

1 A bill to be entitled
2 An act relating to K-12 education; amending ss. 145.19
3 and 1001.39, F.S.; conforming provisions to changes
4 made by the act; repealing s. 1001.395, F.S., relating
5 to district school board members' compensation;
6 amending ss. 1001.43 and 1002.32, F.S.; conforming
7 provisions to changes made by the act; amending s.
8 1006.28, F.S.; deleting a requirement that district
9 school boards maintain a specified list on their
10 websites; requiring certain meetings relating to
11 instructional materials to be noticed and open to the
12 public; providing requirements for the membership of
13 committees related to instructional materials;
14 requiring certain individuals involved in selecting
15 library materials to complete a specified training;
16 requiring certain materials to be selected by
17 employees who meet specified criteria; requiring
18 district school boards to adopt procedures for
19 developing library media center collections; providing
20 requirements for such procedures; requiring elementary
21 schools, district school boards, and the Department of
22 Education to post on their websites specified
23 information relating to instructional materials and
24 other materials in certain formats; providing district
25 school board requirements; providing school principals

26 are responsible for overseeing compliance with
 27 specified procedures relating to library media center
 28 materials; amending s. 1006.29, F.S.; revising
 29 requirements for the department relating to the
 30 development of training programs for the selection of
 31 materials used in schools and library media centers;
 32 amending s. 1006.40, F.S.; revising district school
 33 board requirements for the selection and adoption of
 34 certain materials; amending s. 1011.10, F.S.;

35 conforming provisions to changes made by the act;
 36 providing an effective date.

37

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

39

40 Section 1. Subsection (2) of section 145.19, Florida
 41 Statutes, is amended to read:

42 145.19 Annual percentage increases based on increase for
 43 state career service employees; limitation.—

44 (2) Each fiscal year, the salaries of all officials listed
 45 in this chapter, ~~s. 1001.395,~~ and s. 1001.47 shall be adjusted.
 46 The adjusted salary rate shall be the product, rounded to the
 47 nearest dollar, of the salary rate granted by the appropriate
 48 section of this chapter, s. 1001.395, or s. 1001.47 multiplied
 49 first by the initial factor, then by the cumulative annual
 50 factor, and finally by the annual factor. The Department of

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51 Management Services shall certify the annual factor and the
52 cumulative annual factors. Any special qualification salary
53 received under this chapter, s. 1001.47, or the annual
54 performance salary incentive available to elected
55 superintendents under s. 1001.47 shall be added to such adjusted
56 salary rate. The special qualification salary shall be \$2,000,
57 but shall not exceed \$2,000.

58 Section 2. Subsection (1) of section 1001.39, Florida
59 Statutes, is amended to read:

60 1001.39 District school board members; travel expenses.-

61 ~~(1) In addition to the salary provided in s. 1001.395,~~
62 Each member of a district school board shall be allowed, from
63 the district school fund, reimbursement of travel expenses as
64 authorized in s. 112.061, provided that any travel outside the
65 district that exceeds \$500 requires prior approval by the
66 district school board to confirm that such travel is for
67 official business of the school district and complies with rules
68 of the State Board of Education. Any request for travel outside
69 the state must include an itemized list detailing all
70 anticipated travel expenses, including, but not limited to, the
71 anticipated costs of all means of travel, lodging, and
72 subsistence. Immediately preceding a request, the public must
73 have an opportunity to speak on the specific travel agenda item.

74 Section 3. Section 1001.395, Florida Statutes, is
75 repealed.

76 Section 4. Subsection (10) of section 1001.43, Florida
 77 Statutes, is amended to read:

78 1001.43 Supplemental powers and duties of district school
 79 board.—The district school board may exercise the following
 80 supplemental powers and duties as authorized by this code or
 81 State Board of Education rule.

