

By Senator Diaz

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1 A bill to be entitled
2 An act relating to individual freedom; amending s.
3 760.10, F.S.; providing that subjecting any
4 individual, as a condition of employment, membership,
5 certification, licensing, credentialing, or passing an
6 examination, to training, instruction, or any other
7 required activity that espouses, promotes, advances,
8 inculcates, or compels such individual to believe
9 specified concepts constitutes discrimination based on
10 race, color, sex, or national origin; providing
11 construction; providing severability; amending s.
12 1003.42, F.S.; revising the requirements for required
13 instruction on health education; requiring such
14 instruction to comport with certain principles;
15 requiring civic and character education instead of a
16 character development program; providing the
17 requirements of such education; providing Legislative
18 findings; requiring instruction to be consistent with
19 specified principles of individual freedom;
20 authorizing instructional personnel to facilitate
21 discussions and use curricula to address, in an age-
22 appropriate manner, specified topics; prohibiting
23 classroom instruction and curricula from being used to
24 indoctrinate or persuade students in a manner
25 inconsistent with certain principles or state academic
26 standards; amending s. 1006.31, F.S.; prohibiting
27 instructional materials reviewers from recommending
28 instructional materials that contain any matter that
29 contradicts certain principles; amending s. 1012.98,

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30 F.S.; requiring the Department of Education to review
31 school district professional development systems for
32 compliance with certain provisions of law; amending
33 ss. 1002.20 and 1006.40, F.S.; conforming cross-
34 references; providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Present subsections (8), (9), and (10) of
39 section 760.10, Florida Statutes, are redesignated as
40 subsections (9), (10), and (11), respectively, and a new
41 subsection (8) and subsection (12) are added to that section, to
42 read:

43 760.10 Unlawful employment practices.-

44 (8) (a) Subjecting any individual, as a condition of
45 employment, membership, certification, licensing, credentialing,
46 or passing an examination, to training, instruction, or any
47 other required activity that espouses, promotes, advances,
48 inculcates, or compels such individual to believe any of the
49 following concepts constitutes discrimination based on race,
50 color, sex, or national origin under this section:

51 1. Members of one race, color, sex, or national origin are
52 morally superior to members of another race, color, sex, or
53 national origin.

54 2. An individual, by virtue of his or her race, color, sex,
55 or national origin, is inherently racist, sexist, or oppressive,
56 whether consciously or unconsciously.

57 3. An individual's moral character or status as either
58 privileged or oppressed is necessarily determined by his or her

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59 race, color, sex, or national origin.

60 4. Members of one race, color, sex, or national origin
61 cannot and should not attempt to treat others without respect to
62 race, color, sex, or national origin.

63 5. An individual, by virtue of his or her race, color, sex,
64 or national origin, bears responsibility for, or should be
65 discriminated against or receive adverse treatment because of,
66 actions committed in the past by other members of the same race,
67 color, sex, or national origin.

68 6. An individual, by virtue of his or her race, color, sex,
69 or national origin, should be discriminated against or receive
70 adverse treatment to achieve diversity, equity, or inclusion.

71 7. An individual should feel discomfort, guilt, anguish, or
72 any other form of psychological distress on account of his or
73 her race, color, sex, or national origin.

74 8. Such virtues as merit, excellence, hard work, fairness,
75 neutrality, objectivity, and racial colorblindness are racist or
76 sexist, or were created by members of a particular race, color,
77 sex, or national origin to oppress members of another race,
78 color, sex, or national origin.

79 (b) Paragraph (a) may not be construed to prohibit
80 discussion of the concepts listed therein as part of a course of
81 training or instruction, provided such training or instruction
82 is given in an objective manner without endorsement of the
83 concepts.

84 (12) If any provision of this section or its application to
85 any person or circumstance is held invalid, the invalidity does
86 not affect other provisions or applications of the section which
87 can be given effect without the invalid provision or

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88 application, and to this end the provisions of this section are
89 severable.

