

1 A bill to be entitled
2 An act relating to education; amending s. 1000.21,
3 F.S.; defining the term "sex" for the Florida Early
4 Learning-20 Education Code; amending s. 1003.42, F.S.;
5 requiring all materials used for specified instruction
6 relating to reproductive health to be approved by the
7 Department of Education; amending s. 1003.46, F.S.;
8 providing additional requirements for certain
9 instruction regarding human sexuality; requiring the
10 Department of Education to approve specified
11 instructional materials; amending s. 1006.28, F.S.;
12 providing that district school boards are responsible
13 for materials used in classroom libraries; requiring
14 that a specified objection form and the district
15 school board's process meet certain requirements;
16 providing requirements for materials used in a
17 classroom library; revising the criteria by which a
18 parent or resident must meet to object to certain
19 materials used in the classroom; requiring certain
20 classroom materials to be unavailable to students
21 until the resolution of certain objections; providing
22 that parents have the right to read passages from
23 specified materials; providing requirements for
24 certain meetings of school district committees
25 relating to instructional materials; revising certain

26 district school board procedures relating to library
 27 media center collections; revising elementary school
 28 requirements relating to materials in specified
 29 libraries; requiring district school boards to adopt
 30 and publish a specified process relating to student
 31 access to certain materials; revising district school
 32 board reporting requirements relating to materials
 33 which received certain objections; requiring school
 34 principals to communicate to and notify parents of
 35 certain procedures and processes relating to
 36 instructional materials; reenacting ss. 1000.05(2),
 37 (3), (4)(a), (5), and (6)(d), 1001.453(2)(c),
 38 1002.42(3)(a), 1003.27(2)(b) and (c), 1003.42(3)(a),
 39 (c), (e), and (f), 1004.43(2), 1006.205(2)(b) and (3),
 40 1009.23(7), 1009.24(10)(b), 1009.983(6),
 41 1009.986(3)(e), and 1014.05(1)(c), (d), and (f), F.S.,
 42 to incorporate the amendment made to s. 1000.21, F.S.,
 43 in references thereto; providing an effective date.

44

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

46

47 Section 1. Subsection (9) is added to section 1000.21,
 48 Florida Statutes, to read:

49 1000.21 Systemwide definitions.—As used in the Florida
 50 Early Learning-20 Education Code:

51 (9) "Sex" means the binary division of individuals based
 52 upon reproductive function.

53 Section 2. Paragraph (b) of subsection (1) of section
 54 1003.42, Florida Statutes, is amended to read:

55 1003.42 Required instruction.—

56 (1)

57 (b) All ~~instructional materials, as defined in s.~~
 58 ~~1006.29(2)~~, used to teach reproductive health or any disease,
 59 including HIV/AIDS, its symptoms, development, and treatment, as
 60 part of the courses referenced in subsection (5), must be
 61 annually approved by the department ~~a district school board in~~
 62 ~~an open, noticed public meeting.~~

63 Section 3. Subsection (2) of section 1003.46, Florida
 64 Statutes, is amended to read:

65 1003.46 Health education; instruction in acquired immune
 66 deficiency syndrome.—

67 (2) Throughout instruction in acquired immune deficiency
 68 syndrome, sexually transmitted diseases, or health education,
 69 when such instruction and course material contains instruction
 70 in human sexuality, such instruction may only occur in grades 6
 71 through 12 and a school shall:

72 (a) Teach that sex is determined by biology and
 73 reproductive function at birth; that biological males impregnate
 74 biological females by fertilizing the female egg with male
 75 sperm; that the female then gestates the offspring; and that

76 these reproductive roles are binary, stable, and unchangeable.

77 (b)~~(a)~~ Teach abstinence from sexual activity outside of
78 marriage as the expected standard for all school-age students
79 while teaching the benefits of monogamous heterosexual marriage.

80 (c)~~(b)~~ Emphasize that abstinence from sexual activity is a
81 certain way to avoid out-of-wedlock pregnancy, sexually
82 transmitted diseases, including acquired immune deficiency
83 syndrome, and other associated health problems.

84 (d)~~(e)~~ Teach that each student has the power to control
85 personal behavior and encourage students to base actions on
86 reasoning, self-esteem, and respect for others.

87 (e)~~(d)~~ Provide instruction and material that is
88 appropriate for the grade and age of the student.

