1 A bill to be entitled 2 An act relating to education; providing a short title; 3 amending s. 1000.05, F.S.; deleting provisions 4 relating to prohibited training or instruction in 5 specified concepts which constitutes discrimination on 6 the basis of race, color, national origin, or sex; 7 repealing s. 1000.071, F.S., relating to personal 8 titles and pronouns; amending s. 1001.42, F.S.; 9 prohibiting school districts from adopting a procedure that compels or authorizes school personnel to share 10 11 certain information with a parent under certain 12 circumstances; deleting a provision authorizing school 13 districts to adopt procedures that permit school personnel to withhold certain information from a 14 15 parent under certain circumstances; deleting a 16 prohibition against classroom instruction on sexual 17 orientation and gender identity in specified grades; 18 deleting an exception; deleting a provision requiring 19 student support services to adhere to specified guidelines; amending s. 1001.706, F.S.; deleting a 20 21 requirement for the Board of Governors to include in 22 its review of state university missions a directive to 23 each university regarding its programs for curricula 24 that violate certain provisions; amending s. 1001.92, F.S.; deleting provisions relating to a state 25

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26 university losing its eligibility for performance 27 funding if a certain violation is substantiated; 28 amending s. 1003.42, F.S.; requiring instruction in 29 LGBTQ history in public schools; conforming a crossreference; amending s. 1004.06, F.S.; authorizing and 30 31 encouraging Florida College System institutions, state 32 universities, and direct-support organizations to 33 develop programs based on diversity, equity, and 34 inclusion principles; authorizing the expenditure of state or federal funds to promote such programs; 35 deleting a prohibition against Florida College System 36 37 institutions, state universities, and direct-support 38 organizations expending funds on programs or 39 activities that advocate for diversity, equity, and inclusion or that promote or engage in political or 40 41 social activism; deleting obsolete language; amending 42 s. 1006.28, F.S.; providing that certain provisions 43 relating to district school board duties and materials 44 made available in schools do not apply to classroom libraries; revising requirements for resolving 45 46 objections to instructional materials; deleting a 47 requirement that any instructional material that is 48 subject to an objection be removed within 5 school 49 days; deleting a requirement that a school board discontinue use of an instructional material if 50

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51	certain conditions are met; providing that school
52	libraries may provide materials and information
53	presenting all points of view; providing that
54	materials may not be proscribed or removed due to
55	partisan or doctrinal disapproval; amending s.
56	1007.25, F.S.; deleting certain prohibitions for
57	general education courses; providing an effective
58	date.
59	
60	Be It Enacted by the Legislature of the State of Florida:
61	
62	Section 1. This act may be cited as the "Freedom to Learn
63	Act."
64	Section 2. Subsection (4) of section 1000.05, Florida
65	Statutes, is amended to read:
66	1000.05 Discrimination against students and employees in
67	the Florida K-20 public education system prohibited; equality of
68	access required
69	(4)(a) It shall constitute discrimination on the basis of
70	race, color, national origin, or sex under this section to
71	subject any student or employee to training or instruction that
72	espouses, promotes, advances, inculcates, or compels such
73	student or employee to believe any of the following concepts:
74	1. Members of one race, color, national origin, or sex are
75	morally superior to members of another race, color, national
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76 origin, or sex. 2. A person, by virtue of his or her race, color, national 77 78 origin, or sex, is inherently racist, sexist, or oppressive, 79 whether consciously or unconsciously. 80 3. A person's moral character or status as either privileged or oppressed is necessarily determined by his or her 81 race, color, national origin, or sex. 82 83 4. Members of one race, color, national origin, or sex 84 cannot and should not attempt to treat others without respect to 85 race, color, national origin, or sex. 5. A person, by virtue of his or her race, color, national 86 87 origin, or sex, bears responsibility for, or should be discriminated against or receive adverse treatment because of, 88 89 actions committed in the past by other members of the same race, 90 color, national origin, or sex. 91 6. A person, by virtue of his or her race, color, national 92 origin, or sex, should be discriminated against or receive 93 adverse treatment to achieve diversity, equity, or inclusion. 94 A person, by virtue of his or her race, color, 7. SOX. or 95 national origin, bears personal responsibility for and must feel quilt, anguish, or other forms of psychological distress because 96 97 of actions, in which the person played no part, committed in the 98 past by other members of the same race, color, national origin, 99 or sex. 8. Such virtues as merit, excellence, hard work, fairness, 100 Page 4 of 23