90 Section 2. Present subsection (3) of section 1003.42,
91 Florida Statutes, is redesignated as subsection (4), a new
92 subsection (3) is added to that section, and paragraph (b) of
93 subsection (1) and subsection (2) of that section are amended,
94 to read:

95 1003.42 Required instruction.—

96 (1)

97 (b) All instructional materials, as defined in s.

98 1006.29(2), used to teach reproductive health or any disease,
99 including HIV/AIDS, its symptoms, development, and treatment, as
100 part of the courses referenced in subsection (4) ~~(3)~~, must be
101 annually approved by a district school board in an open, noticed
102 public meeting.

103 (2) Members of the instructional staff of the public
104 schools, subject to the rules of the State Board of Education
105 and the district school board, shall teach efficiently and
106 faithfully, using the books and materials required that meet the
107 highest standards for professionalism and historical accuracy,
108 following the prescribed courses of study, and employing
109 approved methods of instruction, the following:

110 (a) The history and content of the Declaration of
111 Independence, including national sovereignty, natural law, self-
112 evident truth, equality of all persons, limited government,
113 popular sovereignty, and inalienable rights of life, liberty,
114 and property, and how they form the philosophical foundation of
115 our government.

116 (b) The history, meaning, significance, and effect of the

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117 provisions of the Constitution of the United States and
118 amendments thereto, with emphasis on each of the 10 amendments
119 that make up the Bill of Rights and how the constitution
120 provides the structure of our government.

121 (c) The arguments in support of adopting our republican
122 form of government, as they are embodied in the most important
123 of the Federalist Papers.

124 (d) Flag education, including proper flag display and flag
125 salute.

126 (e) The elements of civil government, including the primary
127 functions of and interrelationships between the Federal
128 Government, the state, and its counties, municipalities, school
129 districts, and special districts.

130 (f) The history of the United States, including the period
131 of discovery, early colonies, the War for Independence, the
132 Civil War, the expansion of the United States to its present
133 boundaries, the world wars, and the civil rights movement to the
134 present. American history shall be viewed as factual, not as
135 constructed, shall be viewed as knowable, teachable, and
136 testable, and shall be defined as the creation of a new nation
137 based largely on the universal principles stated in the
138 Declaration of Independence.

139 (g)1. The history of the Holocaust (1933-1945), the
140 systematic, planned annihilation of European Jews and other
141 groups by Nazi Germany, a watershed event in the history of
142 humanity, to be taught in a manner that leads to an
143 investigation of human behavior, an understanding of the
144 ramifications of prejudice, racism, and stereotyping, and an
145 examination of what it means to be a responsible and respectful

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146 person, for the purposes of encouraging tolerance of diversity
147 in a pluralistic society and for nurturing and protecting
148 democratic values and institutions, including the policy,
149 definition, and historical and current examples of anti-
150 Semitism, as described in s. 1000.05(7), and the prevention of
151 anti-Semitism. Each school district must annually certify and
152 provide evidence to the department, in a manner prescribed by
153 the department, that the requirements of this paragraph are met.
154 The department shall prepare and offer standards and curriculum
155 for the instruction required by this paragraph and may seek
156 input from the Commissioner of Education's Task Force on
157 Holocaust Education or from any state or nationally recognized
158 Holocaust educational organizations. The department may contract
159 with any state or nationally recognized Holocaust educational
160 organizations to develop training for instructional personnel
161 and grade-appropriate classroom resources to support the
162 developed curriculum.

163 2. The second week in November shall be designated as
164 "Holocaust Education Week" in this state in recognition that
165 November is the anniversary of Kristallnacht, widely recognized
166 as a precipitating event that led to the Holocaust.

167 (h) The history of African Americans, including the history
168 of African peoples before the political conflicts that led to
169 the development of slavery, the passage to America, the
170 enslavement experience, abolition, and the contributions of
171 African Americans to society. Instructional materials shall
172 include the contributions of African Americans to American
173 society.