89
90 The Department of Education must approve any materials used for
91 instruction under this subsection.

92 Section 4. Paragraphs (a), (d), and (e) of subsection (2)
93 and paragraphs (a) and (f) of subsection (4) of section 1006.28,
94 Florida Statutes, are amended to read:

95 1006.28 Duties of district school board, district school
96 superintendent; and school principal regarding K-12
97 instructional materials.—

98 (2) DISTRICT SCHOOL BOARD.—The district school board has
99 the constitutional duty and responsibility to select and provide
100 adequate instructional materials for all students in accordance

101 with the requirements of this part. The district school board
 102 also has the following specific duties and responsibilities:

103 (a) Courses of study; adoption.—Adopt courses of study,
 104 including instructional materials, for use in the schools of the
 105 district.

106 1. Each district school board is responsible for the
 107 content of all instructional materials and any other materials
 108 used in a classroom, made available in a school or classroom
 109 library, or included on a reading list, whether adopted and
 110 purchased from the state-adopted instructional materials list,
 111 adopted and purchased through a district instructional materials
 112 program under s. 1006.283, or otherwise purchased or made
 113 available.

114 2. Each district school board must adopt a policy
 115 regarding an objection by a parent or a resident of the county
 116 to the use of a specific material, which clearly describes a
 117 process to handle all objections and provides for resolution.
 118 The objection form, as prescribed by State Board of Education
 119 rule, and the district school board's process must be easy to
 120 read and understand and be easily accessible on the homepage of
 121 the school district's website. The process must provide the
 122 parent or resident the opportunity to proffer evidence to the
 123 district school board that:

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

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

130 b. Any material used in a classroom, made available in a
131 school or classroom library, or included on a reading list
132 contains content which: ~~that~~

133 (I) Is pornographic or prohibited under s. 847.012;~~τ~~

134 (II) Depicts or describes sexual conduct as defined in s.
135 847.001(19), unless such material is for a course required by s.
136 1003.46, s. 1003.42(2)(n)1.g., or identified by State Board of
137 Education rule;

138 (III) Is not suited to student needs and their ability to
139 comprehend the material presented;~~τ~~ or

140 (IV) Is inappropriate for the grade level and age group
141 for which the material is used.

142
143 Any material that is subject to an objection on the basis of
144 sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must
145 be unavailable to students until the objection is resolved.

146 Parents shall have the right to read passages from any material
147 that is subject to an objection. If the district school board
148 finds that an instructional material does not meet the criteria
149 under sub-subparagraph a. or that any other material contains
150 prohibited content under sub-subparagraph b., the school

151 district shall discontinue use of the material for any grade
152 level or age group for which such use is inappropriate or
153 unsuitable.

154 3. Each district school board must establish a process by
155 which the parent of a public school student or a resident of the
156 county may contest the district school board's adoption of a
157 specific instructional material. The parent or resident must
158 file a petition, on a form provided by the school board, within
159 30 calendar days after the adoption of the instructional
160 material by the school board. The school board must make the
161 form available to the public and publish the form on the school
162 district's website. The form must be signed by the parent or
163 resident, include the required contact information, and state
164 the objection to the instructional material based on the
165 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days
166 after the 30-day period has expired, the school board must, for
167 all petitions timely received, conduct at least one open public
168 hearing before an unbiased and qualified hearing officer. The
169 hearing officer may not be an employee or agent of the school
170 district. The hearing is not subject to the provisions of
171 chapter 120; however, the hearing must provide sufficient
172 procedural protections to allow each petitioner an adequate and
173 fair opportunity to be heard and present evidence to the hearing
174 officer. The school board's decision after convening a hearing
175 is final and not subject to further petition or review.

176 4. Meetings of committees convened for the purpose of
177 ranking, eliminating, or selecting instructional materials for
178 recommendation to the district school board must be noticed and
179 open to the public in accordance with s. 286.011. Any committees
180 convened for such purposes must include parents of ~~district~~
181 students who will have access to such materials.

182 5. Meetings of committees convened for the purpose of
183 resolving an objection by a parent or resident to specific
184 materials must be noticed and open to the public in accordance
185 with s. 286.011. Any committees convened for such purposes must
186 include parents of students who will have access to such
187 materials.

