

1 A bill to be entitled
2 An act relating to childhood mental health, safety,
3 and welfare; providing legislative findings; amending
4 s. 394.495, F.S.; revising the array of services
5 offered by the child and adolescent mental health
6 system of care; amending s. 394.9086, F.S.; revising
7 the duties of the Commission on Mental Health and
8 Substance Abuse; creating s. 456.0342, F.S.; providing
9 applicability; requiring specified mental health care
10 professionals to complete a course on technology
11 addiction and pornography addiction by a specified
12 date; requiring that the course address certain
13 content; requiring certain licensing boards to include
14 the course hours in the total hours of continuing
15 education required for certain professions; creating
16 s. 490.0086, F.S.; requiring the Board of Psychology
17 to require applicants to complete a course on
18 technology addiction and pornography addiction as a
19 condition of licensure; providing a time extension for
20 certain applicants; creating s. 491.0066, F.S.;
21 requiring the Board of Clinical Social Work, Marriage
22 and Family Therapy, and Mental Health Counseling to
23 require applicants to complete a course on technology
24 addiction and pornography addiction as a condition of
25 licensure; providing a time extension for certain

26 | applicants; creating s. 501.172, F.S.; defining terms;
27 | requiring that a warning label be affixed to the
28 | packaging of certain digital devices; providing
29 | requirements for the warning label; creating s.
30 | 501.173, F.S.; defining terms; requiring a commercial
31 | entity to verify the age of individuals attempting to
32 | access certain material online; prohibiting a
33 | commercial entity from retaining personal identifying
34 | information; providing an exception to news entities;
35 | providing that certain entities may not be held to
36 | have violated the section by performing certain
37 | services; creating s. 501.174, F.S.; authorizing the
38 | Department of Legal Affairs to adopt rules;
39 | authorizing the department to initiate a legal
40 | proceeding against a party for alleged violations;
41 | providing the party with a time to cure; providing
42 | judicial remedies; amending s. 847.001, F.S.; revising
43 | the definition of the term "harmful to minors";
44 | amending s. 847.012, F.S.; revising the circumstances
45 | under which the distribution of harmful material to
46 | minors is deemed to have occurred; providing an
47 | exception for certain school-related materials;
48 | amending s. 1002.321, F.S.; limiting the proportion of
49 | instructional time that may be delivered in an
50 | electronic or digital format; providing that

51 instructional time includes certain standardized or
52 progress monitoring assessments; requiring the State
53 Board of Education to adopt rules; requiring certain
54 schools to notify a parent of instruction given in an
55 electronic or digital format; amending s. 1002.33,
56 F.S.; revising the statutes with which a charter
57 school must comply; amending s. 1002.42, F.S.;
58 requiring private schools to publish online a list of
59 websites approved for instructional purposes;
60 requiring private schools to adopt a policy regarding
61 the use of a wireless communications device by
62 students; specifying that such policy must prohibit
63 student use of such devices for any purpose during
64 school hours, prohibit an individual from posting a
65 student's image on social media which was created
66 during school hours, and prohibit the online sharing
67 of certain student location information; defining the
68 term "personal wireless communications device";
69 prohibiting a student's parent or guardian from
70 waiving policy requirements; amending s. 1006.07,
71 F.S.; defining the term "wireless communications
72 device"; requiring district school boards to adopt a
73 code of student conduct which prohibits the use of
74 wireless communications devices by students during
75 school hours; requiring district school boards to

76 | adopt a policy that prohibits an individual from
77 | posting a student's image or location information on a
78 | social media platform; providing that a student's
79 | parent or guardian may not waive the requirements;
80 | amending s. 1006.28, F.S.; deleting a time limit for
81 | the parent of a public school student to file a
82 | petition to contest a school board's adoption of
83 | specific instructional material; making technical
84 | changes; deleting a requirement for a certain hearing;
85 | requiring each district school board to annually
86 | publish a list of websites for use by students for
87 | instructional purposes; amending s. 1006.29, F.S.;
88 | revising the definition of the term "instructional
89 | materials"; reenacting and amending s. 1006.40, F.S.,
90 | relating to instructional materials allocation;
91 | requiring the Department of Education to seize from
92 | district school boards certain materials purchased or
93 | employed which are harmful to minors; providing a
94 | penalty for violations; reenacting ss. 1006.31(2) and
95 | 1006.34(2)(b), F.S., relating to evaluation of
96 | instructional materials and selection and adoption of
97 | instructional materials, respectively, to incorporate
98 | the amendment made to s. 847.012, F.S., in references
99 | thereto; amending s. 1011.62, F.S.; requiring that
100 | school district plans adopted in connection with the

101 Mental Health Assistance Allocation include strategies
 102 or programs to reduce the likelihood of and improve
 103 the early identification of students developing
 104 specified addictions; amending ss. 381.88 and 1011.67,
 105 F.S.; conforming cross-references; providing an
 106 effective date.

107

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

109

110 Section 1. The Legislature finds that:

111 (1) Healthy brain development in children positively
 112 impacts communication skills, focus and attention, the
 113 development of executive functioning skills, the ability to
 114 solve simple and complex problems, impulse control, mental
 115 health, and overall wellness.

116 (2) Excessive use of digital media has been shown to
 117 interfere with healthy sleep habits, expose children to
 118 dangerous relationships and materials online, lead to a loss of
 119 interest in activities, result in lower test scores and grades,
 120 and result in an increase in addiction, aggression, depression
 121 and anxiety, self-harm, attention-deficit hyperactivity
 122 disorder, and deceptive behaviors.

123 (3) Young children who use screens more than an hour a day
 124 without parental involvement have been shown to have lower
 125 levels of development in the brain's white matter, which is an

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126 area key to the development of language, literacy, and cognitive
127 skills.