174 (i) The elementary principles of agriculture.

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175 (j) The true effects of all alcoholic and intoxicating
176 liquors and beverages and narcotics upon the human body and
177 mind.

178 (k) Kindness to animals.

179 (l) The history of the state.

180 (m) The conservation of natural resources.

181 (n) ~~1.~~ Comprehensive age-appropriate and developmentally
182 appropriate K-12 instruction on health education that addresses:

183 1. Health education that addresses concepts of community
184 health, consumer health, environmental health, and family life,
185 including:

186 ~~a. Mental and emotional health.~~

187 ~~b.~~ Injury prevention and safety.

188 ~~b.e.~~ Internet safety.

189 ~~c.d.~~ Nutrition.

190 ~~d.e.~~ Personal health.

191 ~~e.f.~~ Prevention and control of disease.

192 ~~f.g.~~ Substance use and abuse.

193 ~~g.h.~~ Prevention of child sexual abuse, exploitation, and
194 human trafficking.

195 ~~2. The health education curriculum~~ For students in grades 7
196 through 12, ~~shall include a~~ teen dating violence and abuse. This
197 component must include ~~that includes~~, but is not limited to, the
198 definition of dating violence and abuse, the warning signs of
199 dating violence and abusive behavior, the characteristics of
200 healthy relationships, measures to prevent and stop dating
201 violence and abuse, and community resources available to victims
202 of dating violence and abuse.

203 ~~3. The health education curriculum~~ For students in grades 6

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204 through 12, ~~shall include an~~ awareness of the benefits of sexual
205 abstinence as the expected standard and the consequences of
206 teenage pregnancy.

207 4. Life skills that build confidence, support mental and
208 emotional health, and enable students to overcome challenges,
209 including:

210 a. Self-awareness and self-management.

211 b. Responsible decisionmaking.

212 c. Resiliency.

213 d. Relationship skills and conflict resolution.

214 e. Understanding and respecting other viewpoints and
215 backgrounds.

216 f. For grades 9 through 12, developing leadership skills,
217 interpersonal skills, organization skills, and research skills;
218 creating a resume, including a digital resume; exploring career
219 pathways; using state career planning resources; developing and
220 practicing the skills necessary for employment interviews;
221 workplace ethics and workplace law; managing stress and
222 expectations; and self-motivation.

223

224 Health education and life skills instruction and materials may
225 not contradict the principles enumerated in subsection (3).

226 (o) Such additional materials, subjects, courses, or fields
227 in such grades as are prescribed by law or by rules of the State
228 Board of Education and the district school board in fulfilling
229 the requirements of law.

230 (p) The study of Hispanic contributions to the United
231 States.

232 (q) The study of women's contributions to the United

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233 States.

234 (r) The nature and importance of free enterprise to the
235 United States economy.

236 (s) Civic and character education on ~~A character~~
237 ~~development program in the elementary schools, similar to~~
238 ~~Character First or Character Counts, which is secular in nature.~~
239 ~~Beginning in school year 2004-2005, the character development~~
240 ~~program shall be required in kindergarten through grade 12. Each~~
241 ~~district school board shall develop or adopt a curriculum for~~
242 ~~the character development program that shall be submitted to the~~
243 ~~department for approval.~~

244 1. ~~The character development curriculum shall stress the~~
245 ~~qualities and responsibilities of patriotism and,~~
246 ~~responsibility; citizenship, including,~~ kindness; respect for
247 authority, life, liberty, and personal property; honesty;
248 charity; ~~self-control;~~ racial, ethnic, and religious tolerance;
249 and cooperation, and, ~~.~~

250 2. ~~The character development curriculum for grades 9~~
251 ~~through 12 shall, at a minimum, include instruction on~~
252 ~~developing leadership skills, interpersonal skills, organization~~
253 ~~skills, and research skills; creating a resume, including a~~
254 ~~digital resume; exploring career pathways; using state career~~
255 ~~planning resources; developing and practicing the skills~~
256 ~~necessary for employment interviews; conflict resolution,~~
257 ~~workplace ethics, and workplace law; managing stress and~~
258 ~~expectations; and developing skills that enable students to~~
259 ~~become more resilient and self-motivated.~~

260 3. ~~The character development curriculum for grades 11 and~~
261 ~~12, shall include instruction on voting using the uniform~~

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262 primary and general election ballot described in s. 101.151(9).

