing this."

Representative Carl Domino (R-District 83), voting against the bill, observed that it in effect invited teachers to present their personal opinions about evolution in the classroom. The *South Florida Sun-Sentinel* (April 28, 2008) [reported](#) ^[17], "Noting that some people believe the Holocaust never happened or 9/11 was an Israel-hatched plot, Domino said he doesn't want fringe theories introduced in public schools. 'There are a lot of strange things out there that I don't want teachers teaching,' said Domino, who joined the Democrats in voting against the bill. He said it would be difficult or impossible to challenge evolution from a scientific viewpoint since there's near unanimity on evolution in the scientific community."

The question of whether the bill would be constitutional arose again during the House debate. According to the *Orlando Sentinel's* blog (April 28, 2008), Hays [complained](#) ^[18], "thanks to the Supreme Court's distortion of the First Amendment, too many people are afraid to even mention the theory of intelligent design," a remark in tension with his earlier claim that the bill would not require or allow the teaching of "intelligent design." House minority leader Dan Gelber (D-District 106) hinted at the prospect of litigation by asking "a series of questions with Hays [to] be 'spread' into the House Journal -- a tactic usually employed when lawmakers want the intent of a bill to be read into the record for future court interpretation."

A [press release](#) ^[19] dated April 28, 2008, issued by the pro-science grassroots group [Florida Citizens for Science](#) ^[20] ([blog](#) ^[21]) deplored the passage of the House bill, warning of "the stunting effect this

legislation will have on science education, as students will be exposed to old, discredited arguments against evolution that have their roots in religious protestations against that science, and be misled into thinking those arguments have the same weight as the real scientific findings," and predicting that if the bill is enacted, "a Florida school district will face a legal fight that will cost millions of wasted taxpayer dollars."

Noting the apparent intransigence in both chambers of the legislature to compromise, the *St. Petersburg Times* (April 28, 2008) [observed](#) [22], "The Florida Legislature may not weigh in on the state's new standards for teaching evolution after all. Chalk it up to a difference of words between two lawmakers' bills, and the reality that there might not be enough time left this session to negotiate a compromise." Similarly, the *Tampa Tribune* (April 29, 2008) [commented](#) [23], "Prospects grew dim on Monday for legislation allowing public school teachers to criticize evolution theory in class when the House approved bill language that the Senate had already rejected."

Even if a compromise is reached, it is still unclear whether Governor Charlie Crist would sign a bill into law. The *Fort Meyers News-Press* (April 29, 2008) [reported](#) [24] that Crist "ducked a question about whether he would sign the measure if it reaches his desk," but in an impromptu press conference in the press gallery during the House debate, the *Palm Beach Post's* blog (April 28, 2008) [reported](#) [25], Crist "showed little enthusiasm for the bill." "Asked if he believe in evolution, Crist said, 'I believe in a lot of things. We should have the freedom to have a good exchange of ideas.' But is legislation needed to guarantee that exchange? 'I'm not so sure,' Crist said."

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