

1 A bill to be entitled
 2 An act relating to K-12 education; amending s. 145.19,
 3 F.S.; conforming provisions to changes made by the
 4 act; amending s. 1001.39, F.S.; providing for certain
 5 district board members to receive a specified amount
 6 of money for specified services; providing
 7 limitations; amending s. 1001.395, F.S.; prohibiting
 8 district school board members elected or reelected on
 9 or after a date certain from receiving a salary;
 10 authorizing such district school board members to
 11 receive specified reimbursements; providing for the
 12 future repeal of the section; amending ss. 1001.43 and
 13 1002.32, F.S.; conforming provisions to changes made
 14 by the act; amending s. 1006.28, F.S.; deleting a
 15 requirement that district school boards maintain a
 16 specified list on their websites; requiring certain
 17 meetings relating to instructional materials to be
 18 noticed and open to the public; providing requirements
 19 for the membership of committees related to
 20 instructional materials; requiring certain individuals
 21 involved in selecting library materials to complete a
 22 specified training; requiring certain materials to be
 23 selected by employees who meet specified criteria;
 24 requiring district school boards to adopt procedures
 25 for developing library media center collections;

26 providing requirements for such procedures; requiring
 27 elementary schools, district school boards, and the
 28 Department of Education to post on their websites
 29 specified information relating to instructional
 30 materials and other materials in certain formats;
 31 providing district school board requirements;
 32 providing school principals are responsible for
 33 overseeing compliance with specified procedures
 34 relating to library media center materials; amending
 35 s. 1006.29, F.S.; revising requirements for the
 36 department relating to the development of training
 37 programs for the selection of materials used in
 38 schools and library media centers; amending s.
 39 1006.40, F.S.; revising district school board
 40 requirements for the selection and adoption of certain
 41 materials; amending s. 1011.10, F.S.; conforming
 42 provisions to changes made by the act; providing an
 43 effective date.

44
 45 Be It Enacted by the Legislature of the State of Florida:

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

49 145.19 Annual percentage increases based on increase for
 50 state career service employees; limitation.—

51 (2) Each fiscal year, the salaries of all officials listed
 52 in this chapter, ~~s. 1001.395,~~ and s. 1001.47 shall be adjusted.
 53 The adjusted salary rate shall be the product, rounded to the
 54 nearest dollar, of the salary rate granted by the appropriate
 55 section of this chapter, s. 1001.395, or s. 1001.47 multiplied
 56 first by the initial factor, then by the cumulative annual
 57 factor, and finally by the annual factor. The Department of
 58 Management Services shall certify the annual factor and the
 59 cumulative annual factors. Any special qualification salary
 60 received under this chapter, s. 1001.47, or the annual
 61 performance salary incentive available to elected
 62 superintendents under s. 1001.47 shall be added to such adjusted
 63 salary rate. The special qualification salary shall be \$2,000,
 64 but shall not exceed \$2,000.

65 Section 2. Subsection (1) of section 1001.39, Florida
 66 Statutes, is amended and subsection (3) is added to that
 67 section, to read:

68 1001.39 District school board members; reimbursements
 69 ~~travel expenses.~~

70 (1) ~~In addition to the salary provided in s. 1001.395,~~
 71 Each member of a district school board shall be allowed, from
 72 the district school fund, reimbursement of travel expenses as
 73 authorized in s. 112.061, provided that any travel outside the
 74 district that exceeds \$500 requires prior approval by the
 75 district school board to confirm that such travel is for

76 official business of the school district and complies with rules
 77 of the State Board of Education. Any request for travel outside
 78 the state must include an itemized list detailing all
 79 anticipated travel expenses, including, but not limited to, the
 80 anticipated costs of all means of travel, lodging, and
 81 subsistence. Immediately preceding a request, the public must
 82 have an opportunity to speak on the specific travel agenda item.

83 (3) Each member of a district school board who does not
 84 receive a salary shall be entitled to receive for his or her
 85 services an amount not to exceed \$200 per regular and special
 86 meeting held pursuant to s. 1001.372, not to exceed \$4,800 per
 87 year per member.