82 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND OPERATIONS.—The
 83 district school board may adopt policies and procedures
 84 necessary for the daily business operation of the district
 85 school board, including, but not limited to, the provision of
 86 legal services for the district school board; conducting a
 87 district legislative program; district school board member
 88 participation at conferences, conventions, and workshops,
 89 including ~~member compensation and~~ reimbursement for expenses;
 90 district school board policy development, adoption, and repeal;
 91 district school board meeting procedures, including
 92 participation via telecommunications networks, use of technology
 93 at meetings, and presentations by nondistrict personnel; citizen
 94 communications with the district school board and with
 95 individual district school board members; collaboration with
 96 local government and other entities as required by law; and
 97 organization of the district school board, including special
 98 committees and advisory committees. Members of special
 99 committees and advisory committees may attend meetings in person
 100 or through the use of telecommunications networks such as

101 telephonic and video conferencing.

102 Section 5. Paragraph (a) of subsection (10) of section
103 1002.32, Florida Statutes, is amended to read:

104 1002.32 Developmental research (laboratory) schools.—

105 (10) EXCEPTIONS TO LAW.—To encourage innovative practices
106 and facilitate the mission of the lab schools, in addition to
107 the exceptions to law specified in s. 1001.23(1), the following
108 exceptions shall be permitted for lab schools:

109 (a) The methods and requirements of the following statutes
110 shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;
111 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;
112 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;
113 ~~1001.395~~; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46;
114 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
115 1001.49; 1001.50; 1001.51; 1006.12(2); 1006.21(3), (4); 1006.23;
116 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44;
117 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51;
118 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)–(3), (5);
119 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72;
120 1011.73; and 1011.74.

121 Section 6. Paragraphs (a) and (d) of subsection (2) and
122 subsection (4) of section 1006.28, Florida Statutes, are
123 amended, and paragraph (e) is added to subsection (2) of that
124 section, to read:

125 1006.28 Duties of district school board, district school

126 superintendent; and school principal regarding K-12
127 instructional materials.—

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

133 (a) Courses of study; adoption.—Adopt courses of study,
134 including instructional materials, for use in the schools of the
135 district.

136 1. Each district school board is responsible for the
137 content of all instructional materials and any other materials
138 used in a classroom, made available in a school library, or
139 included on a reading list, whether adopted and purchased from
140 the state-adopted instructional materials list, adopted and
141 purchased through a district instructional materials program
142 under s. 1006.283, or otherwise purchased or made available.
143 ~~Each district school board shall maintain on its website a~~
144 ~~current list of instructional materials, by grade level,~~
145 ~~purchased by the district.~~

146 2. Each district school board must adopt a policy
147 regarding an objection by a parent or a resident of the county
148 to the use of a specific ~~instructional~~ material, which clearly
149 describes a process to handle all objections and provides for
150 resolution. The process must provide the parent or resident the

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151 opportunity to proffer evidence to the district school board
152 that:

153 a. An instructional material does not meet the criteria of
154 s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in
155 a course or otherwise made available to students in the school
156 district but was not subject to the public notice, review,
157 comment, and hearing procedures under s. 1006.283(2)(b)8., 9.,
158 and 11.

159 b. Any material used in a classroom, made available in a
160 school library, or included on a reading list contains content
161 that is pornographic or prohibited under s. 847.012, is not
162 suited to student needs and their ability to comprehend the
163 material presented, or is inappropriate for the grade level and
164 age group for which the material is used.

165
166 If the district school board finds that an instructional
167 material does not meet the criteria under sub-subparagraph a. or
168 that any other material contains prohibited content under sub-
169 subparagraph b., the school district shall discontinue use of
170 the material for any grade level or age group for which such use
171 is inappropriate or unsuitable.

172 3. Each district school board must establish a process by
173 which the parent of a public school student or a resident of the
174 county may contest the district school board's adoption of a
175 specific instructional material. The parent or resident must

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176 file a petition, on a form provided by the school board, within
177 30 calendar days after the adoption of the instructional
178 material by the school board. The school board must make the
179 form available to the public and publish the form on the school
180 district's website. The form must be signed by the parent or
181 resident, include the required contact information, and state
182 the objection to the instructional material based on the
183 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days
184 after the 30-day period has expired, the school board must, for
185 all petitions timely received, conduct at least one open public
186 hearing before an unbiased and qualified hearing officer. The
187 hearing officer may not be an employee or agent of the school
188 district. The hearing is not subject to the provisions of
189 chapter 120; however, the hearing must provide sufficient
190 procedural protections to allow each petitioner an adequate and
191 fair opportunity to be heard and present evidence to the hearing
192 officer.

