

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 removed within a specified
21 time period and be unavailable to students until the
22 resolution of certain objections; providing that
23 parents have the right to read passages from specified
24 materials; requiring the discontinuation of specified
25 materials under certain circumstances; providing

26 requirements for certain meetings of school district
 27 committees relating to instructional materials;
 28 requiring the Commissioner of Education to appoint a
 29 special magistrate under certain circumstances;
 30 providing requirements for the special magistrate;
 31 requiring the State Board of Education to approve or
 32 reject the special magistrate's recommendation within
 33 a specified timeframe; requiring school districts to
 34 bear the costs of the special magistrate; requiring
 35 the State Board of Education to adopt rules; revising
 36 certain district school board procedures relating to
 37 library media center collections; revising elementary
 38 school requirements relating to materials in specified
 39 libraries; requiring district school boards to adopt
 40 and publish a specified process relating to student
 41 access to certain materials; revising district school
 42 board reporting requirements relating to materials
 43 which received certain objections; requiring school
 44 principals to communicate to and notify parents of
 45 certain procedures and processes relating to
 46 instructional materials; reenacting ss. 1000.05(2),
 47 (3), (4)(a), (5), and (6)(d), 1001.453(2)(c),
 48 1002.42(3)(a), 1003.27(2)(b) and (c), 1003.42(3)(a),
 49 (c), (e), and (f), 1004.43(2), 1006.205(2)(b) and (3),
 50 1009.23(7), 1009.24(10)(b), 1009.983(6),

51 1009.986(3)(e), and 1014.05(1)(c), (d), and (f), F.S.,
 52 to incorporate the amendment made to s. 1000.21, F.S.,
 53 in references thereto; providing an effective date.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Subsection (9) is added to section 1000.21,
 58 Florida Statutes, to read:

59 1000.21 Systemwide definitions.—As used in the Florida
 60 Early Learning-20 Education Code:

61 (9) "Sex" means the classification of a person as either
 62 female or male based on the organization of the body of such
 63 person for a specific reproductive role, as indicated by the
 64 person's sex chromosomes, naturally occurring sex hormones, and
 65 internal and external genitalia present at birth.

66 Section 2. Paragraph (b) of subsection (1) of section
 67 1003.42, Florida Statutes, is amended to read:

68 1003.42 Required instruction.—

69 (1)

70 (b) All ~~instructional materials, as defined in s.~~
 71 ~~1006.29(2),~~ used to teach reproductive health or any disease,
 72 including HIV/AIDS, its symptoms, development, and treatment, as
 73 part of the courses referenced in subsection (5), must be
 74 annually approved by the department ~~a district school board in~~
 75 ~~an open, noticed public meeting.~~

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

78 1003.46 Health education; instruction in acquired immune
 79 deficiency syndrome.—

80 (2) Throughout instruction in acquired immune deficiency
 81 syndrome, sexually transmitted diseases, or health education,
 82 when such instruction and course material contains instruction
 83 in human sexuality, such instruction may only occur in grades 6
 84 through 12 and ~~a school~~ shall:

85 (a) Teach that sex is determined by biology and
 86 reproductive function at birth; that biological males impregnate
 87 biological females by fertilizing the female egg with male
 88 sperm; that the female then gestates the offspring; and that
 89 these reproductive roles are binary, stable, and unchangeable.

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

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

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

100 ~~(e)-(d)~~ Provide instruction and material that is

101 appropriate for the grade and age of the student.

102

103 The Department of Education must approve any materials used for
 104 instruction under this subsection.

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

108 1006.28 Duties of district school board, district school
 109 superintendent; and school principal regarding K-12
 110 instructional materials.—

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

116 (a) Courses of study; adoption.—Adopt courses of study,
 117 including instructional materials, for use in the schools of the
 118 district.

119 1. Each district school board is responsible for the
 120 content of all instructional materials and any other materials
 121 used in a classroom, made available in a school or classroom
 122 library, or included on a reading list, whether adopted and
 123 purchased from the state-adopted instructional materials list,
 124 adopted and purchased through a district instructional materials
 125 program under s. 1006.283, or otherwise purchased or made

126 available.

127 2. Each district school board must adopt a policy
128 regarding an objection by a parent or a resident of the county
129 to the use of a specific material, which clearly describes a
130 process to handle all objections and provides for resolution.
131 The objection form, as prescribed by State Board of Education
132 rule, and the district school board's process must be easy to
133 read and understand and be easily accessible on the homepage of
134 the school district's website. The objection form must also
135 identify the school district point of contact and contact
136 information for the submission of an objection. The process must
137 provide the parent or resident the opportunity to proffer
138 evidence to the district school board that:

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

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

148 (I) Is pornographic or prohibited under s. 847.012;

149 (II) Depicts or describes sexual conduct as defined in s.
150 847.001(19), unless such material is for a course required by s.

151 1003.46, s. 1003.42(2)(n)1.g., or identified by State Board of
 152 Education rule;

153 (III) Is not suited to student needs and their ability to
 154 comprehend the material presented;~~r~~ or

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

157
 158 Any material that is subject to an objection on the basis of
 159 sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must
 160 be removed within 5 school days of receipt of the objection and
 161 remain unavailable until the objection is resolved. Parents
 162 shall have the right to read passages from any material that is
 163 subject to an objection. If the school board denies a parent the
 164 right to read passages due to content that meets the
 165 requirements under sub-sub-subparagraph b.(I), the school
 166 district shall discontinue the use of the material. If the
 167 district school board finds that an instructional material meets
 168 ~~does not meet~~ the requirements ~~criteria~~ under sub-subparagraph
 169 a. or that any other material contains prohibited content under
 170 sub-sub-subparagraph b.(I) ~~sub-subparagraph b.~~, the school
 171 district shall discontinue use of the material. If the district
 172 school board finds that any other material contains prohibited
 173 content under sub-sub-subparagraph b. (II)-(IV), the school
 174 district shall discontinue use of the material for any grade
 175 level or age group for which such use is inappropriate or

176 | unsuitable.