263 (t) In order to encourage patriotism, the sacrifices that
264 veterans and Medal of Honor recipients have made in serving our
265 country and protecting democratic values worldwide. Such
266 instruction must occur on or before Medal of Honor Day,
267 Veterans' Day, and Memorial Day. Members of the instructional
268 staff are encouraged to use the assistance of local veterans and
269 Medal of Honor recipients when practicable.

270
271 The State Board of Education is encouraged to adopt standards
272 and pursue assessment of the requirements of this subsection.
273 Instructional programming ~~A character development program~~ that
274 incorporates the values of the recipients of the Congressional
275 Medal of Honor and that is offered as part of a social studies,
276 English Language Arts, or other schoolwide character building
277 and veteran awareness initiative meets the requirements of
278 paragraph (t) ~~paragraphs (s) and (t)~~.

279 (3) The Legislature acknowledges the fundamental truth that
280 all individuals are equal before the law and have inalienable
281 rights. Accordingly, instruction on the topics enumerated in
282 this section and supporting materials must be consistent with
283 the following principles of individual freedom:

284 (a) No individual is inherently racist, sexist, or
285 oppressive, whether consciously or unconsciously, solely by
286 virtue of his or her race or sex.

287 (b) No race is inherently superior to another race.

288 (c) No individual should be discriminated against or
289 receive adverse treatment solely or partly on the basis of race,
290 color, national origin, religion, disability, or sex.

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291 (d) Meritocracy or traits such as a hard work ethic are not
292 racist but fundamental to the right to pursue happiness and be
293 rewarded for industry.

294 (e) An individual, by virtue of his or her race or sex,
295 does not bear responsibility for actions committed in the past
296 by other members of the same race or sex.

297 (f) An individual should not be made to feel discomfort,
298 guilt, anguish, or any other form of psychological distress on
299 account of his or her race.

300

301 Instructional personnel may facilitate discussions and use
302 curricula to address, in an age-appropriate manner, the topics
303 of sexism, slavery, racial oppression, racial segregation, and
304 racial discrimination, including topics relating to the
305 enactment and enforcement of laws resulting in sexism, racial
306 oppression, racial segregation, and racial discrimination.
307 However, classroom instruction and curriculum may not be used to
308 indoctrinate or persuade students to a particular point of view
309 inconsistent with the principles of this subsection or state
310 academic standards.

311 Section 3. Paragraph (d) of subsection (2) of section
312 1006.31, Florida Statutes, is amended to read:

313 1006.31 Duties of the Department of Education and school
314 district instructional materials reviewer.—The duties of the
315 instructional materials reviewer are:

316 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
317 selection criteria listed in s. 1006.34(2)(b) and recommend for
318 adoption only those instructional materials aligned with the
319 Next Generation Sunshine State Standards provided for in s.

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320 1003.41. Instructional materials recommended by each reviewer
321 shall be, to the satisfaction of each reviewer, accurate,
322 objective, balanced, noninflammatory, current, free of
323 pornography and material prohibited under s. 847.012, and suited
324 to student needs and their ability to comprehend the material
325 presented. Reviewers shall consider for recommendation materials
326 developed for academically talented students, such as students
327 enrolled in advanced placement courses. When recommending
328 instructional materials, each reviewer shall:

329 (d) Require, when appropriate to the comprehension of
330 students, that materials for social science, history, or civics
331 classes contain the Declaration of Independence and the
332 Constitution of the United States. A reviewer may not recommend
333 any instructional materials that contain any matter reflecting
334 unfairly upon persons because of their race, color, creed,
335 national origin, ancestry, gender, religion, disability,
336 socioeconomic status, or occupation or otherwise contradict the
337 principles enumerated under s. 1003.42(3).