193
194 The school board's decision after convening a hearing is final
195 and not subject to further petition or review.

196 4. Meetings of committees convened for the purpose of
197 ranking, eliminating, or selecting instructional materials for
198 recommendation to the district school board must be noticed and
199 open to the public in accordance with s. 286.011. Any committees
200 convened for such purposes must include parents of district

201 students and other members of the community.

202 (d) School library media services; establishment and
203 maintenance.—Establish and maintain a program of school library
204 media services for all public schools in the district, including
205 school library media centers, or school library media centers
206 open to the public, and, in addition such traveling or
207 circulating libraries as may be needed for the proper operation
208 of the district school system. ~~Each school district shall~~
209 ~~provide training to~~ School librarians, ~~and~~ media specialists,
210 ~~and other personnel involved in the selection of school district~~
211 library materials must complete the training program developed
212 pursuant to s. 1006.29(5) before reviewing and selecting
213 ~~regarding the prohibition against distributing harmful materials~~
214 ~~to minors under s. 847.012 and applicable case law, and best~~
215 ~~practices for providing students access to age-appropriate~~
216 materials and library resources. Upon written request, a school
217 district shall provide access to any material or book specified
218 in the request that is maintained in a district school system
219 library and is available for review.

220 1. Each book made available to students through a school
221 district library media center or required as part of a booklist
222 used in a classroom must be selected by a school district
223 employee who holds a valid educational media specialist
224 certificate, regardless of whether the book is purchased,
225 donated, or otherwise made available to students.

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226 2. Each district school board shall adopt procedures for
227 developing library media center collections and post the
228 procedures on the website for each school within the district.

229 The procedures must:

230 a. Require that book selections meet the criteria in s.
231 1006.40(3)(d).

232 b. Require consultation of reputable, professionally
233 recognized reviewing periodicals and school community
234 stakeholders for each selection.

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

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

243 3. Each elementary school must publish on its website, in
244 a searchable format prescribed by the department, a list of all
245 materials maintained in the school library media center or
246 required as part of a booklist used in a classroom.

247 (e) Public participation.—Publish on its website, in a
248 searchable format prescribed by the department, a list of all
249 instructional materials, including those used to provide
250 instruction required by s. 1003.42. Each district school board

251 must:

252 1. Provide access to all materials for public inspection
 253 and allow the public to copy, scan, duplicate, or photograph
 254 portions of original materials within the limits of "fair use"
 255 under the copyright laws of the United States pursuant to Title
 256 17 of the United States Code, Pub. L. No. 94-653, 17 U.S.C. ss.
 257 101 et seq. Access must be provided at least 30 days before any
 258 official action on such materials.

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

264 3. Annually, beginning June 30, 2022, submit to the
 265 Commissioner of Education a report that identifies:

266 a. Each material for which the school district received an
 267 objection pursuant to subparagraph (a)2. for the school year and
 268 the specific objections thereto.

269 b. Each material that was removed or discontinued as a
 270 result of an objection.

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

273
 274 The department shall publish and regularly update a list of
 275 materials that were removed or discontinued as a result of an

276 objection and disseminate the list to school districts for
277 consideration in their selection procedures.

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

281 (a) Proper use of instructional materials.—The principal
282 shall assure that instructional materials are used to provide
283 instruction to students enrolled at the grade level or levels
284 for which the materials are designed, pursuant to adopted
285 district school board rule. The school principal shall
286 communicate to parents the manner in which instructional
287 materials are used to implement the curricular objectives of the
288 school.

289 (b) Money collected for lost or damaged instructional
290 materials; enforcement.—The school principal shall collect from
291 each student or the student's parent the purchase price of any
292 instructional material the student has lost, destroyed, or
293 unnecessarily damaged and to report and transmit the money
294 collected to the district school superintendent. The failure to
295 collect such sum upon reasonable effort by the school principal
296 may result in the suspension of the student from participation
297 in extracurricular activities or satisfaction of the debt by the
298 student through community service activities at the school site
299 as determined by the school principal, pursuant to policies
300 adopted by district school board rule.