88 Section 3. Subsections (4) and (5) are added to section
 89 1001.395, Florida Statutes, to read:

90 1001.395 District school board members; compensation.—

91 (4) Notwithstanding subsection (1), a district school
 92 board member who is newly elected or reelected on or after
 93 August 1, 2022, may not receive a salary. However, a school
 94 board member may still receive reimbursements as provided by s.
 95 1001.39.

96 (5) This section is repealed January 1, 2025.

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

99 1001.43 Supplemental powers and duties of district school
 100 board.—The district school board may exercise the following

101 supplemental powers and duties as authorized by this code or
 102 State Board of Education rule.

103 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND OPERATIONS.—The
 104 district school board may adopt policies and procedures
 105 necessary for the daily business operation of the district
 106 school board, including, but not limited to, the provision of
 107 legal services for the district school board; conducting a
 108 district legislative program; district school board member
 109 participation at conferences, conventions, and workshops,
 110 including ~~member compensation and~~ reimbursement for expenses;
 111 district school board policy development, adoption, and repeal;
 112 district school board meeting procedures, including
 113 participation via telecommunications networks, use of technology
 114 at meetings, and presentations by nondistrict personnel; citizen
 115 communications with the district school board and with
 116 individual district school board members; collaboration with
 117 local government and other entities as required by law; and
 118 organization of the district school board, including special
 119 committees and advisory committees. Members of special
 120 committees and advisory committees may attend meetings in person
 121 or through the use of telecommunications networks such as
 122 telephonic and video conferencing.

123 Section 5. Paragraph (a) of subsection (10) of section
 124 1002.32, Florida Statutes, is amended to read:

125 1002.32 Developmental research (laboratory) schools.—

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

130 (a) The methods and requirements of the following statutes
 131 shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;
 132 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;
 133 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;
 134 ~~1001.395~~; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46;
 135 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
 136 1001.49; 1001.50; 1001.51; 1006.12(2); 1006.21(3), (4); 1006.23;
 137 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44;
 138 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51;
 139 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)–(3), (5);
 140 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72;
 141 1011.73; and 1011.74.

142 Section 6. Paragraphs (a) and (d) of subsection (2) and
 143 subsection (4) of section 1006.28, Florida Statutes, are
 144 amended, and paragraph (e) is added to subsection (2) of that
 145 section, to read:

146 1006.28 Duties of district school board, district school
 147 superintendent; and school principal regarding K-12
 148 instructional materials.—

149 (2) DISTRICT SCHOOL BOARD.—The district school board has
 150 the constitutional duty and responsibility to select and provide

151 adequate instructional materials for all students in accordance
152 with the requirements of this part. The district school board
153 also has the following specific duties and responsibilities:

154 (a) Courses of study; adoption.—Adopt courses of study,
155 including instructional materials, for use in the schools of the
156 district.

157 1. Each district school board is responsible for the
158 content of all instructional materials and any other materials
159 used in a classroom, made available in a school library, or
160 included on a reading list, whether adopted and purchased from
161 the state-adopted instructional materials list, adopted and
162 purchased through a district instructional materials program
163 under s. 1006.283, or otherwise purchased or made available.
164 ~~Each district school board shall maintain on its website a~~
165 ~~current list of instructional materials, by grade level,~~
166 ~~purchased by the district.~~

167 2. Each district school board must adopt a policy
168 regarding an objection by a parent or a resident of the county
169 to the use of a specific ~~instructional~~ material, which clearly
170 describes a process to handle all objections and provides for
171 resolution. The process must provide the parent or resident the
172 opportunity to proffer evidence to the district school board
173 that:

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

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

180 b. Any material used in a classroom, made available in a
181 school library, or included on a reading list contains content
182 that is pornographic or prohibited under s. 847.012, is not
183 suited to student needs and their ability to comprehend the
184 material presented, or is inappropriate for the grade level and
185 age group for which the material is used.

186
187 If the district school board finds that an instructional
188 material does not meet the criteria under sub-subparagraph a. or
189 that any other material contains prohibited content under sub-
190 subparagraph b., the school district shall discontinue use of
191 the material for any grade level or age group for which such use
192 is inappropriate or unsuitable.