128 (4) Chronic sensory stimulation mimics early-stage
129 dementia due to difficulty with concentration, orientation,
130 memory acquisition and recall, and self-care.

131 (5) Due to unprecedented access to digital devices,
132 children have access to pornography at higher rates than ever.
133 Such access at a young age interferes with normal development
134 and the establishment of healthy relationships.

135 (6) Excessive use of digital media negatively impacts
136 brain development in children so significantly that the
137 cognitive and mental health ramifications faced by children have
138 manifested into a public health crisis.

139 Section 2. Paragraphs (f) and (g) are added to subsection
140 (2) and paragraphs (r) and (s) are added to subsection (4) of
141 section 394.495, Florida Statutes, to read:

142 394.495 Child and adolescent mental health system of care;
143 programs and services.—

144 (2) The array of services must include assessment services
145 that provide a professional interpretation of the nature of the
146 problems of the child or adolescent and his or her family;
147 family issues that may impact the problems; additional factors
148 that contribute to the problems; and the assets, strengths, and
149 resources of the child or adolescent and his or her family. The
150 assessment services to be provided shall be determined by the

151 clinical needs of each child or adolescent. Assessment services
 152 include, but are not limited to, evaluation and screening in the
 153 following areas:

154 (f) Technology addiction.

155 (g) Pornography addiction.

156

157 The assessment for academic achievement is the financial
 158 responsibility of the school district. The department shall
 159 cooperate with other state agencies and the school district to
 160 avoid duplicating assessment services.

161 (4) The array of services may include, but is not limited
 162 to:

163 (r) Technology addiction treatment.

164 (s) Pornography addiction treatment.

165 Section 3. Paragraph (a) of subsection (4) of section
 166 394.9086, Florida Statutes, is amended to read:

167 394.9086 Commission on Mental Health and Substance Abuse.—

168 (4) DUTIES.—

169 (a) The duties of the Commission on Mental Health and
 170 Substance Abuse include the following:

171 1. Conducting a review and evaluation of the management
 172 and functioning of the existing publicly supported mental health
 173 and substance abuse systems and services in the department, the
 174 Agency for Health Care Administration, and all other departments
 175 which administer mental health and substance abuse services.

176 Such review shall include, at a minimum, a review of current
177 goals and objectives, current planning, services strategies,
178 coordination management, purchasing, contracting, financing,
179 local government funding responsibility, and accountability
180 mechanisms.

181 2. Considering the unique needs of persons who are dually
182 diagnosed.

183 3. Addressing access to, financing of, and scope of
184 responsibility in the delivery of emergency behavioral health
185 care services.

186 4. Addressing the quality and effectiveness of current
187 mental health and substance abuse services delivery systems, and
188 professional staffing and clinical structure of services, roles,
189 and responsibilities of public and private providers, such as
190 community mental health centers; community substance abuse
191 agencies; hospitals, including emergency services departments;
192 law enforcement agencies; and the judicial system.

193 5. Addressing priority population groups for publicly
194 funded mental health and substance abuse services, identifying
195 the comprehensive mental health and substance abuse services
196 delivery systems, mental health and substance abuse needs
197 assessment and planning activities, and local government funding
198 responsibilities for mental health and substance abuse services.

199 6. Reviewing the implementation of chapter 2020-107, Laws
200 of Florida.

201 7. Identifying any gaps in the provision of mental health
202 and substance use disorder services.

203 8. Providing recommendations on how behavioral health
204 managing entities may fulfill their purpose of promoting service
205 continuity.

206 9. Providing recommendations on how service providers and
207 school districts can best identify, treat, and serve children
208 suffering from technology addiction or pornography addiction.

209 10. Providing ~~Making~~ recommendations regarding the mission
210 and objectives of state-supported mental health and substance
211 abuse services and the planning, management, staffing,
212 financing, contracting, coordination, and accountability
213 mechanisms which will best foster the recommended mission and
214 objectives.

215 ~~11.10.~~ Evaluating and providing ~~making~~ recommendations
216 regarding the establishment of a permanent, agency-level entity
217 to manage mental health, substance abuse, and related services
218 statewide. At a minimum, the evaluation must consider and
219 describe the:

220 a. Specific duties and organizational structure proposed
221 for the entity;

222 b. Resource needs of the entity and possible sources of
223 funding;

224 c. Estimated impact on access to and quality of services;

225 d. Impact on individuals with behavioral health needs and

226 their families, both those currently served through the affected
 227 systems providing behavioral health services and those in need
 228 of services; and

229 e. Relation to, integration with, and impact on providers,
 230 managing entities, communities, state agencies, and systems
 231 which provide mental health and substance abuse services in this
 232 state. Such recommendations must ensure that the ability of such
 233 other agencies and systems to carry out their missions and
 234 responsibilities is not impaired.

235 Section 4. Section 456.0342, Florida Statutes, is created
 236 to read:

237 456.0342 Required instruction on technology addiction and
 238 pornography addiction.—The requirements of this section apply to
 239 each person licensed or certified under chapter 490 or chapter
 240 491, as a psychiatric nurse as defined in s. 394.455, as a
 241 psychiatrist as defined in s. 394.455, or as a physician
 242 assistant under chapter 458.

243 (1) By January 1, 2024, each such licensed or certified
 244 practitioner shall complete a board-approved 2-hour continuing
 245 education course on the treatment of technology addiction and
 246 pornography addiction. The course must address the assessment,
 247 treatment, and management of technology addiction and
 248 pornography addiction.

249 (2) Each licensing board that requires a licensee or
 250 certificateholder, as applicable, to complete a course pursuant

251 to this section must include the hours required for completion
 252 in the total hours of continuing education required by law for
 253 such profession.