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

199 | 4. Meetings of committees convened for the purpose of
200 | ranking, eliminating, or selecting instructional materials for

201 recommendation to the district school board must be noticed and
202 open to the public in accordance with s. 286.011. Any committees
203 convened for such purposes must include parents of ~~district~~
204 students who will have access to such materials.

205 5. Meetings of committees convened for the purpose of
206 resolving an objection by a parent or resident to specific
207 materials must be noticed and open to the public in accordance
208 with s. 286.011. Any committees convened for such purposes must
209 include parents of students who will have access to such
210 materials.

211 6. If a parent or a resident of the county disagrees with
212 the determination made by the district school board on the
213 objection to the use of a specific material, a parent may
214 request the Commissioner of Education to appoint a special
215 magistrate who is a member of The Florida Bar in good standing
216 and who has at least 5 years' experience in administrative law.
217 The special magistrate shall determine facts relating to the
218 dispute over the school district procedure or practice, consider
219 information provided by the school district, and render a
220 recommended decision for resolution to the State Board of
221 Education within 30 days after receipt of the request by the
222 parent. The State Board of Education must approve or reject the
223 recommended decision at its next regularly scheduled meeting
224 that is more than 7 calendar days and no more than 30 days after
225 the date the recommended decision is transmitted. The costs of

226 the special magistrate shall be borne by the school district.
227 The State Board of Education shall adopt rules, including forms,
228 necessary to implement this subparagraph.

229 (d) School library media services; establishment and
230 maintenance.—Establish and maintain a program of school library
231 media services for all public schools in the district, including
232 school library media centers, or school library media centers
233 open to the public, and, in addition such traveling or
234 circulating libraries as may be needed for the proper operation
235 of the district school system. Beginning January 1, 2023, school
236 librarians, media specialists, and other personnel involved in
237 the selection of school district library materials must complete
238 the training program developed pursuant to s. 1006.29(6) before
239 reviewing and selecting age-appropriate materials and library
240 resources. Upon written request, a school district shall provide
241 access to any material or book specified in the request that is
242 maintained in a district school system library and is available
243 for review.

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

250 2. Each district school board shall adopt procedures for

251 developing library media center collections and post the
252 procedures on the website for each school within the district.

253 The procedures must:

254 a. Require that book selections meet the criteria in s.
255 1006.40 (3) (d).

256 b. Require consultation of reputable, professionally
257 recognized reviewing periodicals and school community
258 stakeholders.

259 c. Provide for library media center collections, including
260 classroom libraries, based on reader interest, support of state
261 academic standards and aligned curriculum, and the academic
262 needs of students and faculty.

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

268 3. Each elementary school must publish on its website, in
269 a searchable format prescribed by the department, a list of all
270 materials maintained and accessible in the school library media
271 center or a classroom library or required as part of a school or
272 grade-level reading list.

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

276 library.

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

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

288 2. Select, approve, adopt, or purchase all materials as a
289 separate line item on the agenda and provide a reasonable
290 opportunity for public comment. The use of materials described
291 in this paragraph may not be selected, approved, or adopted as
292 part of a consent agenda.

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

295 a. Each material for which the school district received an
296 objection pursuant to subparagraph (a)2., including the grade
297 level and course the material was used in, for the school year
298 and the specific objections thereto.

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

301 c. Each material that was not removed or discontinued and
 302 the rationale for not removing or discontinuing the material ~~The~~
 303 ~~grade level and course for which a removed or discontinued~~
 304 ~~material was used, as applicable.~~

305
 306 The department shall publish and regularly update a list of
 307 materials that were removed or discontinued as a result of an
 308 objection and disseminate the list to school districts for
 309 consideration in their selection procedures.

310 (4) SCHOOL PRINCIPAL.—The school principal has the
 311 following duties for the management and care of materials at the
 312 school:

313 (a) Proper use of instructional materials.—The principal
 314 shall assure that instructional materials are used to provide
 315 instruction to students enrolled at the grade level or levels
 316 for which the materials are designed, pursuant to adopted
 317 district school board rule. The school principal shall
 318 communicate to parents the manner in which instructional
 319 materials are used to implement the curricular objectives of the
 320 school and the procedures for contesting the adoption and use of
 321 instructional materials.

322 (f) Selection of library media center materials.—School
 323 principals are responsible for overseeing compliance with school
 324 district procedures for selecting school library media center
 325 materials at the school to which they are assigned and notifying

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326 parents of the process for objecting to the use of specific
327 materials.

328 Section 5. Sections 1000.05(2), (3), (4)(a), (5), and
329 (6)(d), 1001.453(2)(c), 1002.42(3)(a), 1003.27(2)(b) and (c),
330 1003.42(3)(a), (c), (e), and (f), 1004.43(2), 1006.205(2)(b) and
331 (3), 1009.23(7), 1009.24(10)(b), 1009.983(6), 1009.986(3)(e),
332 and 1014.05(1)(c), (d), and (f), Florida Statutes, are reenacted
333 for the purpose of incorporating the amendment made by this act
334 to s. 1000.21, Florida Statutes, in references thereto.

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