193 3. Each district school board must establish a process by
194 which the parent of a public school student or a resident of the
195 county may contest the district school board's adoption of a
196 specific instructional material. The parent or resident must
197 file a petition, on a form provided by the school board, within
198 30 calendar days after the adoption of the instructional
199 material by the school board. The school board must make the
200 form available to the public and publish the form on the school

201 district's website. The form must be signed by the parent or
202 resident, include the required contact information, and state
203 the objection to the instructional material based on the
204 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days
205 after the 30-day period has expired, the school board must, for
206 all petitions timely received, conduct at least one open public
207 hearing before an unbiased and qualified hearing officer. The
208 hearing officer may not be an employee or agent of the school
209 district. The hearing is not subject to the provisions of
210 chapter 120; however, the hearing must provide sufficient
211 procedural protections to allow each petitioner an adequate and
212 fair opportunity to be heard and present evidence to the hearing
213 officer. The school board's decision after convening a hearing
214 is final and not subject to further petition or review.

215 4. Meetings of committees convened for the purpose of
216 ranking, eliminating, or selecting instructional materials for
217 recommendation to the district school board must be noticed and
218 open to the public in accordance with s. 286.011. Any committees
219 convened for such purposes must include parents of district
220 students.

221 (d) School library media services; establishment and
222 maintenance.—Establish and maintain a program of school library
223 media services for all public schools in the district, including
224 school library media centers, or school library media centers
225 open to the public, and, in addition such traveling or

226 circulating libraries as may be needed for the proper operation
227 of the district school system. ~~Each school district shall~~
228 ~~provide training to~~ School librarians, ~~and~~ media specialists,
229 and other personnel involved in the selection of school district
230 library materials must complete the training program developed
231 pursuant to s. 1006.29(5) before reviewing and selecting
232 ~~regarding the prohibition against distributing harmful materials~~
233 ~~to minors under s. 847.012 and applicable case law, and best~~
234 ~~practices for providing students access to age-appropriate~~
235 materials and library resources. Upon written request, a school
236 district shall provide access to any material or book specified
237 in the request that is maintained in a district school system
238 library and is available for review.

239 1. Each book made available to students through a school
240 district library media center or included in a recommended or
241 assigned school or grade-level reading list must be selected by
242 a school district employee who holds a valid educational media
243 specialist certificate, regardless of whether the book is
244 purchased, donated, or otherwise made available to students.

245 2. Each district school board shall adopt procedures for
246 developing library media center collections and post the
247 procedures on the website for each school within the district.
248 The procedures must:

249 a. Require that book selections meet the criteria in s.
250 1006.40(3)(d).

251 b. Require consultation of reputable, professionally
252 recognized reviewing periodicals and school community
253 stakeholders.

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

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

262 3. Each elementary school must publish on its website, in
263 a searchable format prescribed by the department, a list of all
264 materials maintained in the school library media center or
265 required as part of a school or grade-level reading list.

266 (e) Public participation.—Publish on its website, in a
267 searchable format prescribed by the department, a list of all
268 instructional materials, including those used to provide
269 instruction required by s. 1003.42. Each district school board
270 must:

271 1. Provide access to all materials, excluding teacher
272 editions, in accordance with s. 1006.283(2)(b)8.a. before the
273 district school board takes any official action on such
274 materials. This process must include reasonable safeguards
275 against the unauthorized use, reproduction, and distribution of

276 instructional materials considered for adoption.

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

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

284 a. Each material not purchased from the state-adopted list
285 for which the school district received an objection pursuant to
286 subparagraph (a)2. for the school year and the specific
287 objections thereto.

288 b. Each material that was removed or discontinued as a
289 result of an objection.

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

292
293 The department shall publish and regularly update a list of
294 materials that were removed or discontinued as a result of an
295 objection and disseminate the list to school districts for
296 consideration in their selection procedures.

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

300 (a) Proper use of instructional materials.—The principal

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301 shall assure that instructional materials are used to provide
302 instruction to students enrolled at the grade level or levels
303 for which the materials are designed, pursuant to adopted
304 district school board rule. The school principal shall
305 communicate to parents the manner in which instructional
306 materials are used to implement the curricular objectives of the
307 school.