254 Section 5. Section 490.0086, Florida Statutes, is created
 255 to read:

256 490.0086 Requirement for instruction on technology
 257 addiction and pornography addiction.—Beginning January 1, 2024,
 258 the board shall require, as a condition of granting a license
 259 under this chapter, that an applicant making initial application
 260 for licensure complete an education course acceptable to the
 261 board on technology addiction and pornography addiction. Upon
 262 submission of an affidavit showing good cause, an applicant who
 263 has not taken the course at the time of licensure must be
 264 allowed 6 months to comply with this section.

265 Section 6. Section 491.0066, Florida Statutes, is created
 266 to read:

267 491.0066 Requirement for instruction on technology
 268 addiction and pornography addiction.—Beginning January 1, 2024,
 269 the board shall require, as a condition of granting a license
 270 under this chapter, that an applicant making initial application
 271 for licensure complete an education course acceptable to the
 272 board on technology addiction and pornography addiction. Upon
 273 submission of an affidavit showing good cause, an applicant who
 274 has not taken the course at the time of licensure must be
 275 allowed 6 months to comply with this section.

276 Section 7. Section 501.172, Florida Statutes, is created
277 to read:

278 501.172 Digital devices.—

279 (1) DEFINITIONS.—As used in this section, the term:

280 (a) "Digital device" means an electronic device that can
281 create, generate, send, share, communicate, receive, display, or
282 process information, and includes, but is not limited to,
283 desktop and laptop computers, computer tablets, mobile
284 telephones, smartphones, and any similar device that currently
285 exists or may exist as technology develops.

286 (b) "Manufacturer" means a business that is classified in
287 Sector 334, Computer and Electronic Product Manufacturing, of
288 the National American Industry Classification System (NAICS).

289 (c) "Packaging" means any container or wrapping in which a
290 consumer commodity is enclosed for use in the delivery or
291 display of such consumer commodity to retail purchasers.

292 (2) REQUIRED WARNING LABEL.—Any new digital device
293 manufactured by a manufacturer to be sold in this state must
294 include a warning label affixed to the packaging. The warning
295 label must include clear and conspicuous text that conveys all
296 of the following:

297 (a) The use of digital devices can cause people,
298 especially minors, to become addicted to such use.

299 (b) Excessive use of digital devices can lead to
300 undesirable behavior patterns and psychological effects.

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301 Section 8. Section 501.173, Florida Statutes, is created
302 to read:

303 501.173 Age verification.-

304 (1) DEFINITIONS.-As used in this section, the term:

305 (a) "Commercial entity" includes corporations, limited
306 liability companies, partnerships, limited partnerships, sole
307 proprietorships, or other legally recognized entities.

308 (b) "Distribute" means to issue, sell, give, provide,
309 deliver, transfer, transmute, circulate, or disseminate by any
310 means.

311 (c) "Internet" means the international computer network of
312 both federal and nonfederal interoperable packet-switched data
313 networks.

314 (d) "Material harmful to minors" has the same meaning as
315 in s. 847.001.

316 (e) "Minor" means any person under the age of 18 years.

317 (f) "News-gathering organization" means:

318 1. A newspaper, news publication, or news source, printed
319 or published online or on a mobile platform, of current news and
320 public interest, and includes an employee who can provide
321 documentation of such employment.

322 2. A radio broadcast station, television broadcast
323 station, cable television operator, or wire service, and
324 includes an employee who can provide documentation of such
325 employment.

326 (g) "Publish" means to communicate or make information
327 available to another person or entity on a publicly available
328 Internet website.

329 (h) "Reasonable age verification methods" means verifying
330 that the person seeking to access certain material is 18 years
331 of age or older by complying with an age verification system
332 that verifies in any of the following ways:

333 1. Government-issued identification.

334 2. Any commercially reasonable method that relies on
335 public or private transactional data to verify that the person
336 attempting to access the information is at least 18 years of age
337 or older.

338 (i) "Substantial portion" means more than 33.3 percent of
339 total material on a website which meets the definition of
340 "material harmful to minors" as defined by this section.

341 (j) "Transactional data" means a sequence of information
342 that documents an exchange, an agreement, or a transfer between
343 an individual, a commercial entity, or a third party used for
344 the purpose of satisfying a request or an event. Transactional
345 data can include, but is not limited to, records from mortgage,
346 education, and employment entities.

347 (2) A commercial entity shall use age verification methods
348 to verify the age of individuals attempting to access material
349 deemed harmful to minors on the Internet from a website that
350 contains a substantial portion of such material.

351 (3) Any commercial entity or third party that performs the
352 required age verification may not retain any personal
353 identifying information of the individual after access has been
354 granted to the material.

355 (4) This section does not apply to any bona fide news or
356 public interest broadcast, website video, report, or event and
357 may not be construed to affect the rights of any news-gathering
358 organizations.

359 (5) An Internet service provider or its affiliates or
360 subsidiaries, a search engine provider, or a cloud service
361 provider may not be held to have violated this section solely
362 for providing access or connection to or from a website or to
363 other information or content on the Internet or a facility,
364 system, or network not under that provider's control, including
365 transmission, downloading, intermediate storage, access
366 software, or other, to the extent such provider is not
367 responsible for the creation of the content of the communication
368 which constitutes material harmful to minors.

369 Section 9. Section 501.174, Florida Statutes, is created
370 to read:

371 501.174 Enforcement; Attorney General; rules.-

372 (1) The Department of Legal Affairs may adopt rules to
373 implement this section. If the department has reason to believe
374 that a manufacturer or consumer entity is in violation of s.
375 501.172 or s. 501.173 and that a proceeding would be in the

376 public interest, the department may initiate an appropriate
377 legal proceeding against such party.

378 (2) After the department has notified a party in writing
379 of an alleged violation, the department may grant the party a
380 30-day period to cure the alleged violation. If the party cures
381 the alleged violation to the satisfaction of the department and
382 provides proof of such cure to the department, the department
383 may issue a letter of guidance to the party which indicates that
384 the party will not be offered a 30-day cure period for any
385 future violations. If the party fails to cure the violation
386 within 30 days, the department may bring an action against the
387 party for the alleged violation.