301 (c) Sale of instructional materials.—The school principal,
 302 upon request of the parent of a student in the school, shall
 303 sell to the parent any instructional materials used in the
 304 school. All such sales shall be made pursuant to rule adopted by
 305 the district school board, and the principal shall annually
 306 provide information to parents that they may purchase
 307 instructional materials and how to purchase the materials.

308 (d) Disposition of funds.—All money collected from the
 309 sale, exchange, loss, or damage of instructional materials shall
 310 be transmitted to the district school superintendent to be
 311 deposited in the district school board fund and added to the
 312 district appropriation for instructional materials.

313 (e) Accounting for instructional materials.—Principals
 314 shall see that all instructional materials are fully and
 315 properly accounted for as prescribed by adopted rules of the
 316 district school board.

317 (f) Selection of library media center materials.—School
 318 principals are responsible for overseeing compliance with school
 319 district procedures for selecting school library media center
 320 materials.

321 Section 7. Subsections (2) and (5) of section 1006.29,
 322 Florida Statutes, are amended to read:

323 1006.29 State instructional materials reviewers.—

324 (2) For purposes of this part ~~state adoption~~, the term
 325 "instructional materials" means items having intellectual

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326 content that by design serve as a major tool for assisting in
327 the instruction of a subject or course. These items may be
328 available in bound, unbound, kit, or package form and may
329 consist of hardbacked or softbacked textbooks, electronic
330 content, consumables, learning laboratories, manipulatives,
331 electronic media, and computer courseware or software. A
332 publisher or manufacturer providing instructional materials as a
333 single bundle shall also make the instructional materials
334 available as separate and unbundled items, each priced
335 individually. A publisher may also offer sections of state-
336 adopted instructional materials in digital or electronic
337 versions at reduced rates to districts, schools, and teachers.

338 (5) The department shall develop ~~a~~ training programs
339 ~~program~~ for persons selected as state instructional materials
340 reviewers and school district reviewers of instructional
341 materials, including those used to provide instruction required
342 by s. 1003.42, and any materials maintained in the district
343 school library media centers or included on a reading list. The
344 programs ~~program~~ shall be structured to assist reviewers in
345 complying with the requirements of s. 1006.31(2) ~~developing the~~
346 ~~skills necessary to make valid, culturally sensitive, and~~
347 ~~objective decisions regarding the content and rigor of~~
348 ~~instructional materials~~. All persons serving as ~~instructional~~
349 ~~materials~~ reviewers must complete a ~~the~~ training program before
350 ~~prior to~~ beginning the review and selection process.

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351 Section 8. Paragraph (b) of subsection (4) of section
 352 1006.40, Florida Statutes, is amended to read:

353 1006.40 Use of instructional materials allocation;
 354 instructional materials, library books, and reference books;
 355 repair of books.—

356 (4) Each district school board is responsible for the
 357 content of all materials used in a classroom or otherwise made
 358 available to students. Each district school board shall adopt
 359 rules, and each district school superintendent shall implement
 360 procedures, that:

361 (b) Provide a process for public review of, public comment
 362 on, and the adoption of ~~instructional~~ materials, including those
 363 ~~instructional materials~~ used to provide instruction required by
 364 s. 1003.42 ~~teach reproductive health or any disease, including~~
 365 ~~HIV/AIDS, under ss. 1003.42(3) and 1003.46,~~ which satisfies the
 366 requirements of s. 1006.283(2)(b)8., 9., and 11.

367 Section 9. Subsection (3) of section 1011.10, Florida
 368 Statutes, is amended to read:

369 1011.10 Penalty.—

370 (3) If any of the conditions identified in s. 218.503(1)
 371 exist within a school district, the salary of each ~~district~~
 372 ~~school board member~~ and district superintendent, calculated
 373 pursuant to s. ss. 1001.395 and 1001.47, and the salary of each
 374 district school board member shall be withheld until the
 375 conditions are corrected. This subsection does not apply to a

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376 | district school board member or district superintendent elected
377 | or appointed within 1 year after the identification of the
378 | conditions in s. 218.503(1) if he or she did not participate in
379 | the approval or preparation of the final school district budget
380 | adopted before the identification of such conditions.

381 | Section 10. This act shall take effect July 1, 2022.