338 Section 4. Paragraph (b) of subsection (4) of section
339 1012.98, Florida Statutes, is amended to read:

340 1012.98 School Community Professional Development Act.—

341 (4) The Department of Education, school districts, schools,
342 Florida College System institutions, and state universities
343 share the responsibilities described in this section. These
344 responsibilities include the following:

345 (b) Each school district shall develop a professional
346 development system as specified in subsection (3). The system
347 shall be developed in consultation with teachers, teacher-
348 educators of Florida College System institutions and state

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349 universities, business and community representatives, and local
350 education foundations, consortia, and professional
351 organizations. The professional development system must:

352 1. Be reviewed and approved by the department for
353 compliance with s. 1003.42(3) and this section. All substantial
354 revisions to the system shall be submitted to the department for
355 review for continued approval.

356 2. Be based on analyses of student achievement data and
357 instructional strategies and methods that support rigorous,
358 relevant, and challenging curricula for all students. Schools
359 and districts, in developing and refining the professional
360 development system, shall also review and monitor school
361 discipline data; school environment surveys; assessments of
362 parental satisfaction; performance appraisal data of teachers,
363 managers, and administrative personnel; and other performance
364 indicators to identify school and student needs that can be met
365 by improved professional performance.

366 3. Provide inservice activities coupled with followup
367 support appropriate to accomplish district-level and school-
368 level improvement goals and standards. The inservice activities
369 for instructional personnel shall focus on analysis of student
370 achievement data, ongoing formal and informal assessments of
371 student achievement, identification and use of enhanced and
372 differentiated instructional strategies that emphasize rigor,
373 relevance, and reading in the content areas, enhancement of
374 subject content expertise, integrated use of classroom
375 technology that enhances teaching and learning, classroom
376 management, parent involvement, and school safety.

377 4. Provide inservice activities and support targeted to the

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378 individual needs of new teachers participating in the
379 professional development certification and education competency
380 program under s. 1012.56(8) (a).

381 5. Include a master plan for inservice activities, pursuant
382 to rules of the State Board of Education, for all district
383 employees from all fund sources. The master plan shall be
384 updated annually by September 1, must be based on input from
385 teachers and district and school instructional leaders, and must
386 use the latest available student achievement data and research
387 to enhance rigor and relevance in the classroom. Each district
388 inservice plan must be aligned to and support the school-based
389 inservice plans and school improvement plans pursuant to s.
390 1001.42(18). Each district inservice plan must provide a
391 description of the training that middle grades instructional
392 personnel and school administrators receive on the district's
393 code of student conduct adopted pursuant to s. 1006.07;
394 integrated digital instruction and competency-based instruction
395 and CAPE Digital Tool certificates and CAPE industry
396 certifications; classroom management; student behavior and
397 interaction; extended learning opportunities for students; and
398 instructional leadership. District plans must be approved by the
399 district school board annually in order to ensure compliance
400 with subsection (1) and to allow for dissemination of research-
401 based best practices to other districts. District school boards
402 must submit verification of their approval to the Commissioner
403 of Education no later than October 1, annually. Each school
404 principal may establish and maintain an individual professional
405 development plan for each instructional employee assigned to the
406 school as a seamless component to the school improvement plans

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407 developed pursuant to s. 1001.42(18). An individual professional
408 development plan must be related to specific performance data
409 for the students to whom the teacher is assigned, define the
410 inservice objectives and specific measurable improvements
411 expected in student performance as a result of the inservice
412 activity, and include an evaluation component that determines
413 the effectiveness of the professional development plan.