388 (3) The trial court, upon a showing that any party is in
389 violation of s. 501.172 or s. 501.173, may take any of the
390 following actions:

391 (a) Issue a temporary or permanent injunction.

392 (b) Impose a civil penalty of not more than \$7,500 for
393 each violation.

394 (c) Award reasonable costs of enforcement, including
395 reasonable attorney fees and costs.

396 (d) Grant such other relief as the court may deem
397 appropriate.

398 Section 10. Subsection (7) of section 847.001, Florida
399 Statutes, is amended to read:

400 847.001 Definitions.—As used in this chapter, the term:

401 (7) "Harmful to minors" means any reproduction, imitation,
 402 characterization, description, exhibition, presentation, or
 403 representation, of whatever kind or form, depicting nudity,
 404 sexual conduct, or sexual excitement, including, but not limited
 405 to, pubic hair, the anus, the vulva, genitals, or the nipple of
 406 the female breast; touching, caressing, or fondling of nipples,
 407 breasts, buttocks, anuses, or genitals; or sexual intercourse,
 408 masturbation, sodomy, bestiality, oral copulation, flagellation,
 409 excretory functions, or any other sexual act or exhibition.

410 ~~when it:~~

411 ~~(a) Predominantly appeals to a prurient, shameful, or~~
 412 ~~morbid interest;~~

413 ~~(b) Is patently offensive to prevailing standards in the~~
 414 ~~adult community as a whole with respect to what is suitable~~
 415 ~~material or conduct for minors; and~~

416 ~~(c) Taken as a whole, is without serious literary,~~
 417 ~~artistic, political, or scientific value for minors.~~

418
 419 A mother's breastfeeding of her baby is not under any
 420 circumstance "harmful to minors."

421 Section 11. Subsections (3) and (5) of section 847.012,
 422 Florida Statutes, are amended to read:

423 847.012 Harmful materials; sale or distribution to minors
 424 or using minors in production prohibited; penalty.—

425 (3) A person may not knowingly sell, rent, give, send,

426 show, display, or loan ~~for monetary consideration~~ to a minor:

427 (a) Any picture, photograph, drawing, sculpture, motion
428 picture film, videocassette, social media post, or digital
429 video, or similar visual representation or image, of a person or
430 portion of the human body which depicts nudity or sexual
431 conduct, sexual excitement, sexual battery, bestiality, or
432 sadomasochistic abuse and which is harmful to minors; or

433 (b) Any book, pamphlet, magazine, printed matter however
434 reproduced, or sound recording that contains any matter defined
435 in s. 847.001, explicit and detailed verbal descriptions or
436 narrative accounts of sexual excitement, or sexual conduct and
437 that is harmful to minors.

438 (5) An adult may not knowingly distribute to a minor on
439 school property, or post on school property, any material
440 described in subsection (3). As used in this subsection, the
441 term "school property" means the grounds or facility of any
442 kindergarten, elementary school, middle school, junior high
443 school, or secondary school, whether public or nonpublic. This
444 subsection does not apply to the distribution or posting of
445 materials aligned with the state academic standards under s.
446 1003.41 ~~school-approved instructional materials that by design~~
447 ~~serve as a major tool for assisting in the instruction of a~~
448 ~~subject or course by school officers, instructional personnel,~~
449 ~~administrative personnel, school volunteers, educational support~~
450 ~~employees, or managers as those terms are defined in s. 1012.01.~~

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451 Section 12. Subsections (7) and (8) are added to section
 452 1002.321, Florida Statutes, to read:

453 1002.321 Digital learning.—

454 (7) LIMITATIONS.—Notwithstanding ss. 1002.37, 1002.45,
 455 1002.451, 1002.455, and 1003.499, no more than 10 percent of
 456 instructional time given in a traditional school setting for
 457 prekindergarten through grade 8 in a public school, including
 458 charter schools, may be delivered in an electronic format or a
 459 digital format as those terms are defined in s. 1006.29(3)(a)
 460 and (b), respectively.

461 (a) Instructional time delivered in an electronic format
 462 or a digital format includes any statewide or schoolwide
 463 standardized or progress monitoring assessment administered
 464 pursuant to s. 1008.22.

465 (b) The State Board of Education shall adopt rules
 466 pursuant to ss. 120.536(1) and 120.54 to administer this
 467 subsection.

468 (8) PARENTAL NOTIFICATION AND REVIEW.—A public school,
 469 including a charter school, must notify a parent of instruction
 470 that will be delivered to a student in an electronic format or a
 471 digital format. All such instructional material must be made
 472 available to the parent to review and access in advance.

473 Section 13. Paragraph (b) of subsection (16) of section
 474 1002.33, Florida Statutes, is amended to read:

475 1002.33 Charter schools.—

- 476 (16) EXEMPTION FROM STATUTES.—
- 477 (b) Additionally, a charter school shall be in compliance
- 478 with the following statutes:
- 479 1. Section 286.011, relating to public meetings and
- 480 records, public inspection, and criminal and civil penalties.
- 481 2. Chapter 119, relating to public records.
- 482 3. Section 1003.03, relating to the maximum class size,
- 483 except that the calculation for compliance pursuant to s.
- 484 1003.03 shall be the average at the school level.
- 485 4. Section 1012.22(1)(c), relating to compensation and
- 486 salary schedules.
- 487 5. Section 1012.33(5), relating to workforce reductions.
- 488 6. Section 1012.335, relating to contracts with
- 489 instructional personnel hired on or after July 1, 2011.
- 490 7. Section 1012.34, relating to the substantive
- 491 requirements for performance evaluations for instructional
- 492 personnel and school administrators.
- 493 8. Section 1006.12, relating to safe-school officers.
- 494 9. Section 1006.07(7), relating to threat assessment
- 495 teams.
- 496 10. Section 1006.07(9), relating to School Environmental
- 497 Safety Incident Reporting.
- 498 11. Section 1006.07(10), relating to reporting of
- 499 involuntary examinations.
- 500 12. Section 1006.1493, relating to the Florida Safe

501 Schools Assessment Tool.

502 13. Section 1006.07(6)(d), relating to adopting an active
503 assailant response plan.

