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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/02/2022	.	
Floor: 1/AD/2R	.	Floor: C
03/09/2022 05:05 PM	.	03/10/2022 05:38 PM
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The Committee on Rules (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 43 - 290
and insert:
for 12 consecutive years. Service of a term of office which
commenced before November 8, 2022, will not be counted toward
the limitation imposed by this section.

Section 2. Paragraphs (a) and (d) of subsection (2) and
subsection (4) of section 1006.28, Florida Statutes, are
amended, and paragraph (e) is added to subsection (2) of that
section, to read:



12 1006.28 Duties of district school board, district school
13 superintendent; and school principal regarding K-12
14 instructional materials.—

15 (2) DISTRICT SCHOOL BOARD.—The district school board has
16 the constitutional duty and responsibility to select and provide
17 adequate instructional materials for all students in accordance
18 with the requirements of this part. The district school board
19 also has the following specific duties and responsibilities:

20 (a) *Courses of study; adoption.*—Adopt courses of study,
21 including instructional materials, for use in the schools of the
22 district.

23 1. Each district school board is responsible for the
24 content of all instructional materials and any other materials
25 used in a classroom, made available in a school library, or
26 included on a reading list, whether adopted and purchased from
27 the state-adopted instructional materials list, adopted and
28 purchased through a district instructional materials program
29 under s. 1006.283, or otherwise purchased or made available.
30 ~~Each district school board shall maintain on its website a~~
31 ~~current list of instructional materials, by grade level,~~
32 ~~purchased by the district.~~

33 2. Each district school board must adopt a policy regarding
34 an objection by a parent or a resident of the county to the use
35 of a specific ~~instructional~~ material, which clearly describes a
36 process to handle all objections and provides for resolution.
37 The process must provide the parent or resident the opportunity
38 to proffer evidence to the district school board that:

39 a. An instructional material does not meet the criteria of
40 s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in



41 a course or otherwise made available to students in the school
42 district but was not subject to the public notice, review,
43 comment, and hearing procedures under s. 1006.283(2)(b)8., 9.,
44 and 11.

45 b. Any material used in a classroom, made available in a
46 school library, or included on a reading list contains content
47 that is pornographic or prohibited under s. 847.012, is not
48 suited to student needs and their ability to comprehend the
49 material presented, or is inappropriate for the grade level and
50 age group for which the material is used.

51
52 If the district school board finds that an instructional
53 material does not meet the criteria under sub-subparagraph a. or
54 that any other material contains prohibited content under sub-
55 subparagraph b., the school district shall discontinue use of
56 the material for any grade level or age group for which such use
57 is inappropriate or unsuitable.

58 3. Each district school board must establish a process by
59 which the parent of a public school student or a resident of the
60 county may contest the district school board's adoption of a
61 specific instructional material. The parent or resident must
62 file a petition, on a form provided by the school board, within
63 30 calendar days after the adoption of the instructional
64 material by the school board. The school board must make the
65 form available to the public and publish the form on the school
66 district's website. The form must be signed by the parent or
67 resident, include the required contact information, and state
68 the objection to the instructional material based on the
69 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days



70 after the 30-day period has expired, the school board must, for
71 all petitions timely received, conduct at least one open public
72 hearing before an unbiased and qualified hearing officer. The
73 hearing officer may not be an employee or agent of the school
74 district. The hearing is not subject to the provisions of
75 chapter 120; however, the hearing must provide sufficient
76 procedural protections to allow each petitioner an adequate and
77 fair opportunity to be heard and present evidence to the hearing
78 officer. The school board's decision after convening a hearing
79 is final and not subject to further petition or review.

80 4. Meetings of committees convened for the purpose of
81 ranking, eliminating, or selecting instructional materials for
82 recommendation to the district school board must be noticed and
83 open to the public in accordance with s. 286.011. Any committees
84 convened for such purposes must include parents of district
85 students.

86 (d) *School library media services; establishment and*
87 *maintenance.*—Establish and maintain a program of school library
88 media services for all public schools in the district, including
89 school library media centers, or school library media centers
90 open to the public, and, in addition such traveling or
91 circulating libraries as may be needed for the proper operation
92 of the district school system. Beginning January 1, 2023, Each
93 school district shall provide training to school librarians, and
94 media specialists, and other personnel involved in the selection
95 of school district library materials must complete the training
96 program developed pursuant to s. 1006.29(6) before reviewing and
97 selecting regarding the prohibition against distributing harmful
98 materials to minors under s. 847.012 and applicable case law,



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99 ~~and best practices for providing students access to age-~~
100 appropriate materials and library resources. Upon written
101 request, a school district shall provide access to any material
102 or book specified in the request that is maintained in a
103 district school system library and is available for review.