188 (d) School library media services; establishment and
189 maintenance.—Establish and maintain a program of school library
190 media services for all public schools in the district, including
191 school library media centers, or school library media centers
192 open to the public, and, in addition such traveling or
193 circulating libraries as may be needed for the proper operation
194 of the district school system. Beginning January 1, 2023, school
195 librarians, media specialists, and other personnel involved in
196 the selection of school district library materials must complete
197 the training program developed pursuant to s. 1006.29(6) before
198 reviewing and selecting age-appropriate materials and library
199 resources. Upon written request, a school district shall provide
200 access to any material or book specified in the request that is

201 maintained in a district school system library and is available
202 for review.

203 1. Each book made available to students through a school
204 district library media center or included in a recommended or
205 assigned school or grade-level reading list must be selected by
206 a school district employee who holds a valid educational media
207 specialist certificate, regardless of whether the book is
208 purchased, donated, or otherwise made available to students.

209 2. Each district school board shall adopt procedures for
210 developing library media center collections and post the
211 procedures on the website for each school within the district.
212 The procedures must:

213 a. Require that book selections meet the criteria in s.
214 1006.40 (3) (d).

215 b. Require consultation of reputable, professionally
216 recognized reviewing periodicals and school community
217 stakeholders.

218 c. Provide for library media center collections, including
219 classroom libraries, based on reader interest, support of state
220 academic standards and aligned curriculum, and the academic
221 needs of students and faculty.

222 d. Provide for the regular removal or discontinuance of
223 books based on, at a minimum, physical condition, rate of recent
224 circulation, alignment to state academic standards and relevancy
225 to curriculum, out-of-date content, and required removal

226 pursuant to subparagraph (a)2.

227 3. Each elementary school must publish on its website, in
228 a searchable format prescribed by the department, a list of all
229 materials maintained and accessible in the school library media
230 center or a classroom library or required as part of a school or
231 grade-level reading list.

232 4. Each district school board shall adopt and publish on
233 its website the process for a parent to limit the books and
234 media materials his or her student can access in the school's
235 library.

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

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

247 2. Select, approve, adopt, or purchase all materials as a
248 separate line item on the agenda and provide a reasonable
249 opportunity for public comment. The use of materials described
250 in this paragraph may not be selected, approved, or adopted as

251 part of a consent agenda.

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

254 a. Each material for which the school district received an
255 objection pursuant to subparagraph (a)2., including the grade
256 level and course the material was used in, for the school year
257 and the specific objections thereto.

258 b. Each material that was removed or discontinued ~~as a~~
259 ~~result of an objection.~~

260 c. Each material that was not removed or discontinued and
261 the rationale for not removing or discontinuing the material ~~The~~
262 ~~grade level and course for which a removed or discontinued~~
263 ~~material was used, as applicable.~~

264
265 The department shall publish and regularly update a list of
266 materials that were removed or discontinued as a result of an
267 objection and disseminate the list to school districts for
268 consideration in their selection procedures.

269 (4) SCHOOL PRINCIPAL.—The school principal has the
270 following duties for the management and care of materials at the
271 school:

272 (a) Proper use of instructional materials.—The principal
273 shall assure that instructional materials are used to provide
274 instruction to students enrolled at the grade level or levels
275 for which the materials are designed, pursuant to adopted

276 district school board rule. The school principal shall
277 communicate to parents the manner in which instructional
278 materials are used to implement the curricular objectives of the
279 school and the procedures for contesting the adoption and use of
280 instructional materials.

281 (f) Selection of library media center materials.—School
282 principals are responsible for overseeing compliance with school
283 district procedures for selecting school library media center
284 materials at the school to which they are assigned and notifying
285 parents of the process for objecting to the use of specific
286 materials.

287 Section 5. Sections 1000.05(2), (3), (4)(a), (5), and
288 (6)(d), 1001.453(2)(c), 1002.42(3)(a), 1003.27(2)(b) and (c),
289 1003.42(3)(a), (c), (e), and (f), 1004.43(2), 1006.205(2)(b) and
290 (3), 1009.23(7), 1009.24(10)(b), 1009.983(6), 1009.986(3)(e),
291 and 1014.05(1)(c), (d), and (f), Florida Statutes, are reenacted
292 for the purpose of incorporating the amendment made by this act
293 to s. 1000.21, Florida Statutes, in references thereto.

294 Section 6. This act shall take effect July 1, 2023.