504 14. Section 943.082(4)(b), relating to the mobile
505 suspicious activity reporting tool.

506 15. Section 1012.584, relating to youth mental health
507 awareness and assistance training.

508 16. Section 1006.07(2)(f), relating to wireless
509 communications devices.

510 17. Section 1006.07(12), relating to online posting or
511 sharing of student images or of the location of students in such
512 images.

513 18. Section 1006.28(4)(f), relating to posting of
514 electronic instructional material.

515 Section 14. Present subsections (12) through (17) of
516 section 1002.42, Florida Statutes, are redesignated as
517 subsections (13) through (18), respectively, a new subsection
518 (12) is added to that section, and subsection (10) of that
519 section is amended, to read:

520 1002.42 Private schools.—

521 (10) INSTRUCTIONAL MATERIALS.—

522 (a) A private school shall publish on the school's website
523 in an easily accessible location a list of the websites approved
524 for use by teachers and students for instructional purposes.

525 (b) District school boards may dispose of instructional

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526 materials when they become unserviceable or surplus or are no
527 longer on state contract by giving them to a private school in
528 accordance with ~~the provisions of~~ s. 1006.41.

529 (12) INTERNET SAFETY.—

530 (a) A private school shall adopt a policy regarding
531 student use of a personal wireless communications device while
532 on school property or in attendance at a school function. Such
533 policy must include a prohibition during school hours on student
534 use of a wireless communications device for any purpose other
535 than classroom instruction, emergency use, or communication with
536 parents, siblings, or legal guardians. For the purposes of this
537 paragraph, the term "personal wireless communications device"
538 means hardware that uses wireless technology to transmit and
539 receive data, and includes, but is not limited to, a wireless
540 telephone, text-messaging device, computer tablet, or laptop
541 computer.

542 (b) Each private school shall adopt a policy that
543 prohibits an individual, including, but not limited to, a
544 student, an employee, or a contractor, from posting online to
545 any social media platform as defined in s. 501.2041 a student's
546 image created during school hours. Such policy must also
547 prohibit the online sharing of any information that could
548 identify the location of a student at the time the information
549 is shared. A student's parent or guardian may not waive the
550 requirements of this paragraph.

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551 Section 15. Paragraph (f) of subsection (2) of section
552 1006.07, Florida Statutes, is amended, and subsection (12) is
553 added to that section, to read:

554 1006.07 District school board duties relating to student
555 discipline and school safety.—The district school board shall
556 provide for the proper accounting for all students, for the
557 attendance and control of students at school, and for proper
558 attention to health, safety, and other matters relating to the
559 welfare of students, including:

560 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
561 conduct for elementary schools and a code of student conduct for
562 middle and high schools and distribute the appropriate code to
563 all teachers, school personnel, students, and parents, at the
564 beginning of every school year. Each code shall be organized and
565 written in language that is understandable to students and
566 parents and shall be discussed at the beginning of every school
567 year in student classes, school advisory council meetings, and
568 parent and teacher association or organization meetings. Each
569 code shall be based on the rules governing student conduct and
570 discipline adopted by the district school board and shall be
571 made available in the student handbook or similar publication.
572 Each code shall include, but is not limited to:

573 (f) Notice that use of a wireless communications device
574 includes the possibility of the imposition of disciplinary
575 action by the school or criminal penalties if the device is used

576 in a criminal act. For purposes of this paragraph, the term
577 "wireless communications device" means hardware that uses
578 wireless technology to transmit and receive data, and includes,
579 but is not limited to, a wireless telephone, text-messaging
580 device, computer tablet, or laptop computer. A student may
581 possess a wireless communications device while the student is on
582 school property or in attendance at a school function. Each
583 district school board shall adopt rules governing the use of a
584 wireless communications device by a student while the student is
585 on school property or in attendance at a school function. Such
586 rules must include a prohibition during school hours on student
587 use of a wireless communications device for any purpose other
588 than classroom instruction, emergency use, or communication with
589 parents, siblings, or legal guardians.

590 (12) INTERNET SAFETY.—Each district school board shall
591 adopt a policy that prohibits an individual, including, but not
592 limited to, a student, an employee, or a contractor, from
593 posting online to any social media platform as defined in s.
594 501.2041 a student's image created during school hours. Such
595 policy must also prohibit the online sharing of any information
596 that could identify the location of a student at the time the
597 information is shared. A student's parent or guardian may not
598 waive the requirements of this subsection.

599 Section 16. Paragraph (a) of subsection (2) of section
600 1006.28, Florida Statutes, is amended, and paragraph (f) is

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601 added to that subsection, to read:

602 1006.28 Duties of district school board, district school
603 superintendent; and school principal regarding K-12
604 instructional materials.—

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

610 (a) Courses of study; adoption.—Adopt courses of study,
611 including instructional materials, for use in the schools of the
612 district.

613 1. Each district school board is responsible for the
614 content of all instructional materials and any other materials
615 used in a classroom, made available in a school library, or
616 included on a reading list, whether adopted and purchased from
617 the state-adopted instructional materials list, adopted and
618 purchased through a district instructional materials program
619 under s. 1006.283, or otherwise purchased or made available.