104 1. Each book made available to students through a school
105 district library media center or included in a recommended or
106 assigned school or grade-level reading list must be selected by
107 a school district employee who holds a valid educational media
108 specialist certificate, regardless of whether the book is
109 purchased, donated, or otherwise made available to students.

110 2. Each district school board shall adopt procedures for
111 developing library media center collections and post the
112 procedures on the website for each school within the district.
113 The procedures must:

114 a. Require that book selections meet the criteria in s.
115 1006.40(3)(d).

116 b. Require consultation of reputable, professionally
117 recognized reviewing periodicals and school community
118 stakeholders.

119 c. Provide for library media center collections based on
120 reader interest, support of state academic standards and aligned
121 curriculum, and the academic needs of students and faculty.

122 d. Provide for the regular removal or discontinuance of
123 books based on, at a minimum, physical condition, rate of recent
124 circulation, alignment to state academic standards and relevancy
125 to curriculum, out-of-date content, and required removal
126 pursuant to subparagraph (a)2.

127 3. Each elementary school must publish on its website, in a



128 searchable format prescribed by the department, a list of all
129 materials maintained in the school library media center or
130 required as part of a school or grade-level reading list.

131 (e) *Public participation.*—Publish on its website, in a
132 searchable format prescribed by the department, a list of all
133 instructional materials, including those used to provide
134 instruction required by s. 1003.42. Each district school board
135 must:

136 1. Provide access to all materials, excluding teacher
137 editions, in accordance with s. 1006.283(2)(b)8.a. before the
138 district school board takes any official action on such
139 materials. This process must include reasonable safeguards
140 against the unauthorized use, reproduction, and distribution of
141 instructional materials considered for adoption.

142 2. Select, approve, adopt, or purchase all materials as a
143 separate line item on the agenda and must provide a reasonable
144 opportunity for public comment. The use of materials described
145 in this paragraph may not be selected, approved, or adopted as
146 part of a consent agenda.

147 3. Annually, beginning June 30, 2023, submit to the
148 Commissioner of Education a report that identifies:

149 a. Each material for which the school district received an
150 objection pursuant to subparagraph (a)2. for the school year and
151 the specific objections thereto.

152 b. Each material that was removed or discontinued as a
153 result of an objection.

154 c. The grade level and course for which a removed or
155 discontinued material was used, as applicable.

156



157 The department shall publish and regularly update a list of
158 materials that were removed or discontinued as a result of an
159 objection and disseminate the list to school districts for
160 consideration in their selection procedures.

161 (4) SCHOOL PRINCIPAL.—The school principal has the
162 following duties for the management and care of ~~instructional~~
163 materials at the school:

164 (a) *Proper use of instructional materials.*—The principal
165 shall assure that instructional materials are used to provide
166 instruction to students enrolled at the grade level or levels
167 for which the materials are designed, pursuant to adopted
168 district school board rule. The school principal shall
169 communicate to parents the manner in which instructional
170 materials are used to implement the curricular objectives of the
171 school.

172 (b) *Money collected for lost or damaged instructional*
173 *materials; enforcement.*—The school principal shall collect from
174 each student or the student's parent the purchase price of any
175 instructional material the student has lost, destroyed, or
176 unnecessarily damaged and to report and transmit the money
177 collected to the district school superintendent. The failure to
178 collect such sum upon reasonable effort by the school principal
179 may result in the suspension of the student from participation
180 in extracurricular activities or satisfaction of the debt by the
181 student through community service activities at the school site
182 as determined by the school principal, pursuant to policies
183 adopted by district school board rule.

184 (c) *Sale of instructional materials.*—The school principal,
185 upon request of the parent of a student in the school, shall



186 sell to the parent any instructional materials used in the
187 school. All such sales shall be made pursuant to rule adopted by
188 the district school board, and the principal shall annually
189 provide information to parents that they may purchase
190 instructional materials and how to purchase the materials.

191 (d) *Disposition of funds.*—All money collected from the
192 sale, exchange, loss, or damage of instructional materials shall
193 be transmitted to the district school superintendent to be
194 deposited in the district school board fund and added to the
195 district appropriation for instructional materials.

196 (e) *Accounting for instructional materials.*—Principals
197 shall see that all instructional materials are fully and
198 properly accounted for as prescribed by adopted rules of the
199 district school board.

200 (f) *Selection of library media center materials.*—School
201 principals are responsible for overseeing compliance with school
202 district procedures for selecting school library media center
203 materials at the school to which they are assigned.