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101	neutrality, objectivity, and racial colorblindness are racist or
102	sexist, or were created by members of a particular race, color,
103	national origin, or sex to oppress members of another race,
104	color, national origin, or sex.
105	(b) Paragraph (a) may not be construed to prohibit
106	discussion of the concepts listed therein as part of a larger
107	course of training or instruction, provided such training or
108	instruction is given in an objective manner without endorsement
109	of the concepts.
110	Section 3. <u>Section 1000.071, Florida Statutes, is</u>
111	repealed.
112	Section 4. Paragraph (c) of subsection (8) of section
113	1001.42, Florida Statutes, is amended to read:
114	1001.42 Powers and duties of district school boardThe
115	district school board, acting as a board, shall exercise all
116	powers and perform all duties listed below:
117	(8) STUDENT WELFARE
118	(c)1. In accordance with the rights of parents enumerated
119	in ss. 1002.20 and 1014.04, adopt procedures for notifying a
120	student's parent if there is a change in the student's services
121	or monitoring related to the student's mental, emotional, or
122	physical health or well-being and the school's ability to
123	provide a safe and supportive learning environment for the
124	student. The procedures must reinforce the fundamental right of
125	parents to make decisions regarding the upbringing and control
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of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to facilitate discussion of the issue with the parent. The procedures may not prohibit parents from accessing any of their student's education and health records created, maintained, or used by the school district, as required by s. 1002.22(2).

133 2. A school district may not adopt procedures or student 134 support forms that prohibit school district personnel from 135 notifying a parent about his or her student's mental, emotional, 136 or physical health or well-being, or a change in related 137 services or monitoring, or that encourage or have the effect of 138 encouraging a student to withhold from a parent such 139 information. School district personnel may not discourage or 140 prohibit parental notification of and involvement in critical 141 decisions affecting a student's mental, emotional, or physical 142 health or well-being. A school district may not adopt a 143 procedure that compels or authorizes school personnel to provide such information to a parent if a reasonably prudent person 144 145 would believe that disclosure would result in harm to the student, including, but not limited to, This subparagraph does 146 147 not prohibit a school district from adopting procedures that 148 permit school personnel to withhold such information from a parent if a reasonably prudent person would believe that 149 disclosure would result in abuse, abandonment, or neglect, as 150

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151 those terms are defined in s. 39.01.

3. Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten through grade 8, except when required by ss. 1003.42(2)(n)3. and 1003.46. If such instruction is provided in grades 9 through 12, the instruction must be age-appropriate or developmentally appropriate for students in accordance with state standards. This subparagraph applies to charter schools.

159 4. Student support services training developed or provided 160 by a school district to school district personnel must adhere to 161 student services guidelines, standards, and frameworks 162 established by the Department of Education.

5. At the beginning of the school year, each school 163 164 district shall notify parents of each health care service 165 offered at their student's school and the option to withhold 166 consent or decline any specific service in accordance with s. 167 1014.06. Parental consent to a health care service does not waive the parent's right to access his or her student's 168 169 educational or health records or to be notified about a change 170 in his or her student's services or monitoring as provided by 171 this paragraph.

172 <u>4.6.</u> Before administering a student well-being 173 questionnaire or health screening form to a student in 174 kindergarten through grade 3, the school district must provide 175 the questionnaire or health screening form to the parent and

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176 obtain the permission of the parent.

177 <u>5.7.</u> Each school district shall adopt procedures for a 178 parent to notify the principal, or his or her designee, 179 regarding concerns under this paragraph at his or her student's 180 school and the process for resolving those concerns within 7 181 calendar days after notification by the parent.

a. At a minimum, the procedures must require that within
30 days after notification by the parent that the concern
remains unresolved, the school district must either resolve the
concern or provide a statement of the reasons for not resolving
the concern.

187 b. If a concern is not resolved by the school district, a 188 parent may:

189 Request the Commissioner of Education to appoint a (I) 190 special magistrate who is a member of The Florida Bar in good 191 standing and who has at least 5 years' experience in 192 administrative law. The special magistrate shall determine facts 193 relating to the dispute over the school district procedure or 194 practice, consider information provided by the school district, 195 and render a recommended decision for resolution to the State 196 Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or 197 198 reject the recommended decision at its next regularly scheduled 199 meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The 200

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201 costs of the special magistrate shall be borne by the school 202 district. The State Board of Education shall adopt rules, 203 including forms, necessary to implement this subparagraph.

(II) Bring an action against the school district to obtain a declaratory judgment that the school district procedure or practice violates this paragraph and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

210 c. Each school district shall adopt and post on its 211 website policies to notify parents of the procedures required 212 under this subparagraph.

213 d. Nothing contained in this subparagraph shall be 214 construed to abridge or alter rights of action or remedies in 215 equity already existing under the common law or general law.