620 2. Each district school board shall ~~must~~ adopt a policy
621 regarding an objection by a parent or a resident of the county
622 to the use of a specific material, which clearly describes a
623 process to handle all objections and provides for resolution.
624 The process must provide the parent or resident the opportunity
625 to proffer evidence to the district school board that:

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

632 b. Any material used in a classroom, made available in a
633 school library, or included on a reading list contains content
634 that is pornographic or prohibited under s. 847.012, is not
635 suited to student needs and their ability to comprehend the
636 material presented, or is inappropriate for the grade level and
637 age group for which the material is used.

638
639 If the district school board finds that an instructional
640 material does not meet the criteria under sub-subparagraph a. or
641 that any other material contains prohibited content under sub-
642 subparagraph b., the school district must ~~shall~~ discontinue use
643 of the material for any grade level or age group for which such
644 use is inappropriate or unsuitable.

645 3. Each district school board shall ~~must~~ establish a
646 process by which the parent of a public school student or a
647 resident of the county may contest the district school board's
648 adoption of a specific instructional material. The parent or
649 resident must file a petition, on a form provided by the school
650 board, ~~within 30 calendar days after the adoption of the~~

651 ~~instructional material by the school board.~~ The school board
652 shall ~~must~~ make the form available to the public and publish the
653 form on the school district's website. The form must be signed
654 by the parent or resident, include the required contact
655 information, and state the objection to the instructional
656 material based on the criteria of s. 1006.31(2) or s.
657 1006.40(3)(d). Within 30 days ~~after the 30-day period has~~
658 ~~expired~~, the school board must, for all petitions timely
659 received, conduct at least one open public hearing before an
660 unbiased and qualified hearing officer. The hearing officer may
661 not be an employee or agent of the school district. The hearing
662 before the school board is not subject to ~~the provisions of~~
663 chapter 120; however, the hearing must provide sufficient
664 procedural protections that ~~to~~ allow each petitioner an adequate
665 and fair opportunity to be heard and present evidence to the
666 hearing officer. The school board's decision ~~after convening a~~
667 ~~hearing~~ is final agency action and is ~~not~~ subject to further
668 petition or review pursuant to chapter 120.

669 4. Meetings of committees convened for the purpose of
670 ranking, eliminating, or selecting instructional materials for
671 recommendation to the district school board must be noticed and
672 open to the public in accordance with s. 286.011. Any committees
673 convened for such purposes must include parents of district
674 students.

675 (f) Websites.—Annually publish to the school board's

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676 website a list of all websites or software applications adopted
677 for use by teachers and students for instructional purposes.

678 Section 17. Subsection (2) of section 1006.29, Florida
679 Statutes, is amended to read:

680 1006.29 State instructional materials reviewers.—

681 (2) For purposes of this part, the term "instructional
682 materials" means items having intellectual content that by
683 design serve as a major tool for assisting in the instruction of
684 a subject or course. These items may be available in bound,
685 unbound, kit, or package form and may consist of hardbacked or
686 softbacked textbooks, electronic content, consumables, learning
687 laboratories, manipulatives, electronic media that includes
688 Internet websites, and computer courseware or software. A
689 publisher or manufacturer providing instructional materials as a
690 single bundle shall also make the instructional materials
691 available as separate and unbundled items, each priced
692 individually. A publisher may also offer sections of state-
693 adopted instructional materials in digital or electronic
694 versions at reduced rates to districts, schools, and teachers.

695 Section 18. For the purpose of incorporating the amendment
696 made by this act to section 847.012, Florida Statutes, in a
697 reference thereto, paragraph (d) of subsection (3) of section
698 1006.40, Florida Statutes, is reenacted, and subsection (4) of
699 that section is amended, to read:

700 1006.40 Use of instructional materials allocation;

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701 instructional materials, library books, and reference books;
702 repair of books.—

703 (3)

704 (d) Any materials purchased pursuant to this section must
705 be:

706 1. Free of pornography and material prohibited under s.
707 847.012.

708 2. Suited to student needs and their ability to comprehend
709 the material presented.

710 3. Appropriate for the grade level and age group for which
711 the materials are used or made available.

712 (4) (a) Each district school board is responsible for the
713 content of all materials used in a classroom or otherwise made
714 available to students. Each district school board shall adopt
715 rules, and each district school superintendent shall implement
716 procedures, that:

717 1. (a) Maximize student use of ~~the~~ district-approved
718 instructional materials.

719 2. (b) Provide a process for public review of, public
720 comment on, and the adoption of materials, including those used
721 to provide instruction required by s. 1003.42, which satisfies
722 the requirements of s. 1006.283(2)(b)8., 9., and 11.

723 (b) If a district school board is found by the Department
724 of Education to have purchased or employed material harmful to
725 minors as defined in s. 847.001, the department must seize such

726 | materials.

727 | Section 19. For the purpose of incorporating the amendment
728 | made by this act to section 847.012, Florida Statutes, in a
729 | reference thereto, subsection (2) of section 1006.31, Florida
730 | Statutes, is reenacted to read:

731 | 1006.31 Duties of the Department of Education and school
732 | district instructional materials reviewer.—The duties of the
733 | instructional materials reviewer are:

734 | (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
735 | selection criteria listed in s. 1006.34(2)(b) and recommend for
736 | adoption only those instructional materials aligned with the
737 | Next Generation Sunshine State Standards provided for in s.
738 | 1003.41. Instructional materials recommended by each reviewer
739 | shall be, to the satisfaction of each reviewer, accurate,
740 | objective, balanced, noninflammatory, current, free of
741 | pornography and material prohibited under s. 847.012, and suited
742 | to student needs and their ability to comprehend the material
743 | presented. Reviewers shall consider for recommendation materials
744 | developed for academically talented students, such as students
745 | enrolled in advanced placement courses. When recommending
746 | instructional materials, each reviewer shall:

747 | (a) Include only instructional materials that accurately
748 | portray the ethnic, socioeconomic, cultural, religious,
749 | physical, and racial diversity of our society, including men and
750 | women in professional, career, and executive roles, and the role

751 and contributions of the entrepreneur and labor in the total
752 development of this state and the United States.