308 (b) Money collected for lost or damaged instructional
309 materials; enforcement.—The school principal shall collect from
310 each student or the student's parent the purchase price of any
311 instructional material the student has lost, destroyed, or
312 unnecessarily damaged and to report and transmit the money
313 collected to the district school superintendent. The failure to
314 collect such sum upon reasonable effort by the school principal
315 may result in the suspension of the student from participation
316 in extracurricular activities or satisfaction of the debt by the
317 student through community service activities at the school site
318 as determined by the school principal, pursuant to policies
319 adopted by district school board rule.

320 (c) Sale of instructional materials.—The school principal,
321 upon request of the parent of a student in the school, shall
322 sell to the parent any instructional materials used in the
323 school. All such sales shall be made pursuant to rule adopted by
324 the district school board, and the principal shall annually
325 provide information to parents that they may purchase

326 | instructional materials and how to purchase the materials.

327 | (d) Disposition of funds.—All money collected from the
 328 | sale, exchange, loss, or damage of instructional materials shall
 329 | be transmitted to the district school superintendent to be
 330 | deposited in the district school board fund and added to the
 331 | district appropriation for instructional materials.

332 | (e) Accounting for instructional materials.—Principals
 333 | shall see that all instructional materials are fully and
 334 | properly accounted for as prescribed by adopted rules of the
 335 | district school board.

336 | (f) Selection of library media center materials.—School
 337 | principals are responsible for overseeing compliance with school
 338 | district procedures for selecting school library media center
 339 | materials.

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

342 | 1006.29 State instructional materials reviewers.—

343 | (2) For purposes of this part ~~state adoption~~, the term
 344 | "instructional materials" means items having intellectual
 345 | content that by design serve as a major tool for assisting in
 346 | the instruction of a subject or course. These items may be
 347 | available in bound, unbound, kit, or package form and may
 348 | consist of hardbacked or softbacked textbooks, electronic
 349 | content, consumables, learning laboratories, manipulatives,
 350 | electronic media, and computer courseware or software. A

351 publisher or manufacturer providing instructional materials as a
352 single bundle shall also make the instructional materials
353 available as separate and unbundled items, each priced
354 individually. A publisher may also offer sections of state-
355 adopted instructional materials in digital or electronic
356 versions at reduced rates to districts, schools, and teachers.

357 (5) The department shall develop ~~a~~ training programs
358 ~~program~~ for persons selected as state instructional materials
359 reviewers and school district reviewers of instructional
360 materials, including those used to provide instruction required
361 by s. 1003.42, and any materials maintained in the district
362 school library media centers or included on a reading list. The
363 programs ~~program~~ shall be structured to assist reviewers in
364 complying with the requirements of s. 1006.31(2) developing the
365 skills necessary to make valid, culturally sensitive, and
366 objective decisions regarding the content and rigor of
367 instructional materials. All persons serving as instructional
368 materials reviewers must complete a ~~the~~ training program before
369 ~~prior to~~ beginning the review and selection process.

370 Section 8. Paragraph (b) of subsection (4) of section
371 1006.40, Florida Statutes, is amended to read:

372 1006.40 Use of instructional materials allocation;
373 instructional materials, library books, and reference books;
374 repair of books.—

375 (4) Each district school board is responsible for the

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376 content of all materials used in a classroom or otherwise made
377 available to students. Each district school board shall adopt
378 rules, and each district school superintendent shall implement
379 procedures, that:

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

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

388 1011.10 Penalty.—

389 (3) If any of the conditions identified in s. 218.503(1)
390 exist within a school district, the salary of each ~~district~~
391 ~~school board member and~~ district superintendent, calculated
392 pursuant to s. ss. 1001.395 and 1001.47, and the salary of each
393 district school board member shall be withheld until the
394 conditions are corrected. This subsection does not apply to a
395 district school board member or district superintendent elected
396 or appointed within 1 year after the identification of the
397 conditions in s. 218.503(1) if he or she did not participate in
398 the approval or preparation of the final school district budget
399 adopted before the identification of such conditions.

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