204 Section 3. Subsection (2) of section 1006.29, Florida
205 Statutes, is amended, and subsection (6) is added to that
206 section, to read:

207 1006.29 State instructional materials reviewers.—

208 (2) For purposes of this part ~~state adoption~~, the term
209 “instructional materials” means items having intellectual
210 content that by design serve as a major tool for assisting in
211 the instruction of a subject or course. These items may be
212 available in bound, unbound, kit, or package form and may
213 consist of hardbacked or softbacked textbooks, electronic
214 content, consumables, learning laboratories, manipulatives,



215 electronic media, and computer courseware or software. A
216 publisher or manufacturer providing instructional materials as a
217 single bundle shall also make the instructional materials
218 available as separate and unbundled items, each priced
219 individually. A publisher may also offer sections of state-
220 adopted instructional materials in digital or electronic
221 versions at reduced rates to districts, schools, and teachers.

222 (6) The department shall develop an online training program
223 for school librarians, media specialists, and other personnel
224 involved in the selection and maintenance of library media and
225 collections or materials maintained on a reading list. This
226 training must assist reviewers in complying with the
227 requirements of s. 1006.31(2). The department shall make this
228 training available no later than January 1, 2023. No later than
229 July 1, 2023, and annually thereafter, each superintendent must
230 certify to the department that all school librarians and media
231 specialists employed by the district have completed the online
232 training program.

233 Section 4. Paragraph (b) of subsection (4) of section
234 1006.40, Florida Statutes, is amended to read:

235 1006.40 Use of instructional materials allocation;
236 instructional materials, library books, and reference books;
237 repair of books.-

238 (4) Each district school board is responsible for the
239 content of all materials used in a classroom or otherwise made
240 available to students. Each district school board shall adopt
241 rules, and each district school superintendent shall implement
242 procedures, that:

243 (b) Provide a process for public review of, public comment



244 on, and the adoption of ~~instructional~~ materials, including those
245 ~~instructional materials~~ used to provide instruction required by
246 s. 1003.42 teach reproductive health or any disease, including
247 ~~HIV/AIDS, under ss. 1003.42(3) and 1003.46~~, which satisfies the
248 requirements of s. 1006.283(2)(b)8., 9., and 11.

249 Section 5. Subsection (2) of section 1011.67, Florida
250 Statutes, is amended to read:

251 1011.67 Funds for instructional materials.—

252 (2) Annually by July 1 and before the release of
253 instructional materials funds, each district school
254 superintendent shall certify to the Commissioner of Education
255 that the district school board has approved a comprehensive
256 staff development plan that supports fidelity of implementation
257 of instructional materials programs, including verification that
258 training was provided; that the materials are being implemented
259 as designed; and, beginning July 1, 2021, for core reading
260 materials and reading intervention materials used in
261 kindergarten through grade 5, that the materials meet the
262 requirements of s. 1001.215(8). Such instructional materials, as
263 evaluated and identified pursuant to s. 1001.215(4), may be
264 purchased by the school district with funds under this section
265 without undergoing the adoption procedures under s.

266 1006.40(4)(b). The certification must identify any material that
267 received an objection pursuant to s. 1006.28 for the school year
268 and the specific objections thereto, each material that was
269 removed or discontinued as a result of an objection, and the
270 grade level and course for which a removed or discontinued
271 material was used, as applicable. This subsection does not
272 preclude school districts from purchasing or using other



273 materials to supplement reading instruction and provide
274 additional skills practice.

275 Section 6. This act shall take effect July 1, 2022.

276

277 ===== T I T L E A M E N D M E N T =====

278 And the title is amended as follows:

279 Delete lines 12 - 31

280 and insert:

281 specified training by a certain date; requiring
282 certain materials to be selected by employees who meet
283 specified criteria; requiring district school boards
284 to adopt procedures for developing library media
285 center collections; providing requirements for such
286 procedures; requiring elementary schools, district
287 school boards, and the Department of Education to post
288 on their websites specified information relating to
289 instructional materials and other materials in certain
290 formats; providing district school board requirements;
291 providing that school principals are responsible for
292 overseeing compliance with specified procedures
293 relating to library media center materials; amending
294 s. 1006.29, F.S.; requiring the department to develop
295 a training program for the selection of materials used
296 in schools and library media centers by a certain
297 date; amending s. 1006.40, F.S.; revising district
298 school board requirements for the selection and
299 adoption of certain materials; amending s. 1011.67,
300 F.S.; requiring that the certification by district
301 school superintendents to the Commissioner of



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302 Education identifies instructional materials that are
303 the subject of an objection and provides specified
304 information related to the objection; providing an
305 effective date.