414 6. Include inservice activities for school administrative
415 personnel that address updated skills necessary for
416 instructional leadership and effective school management
417 pursuant to s. 1012.986.

418 7. Provide for systematic consultation with regional and
419 state personnel designated to provide technical assistance and
420 evaluation of local professional development programs.

421 8. Provide for delivery of professional development by
422 distance learning and other technology-based delivery systems to
423 reach more educators at lower costs.

424 9. Provide for the continuous evaluation of the quality and
425 effectiveness of professional development programs in order to
426 eliminate ineffective programs and strategies and to expand
427 effective ones. Evaluations must consider the impact of such
428 activities on the performance of participating educators and
429 their students' achievement and behavior.

430 10. For middle grades, emphasize:

431 a. Interdisciplinary planning, collaboration, and
432 instruction.

433 b. Alignment of curriculum and instructional materials to
434 the state academic standards adopted pursuant to s. 1003.41.

435 c. Use of small learning communities; problem-solving,

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436 inquiry-driven research and analytical approaches for students;
437 strategies and tools based on student needs; competency-based
438 instruction; integrated digital instruction; and project-based
439 instruction.

440

441 Each school that includes any of grades 6, 7, or 8 must include
442 in its school improvement plan, required under s. 1001.42(18), a
443 description of the specific strategies used by the school to
444 implement each item listed in this subparagraph.

445 11. Provide training to reading coaches, classroom
446 teachers, and school administrators in effective methods of
447 identifying characteristics of conditions such as dyslexia and
448 other causes of diminished phonological processing skills;
449 incorporating instructional techniques into the general
450 education setting which are proven to improve reading
451 performance for all students; and using predictive and other
452 data to make instructional decisions based on individual student
453 needs. The training must help teachers integrate phonemic
454 awareness; phonics, word study, and spelling; reading fluency;
455 vocabulary, including academic vocabulary; and text
456 comprehension strategies into an explicit, systematic, and
457 sequential approach to reading instruction, including
458 multisensory intervention strategies. Each district must provide
459 all elementary grades instructional personnel access to training
460 sufficient to meet the requirements of s. 1012.585(3)(f).

461 Section 5. Paragraph (d) of subsection (3) of section
462 1002.20, Florida Statutes, is amended to read:

463 1002.20 K-12 student and parent rights.—Parents of public
464 school students must receive accurate and timely information

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465 regarding their child's academic progress and must be informed
466 of ways they can help their child to succeed in school. K-12
467 students and their parents are afforded numerous statutory
468 rights including, but not limited to, the following:

469 (3) HEALTH ISSUES.—

470 (d) *Reproductive health and disease education.*—A public
471 school student whose parent makes written request to the school
472 principal shall be exempted from the teaching of reproductive
473 health or any disease, including HIV/AIDS, in accordance with s.
474 1003.42(4) ~~s. 1003.42(3)~~. Each school district shall, on the
475 district's website homepage, notify parents of this right and
476 the process to request an exemption. The homepage must include a
477 link for a student's parent to access and review the
478 instructional materials, as defined in s. 1006.29(2), used to
479 teach the curriculum.

480 Section 6. Paragraph (b) of subsection (4) of section
481 1006.40, Florida Statutes, is amended to read:

482 1006.40 Use of instructional materials allocation;
483 instructional materials, library books, and reference books;
484 repair of books.—

485 (4) Each district school board is responsible for the
486 content of all materials used in a classroom or otherwise made
487 available to students. Each district school board shall adopt
488 rules, and each district school superintendent shall implement
489 procedures, that:

490 (b) Provide a process for public review of, public comment
491 on, and the adoption of instructional materials, including
492 instructional materials used to teach reproductive health or any
493 disease, including HIV/AIDS, under ss. 1003.42(4) and 1003.46

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494 ~~ss. 1003.42(3) and 1003.46~~, which satisfies the requirements of
495 s. 1006.283(2)(b)8., 9., and 11.

496 Section 7. This act shall take effect July 1, 2022.