753 (b) Include only materials that accurately portray,
754 whenever appropriate, humankind's place in ecological systems,
755 including the necessity for the protection of our environment
756 and conservation of our natural resources and the effects on the
757 human system of the use of tobacco, alcohol, controlled
758 substances, and other dangerous substances.

759 (c) Include materials that encourage thrift, fire
760 prevention, and humane treatment of people and animals.

761 (d) Require, when appropriate to the comprehension of
762 students, that materials for social science, history, or civics
763 classes contain the Declaration of Independence and the
764 Constitution of the United States. A reviewer may not recommend
765 any instructional materials that contain any matter reflecting
766 unfairly upon persons because of their race, color, creed,
767 national origin, ancestry, gender, religion, disability,
768 socioeconomic status, or occupation or otherwise contradict the
769 principles enumerated under s. 1003.42(3).

770 Section 20. For the purpose of incorporating the amendment
771 made by this act to section 847.012, Florida Statutes, in a
772 reference thereto, subsection (2) of section 1006.34, Florida
773 Statutes, is reenacted to read:

774 1006.34 Powers and duties of the commissioner and the
775 department in selecting and adopting instructional materials.-

776 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

777 (a) The department shall notify all publishers and
778 manufacturers of instructional materials who have submitted bids
779 that within 3 weeks after the deadline for receiving bids, at a
780 designated time and place, it will open the bids submitted and
781 deposited with it. At the time and place designated, the bids
782 shall be opened, read, and tabulated in the presence of the
783 bidders or their representatives. No one may revise his or her
784 bid after the bids have been filed. When all bids have been
785 carefully considered, the commissioner shall, from the list of
786 suitable, usable, and desirable instructional materials reported
787 by the state instructional materials reviewers, select and adopt
788 instructional materials for each grade and subject field in the
789 curriculum of public elementary, middle, and high schools in
790 which adoptions are made and in the subject areas designated in
791 the advertisement. The adoption shall continue for the period
792 specified in the advertisement, beginning on the ensuing April
793 1. The adoption shall not prevent the extension of a contract as
794 provided in subsection (3). The commissioner shall always
795 reserve the right to reject any and all bids. The commissioner
796 may ask for new sealed bids from publishers or manufacturers
797 whose instructional materials were recommended by the state
798 instructional materials reviewers as suitable, usable, and
799 desirable; specify the dates for filing such bids and the date
800 on which they shall be opened; and proceed in all matters

801 regarding the opening of bids and the awarding of contracts as
802 required by this part. In all cases, bids shall be accompanied
803 by a cash deposit or certified check of from \$500 to \$2,500, as
804 the department may direct. The department, in adopting
805 instructional materials, shall give due consideration both to
806 the prices bid for furnishing instructional materials and to the
807 report and recommendations of the state instructional materials
808 reviewers. When the commissioner has finished with the report of
809 the state instructional materials reviewers, the report shall be
810 filed and preserved with the department and shall be available
811 at all times for public inspection.

812 (b) In the selection of instructional materials, library
813 media, and other reading material used in the public school
814 system, the standards used to determine the propriety of the
815 material shall include:

816 1. The age of the students who normally could be expected
817 to have access to the material.

818 2. The educational purpose to be served by the material.
819 Priority shall be given to the selection of materials that align
820 with the Next Generation Sunshine State Standards as provided
821 for in s. 1003.41 and include the instructional objectives
822 contained within the curriculum frameworks for career and
823 technical education and adult and adult general education
824 adopted by rule of the State Board of Education under s.
825 1004.92.

826 3. The degree to which the material would be supplemented
827 and explained by mature classroom instruction as part of a
828 normal classroom instructional program.

829 4. The consideration of the broad racial, ethnic,
830 socioeconomic, and cultural diversity of the students of this
831 state.

832
833 Any instructional material containing pornography or otherwise
834 prohibited by s. 847.012 may not be used or made available
835 within any public school.

836 Section 21. Paragraph (b) of subsection (13) of section
837 1011.62, Florida Statutes, is amended to read:

838 1011.62 Funds for operation of schools.—If the annual
839 allocation from the Florida Education Finance Program to each
840 district for operation of schools is not determined in the
841 annual appropriations act or the substantive bill implementing
842 the annual appropriations act, it shall be determined as
843 follows:

844 (13) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental
845 health assistance allocation is created to provide funding to
846 assist school districts in establishing or expanding school-
847 based mental health care; train educators and other school staff
848 in detecting and responding to mental health issues; and connect
849 children, youth, and families who may experience behavioral
850 health issues with appropriate services. These funds shall be

851 allocated annually in the General Appropriations Act or other
852 law to each eligible school district. Each school district shall
853 receive a minimum of \$100,000, with the remaining balance
854 allocated based on each school district's proportionate share of
855 the state's total unweighted full-time equivalent student
856 enrollment. Charter schools that submit a plan separate from the
857 school district are entitled to a proportionate share of
858 district funding. The allocated funds may not supplant funds
859 that are provided for this purpose from other operating funds
860 and may not be used to increase salaries or provide bonuses.
861 School districts are encouraged to maximize third-party health
862 insurance benefits and Medicaid claiming for services, where
863 appropriate.

864 (b) The plans required under paragraph (a) must be focused
865 on a multitiered system of supports to deliver evidence-based
866 mental health care assessment, diagnosis, intervention,
867 treatment, and recovery services to students with one or more
868 mental health or co-occurring substance abuse diagnoses and to
869 students at high risk of such diagnoses. The provision of these
870 services must be coordinated with a student's primary mental
871 health care provider and with other mental health providers
872 involved in the student's care. At a minimum, the plans must
873 include the following elements:

874 1. Direct employment of school-based mental health
875 services providers to expand and enhance school-based student

876 services and to reduce the ratio of students to staff in order
877 to better align with nationally recommended ratio models. These
878 providers include, but are not limited to, certified school
879 counselors, school psychologists, school social workers, and
880 other licensed mental health professionals. The plan also must
881 identify strategies to increase the amount of time that school-
882 based student services personnel spend providing direct services
883 to students, which may include the review and revision of
884 district staffing resource allocations based on school or
885 student mental health assistance needs.

886 2. Contracts or interagency agreements with one or more
887 local community behavioral health providers or providers of
888 Community Action Team services to provide a behavioral health
889 staff presence and services at district schools. Services may
890 include, but are not limited to, mental health screenings and
891 assessments, individual counseling, family counseling, group
892 counseling, psychiatric or psychological services, trauma-
893 informed care, mobile crisis services, and behavior
894 modification. These behavioral health services may be provided
895 on or off the school campus and may be supplemented by
896 telehealth.

897 3. Policies and procedures, including contracts with
898 service providers, which will ensure that:

899 a. Students referred to a school-based or community-based
900 mental health service provider for mental health screening for

901 the identification of mental health concerns and students at
902 risk for mental health disorders are assessed within 15 days of
903 referral. School-based mental health services must be initiated
904 within 15 days after identification and assessment, and support
905 by community-based mental health service providers for students
906 who are referred for community-based mental health services must
907 be initiated within 30 days after the school or district makes a
908 referral.

909 b. Parents of a student receiving services under this
910 subsection are provided information about other behavioral
911 health services available through the student's school or local
912 community-based behavioral health services providers. A school
913 may meet this requirement by providing information about and
914 Internet addresses for web-based directories or guides for local
915 behavioral health services.

916 c. Individuals living in a household with a student
917 receiving services under this subsection are provided
918 information about behavioral health services available through
919 other delivery systems or payors for which such individuals may
920 qualify, if such services appear to be needed or enhancements in
921 those individuals' behavioral health would contribute to the
922 improved well-being of the student.

923 4. Strategies or programs to reduce the likelihood of at-
924 risk students developing social, emotional, or behavioral health
925 problems, depression, anxiety disorders, suicidal tendencies,

926 | technology addiction, pornography addiction, or substance use
927 | disorders.

928 | 5. Strategies to improve the early identification of
929 | social, emotional, or behavioral problems or substance use
930 | disorders, including, but not limited to, technology addiction
931 | and pornography addiction, to improve the provision of early
932 | intervention services, and to assist students in dealing with
933 | trauma and violence.

934 | 6. Procedures to assist a mental health services provider
935 | or a behavioral health provider as described in subparagraph 1.
936 | or subparagraph 2., respectively, or a school resource officer
937 | or school safety officer who has completed mental health crisis
938 | intervention training in attempting to verbally de-escalate a
939 | student's crisis situation before initiating an involuntary
940 | examination pursuant to s. 394.463. Such procedures must include
941 | strategies to de-escalate a crisis situation for a student with
942 | a developmental disability as that term is defined in s.
943 | 393.063.

944 | 7. Policies of the school district which must require that
945 | in a student crisis situation, school or law enforcement
946 | personnel must make a reasonable attempt to contact a mental
947 | health professional who may initiate an involuntary examination
948 | pursuant to s. 394.463, unless the child poses an imminent
949 | danger to themselves or others, before initiating an involuntary
950 | examination pursuant to s. 394.463. Such contact may be in

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951 person or using telehealth as defined in s. 456.47. The mental
952 health professional may be available to the school district
953 either by contracts or interagency agreements with the managing
954 entity, one or more local community behavioral health providers,
955 or the local mobile response team or be a direct or contracted
956 school district employee.

957 Section 22. Paragraph (b) of subsection (2) of section
958 381.88, Florida Statutes, is amended to read:

959 381.88 Emergency allergy treatment.—

960 (2) As used in this section and s. 381.885, the term:

961 (b) "Authorized entity" means an entity or organization at
962 or in connection with which allergens capable of causing a
963 severe allergic reaction may be present. The term includes, but
964 is not limited to, restaurants, recreation camps, youth sports
965 leagues, theme parks and resorts, and sports arenas. However, a
966 school as described in s. 1002.20(3)(i) or s. 1002.42(18)(b) ~~s.~~
967 ~~1002.42(17)(b)~~ is an authorized entity for the purposes of s.
968 381.885(4) and (5) only.

969 Section 23. Subsection (2) of section 1011.67, Florida
970 Statutes, is amended to read:

971 1011.67 Funds for instructional materials.—

972 (2) Annually by July 1 and before the release of
973 instructional materials funds, each district school
974 superintendent shall certify to the Commissioner of Education
975 that the district school board has approved a comprehensive

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976 staff development plan that supports fidelity of implementation
977 of instructional materials programs, including verification that
978 training was provided; that the materials are being implemented
979 as designed; and, beginning July 1, 2021, for core reading
980 materials and reading intervention materials used in
981 kindergarten through grade 5, that the materials meet the
982 requirements of s. 1001.215(8). Such instructional materials, as
983 evaluated and identified pursuant to s. 1001.215(4), may be
984 purchased by the school district with funds under this section
985 without undergoing the adoption procedures under s.
986 1006.40(4)(a)2 ~~s. 1006.40(4)(b)~~. The certification must identify
987 any material that received an objection pursuant to s. 1006.28
988 for the school year and the specific objections thereto, each
989 material that was removed or discontinued as a result of an
990 objection, and the grade level and course for which a removed or
991 discontinued material was used, as applicable. This subsection
992 does not preclude school districts from purchasing or using
993 other materials to supplement reading instruction and provide
994 additional skills practice.

995 Section 24. This act shall take effect July 1, 2023.