216 Section 5. Paragraph (a) of subsection (5) of section 217 1001.706, Florida Statutes, is amended to read:

218 219 1001.706 Powers and duties of the Board of Governors.-(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.-

(a) The Legislature intends that the Board of Governors shall align the missions of each constituent university with the academic success of its students; the existing and emerging economic development needs of the state; the national reputation of its faculty and its academic and research programs; the quantity of externally generated research, patents, and

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226 licenses; and the strategic and accountability plans required in 227 paragraphs (b) and (c). The Board of Governors shall 228 periodically review the mission of each constituent university 229 and make updates or revisions as needed. Upon completion of a 230 review of the mission, the board shall review existing academic 231 programs for alignment with the mission. The board shall include 232 in its review a directive to each constituent university 233 regarding its programs for any curriculum that violates s. 234 1000.05 or that is based on theories that systemic racism, 235 sexism, oppression, and privilege are inherent in the 236 institutions of the United States and were created to maintain 237 social, political, and economic inequities. The mission 238 alignment and strategic plan must consider peer institutions at 239 the constituent universities. The mission alignment and 240 strategic plan must acknowledge that universities that have a 241 national and international impact have the greatest capacity to 242 promote the state's economic development through: new 243 discoveries, patents, licenses, and technologies that generate 244 state businesses of global importance; research achievements 245 through external grants and contracts that are comparable to 246 nationally recognized and ranked universities; the creation of a 247 resource rich academic environment that attracts high-technology 248 business and venture capital to the state; and this generation's 249 finest minds focusing on solving the state's economic, social, environmental, and legal problems in the areas of life sciences, 250

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water, sustainability, energy, and health care. A nationally recognized and ranked university that has a global perspective and impact must be afforded the opportunity to enable and protect the university's competitiveness on the global stage in fair competition with other institutions of other states in the highest Carnegie Classification.

257 Section 6. Subsection (5) of section 1001.92, Florida 258 Statutes, is amended to read:

259 1001.92 State University System Performance-Based 260 Incentive.-

261 (5) Notwithstanding any other provision of this section, 262 if any institution is found to have a substantiated violation of 263 s. 1000.05(4)(a), the institution shall be ineligible to receive 264 performance funding during the next fiscal year following the 265 year in which the violation is substantiated. Substantiated 266 findings are those as determined by a court of law, a standing 267 committee of the Legislature, or the Board of Governors.

268 Section 7. Paragraph (g) of subsection (2) of section 269 1003.42, Florida Statutes, is amended, and paragraph (v) is 270 added to that subsection, to read:

271

1003.42 Required instruction.-

(2) Members of the instructional staff of the public
schools, subject to the rules of the State Board of Education
and the district school board, shall teach efficiently and
faithfully, using the books and materials required that meet the

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276 highest standards for professionalism and historical accuracy, 277 following the prescribed courses of study, and employing 278 approved methods of instruction, the following:

279 (q)1. The history of the Holocaust (1933-1945), the 280 systematic, planned annihilation of European Jews and other 281 groups by Nazi Germany, a watershed event in the history of 282 humanity, to be taught in a manner that leads to an 283 investigation of human behavior, an understanding of the 284 ramifications of prejudice, racism, and stereotyping, and an 285 examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity 286 287 in a pluralistic society and for nurturing and protecting 288 democratic values and institutions, including the policy, 289 definition, and historical and current examples of anti-290 Semitism, as described in s.  $1000.05(7) = \frac{1000.05(8)}{5}$ , and the 291 prevention of anti-Semitism. Each school district must annually 292 certify and provide evidence to the department, in a manner 293 prescribed by the department, that the requirements of this 294 paragraph are met. The department shall prepare and offer 295 standards and curriculum for the instruction required by this 296 paragraph and may seek input from the Commissioner of 297 Education's Task Force on Holocaust Education or from any state 298 or nationally recognized Holocaust educational organizations. 299 The department may contract with any state or nationally recognized Holocaust educational organizations to develop 300

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301 training for instructional personnel and grade-appropriate 302 classroom resources to support the developed curriculum. 303 2. The second week in November shall be designated as 304 "Holocaust Education Week" in this state in recognition that 305 November is the anniversary of Kristallnacht, widely recognized 306 as a precipitating event that led to the Holocaust. 307 (v) The study of LGBTQ history in Florida and the LGBTQ 308 community's contributions to the United States, which may 309 include important United States Supreme Court cases, such as 310 Obergefell v. Hodges and Windsor v. United States; the Florida 311 Legislative Investigation Committee; and the tragedy at Pulse 312 Nightclub. 313 314 The State Board of Education is encouraged to adopt standards 315 and pursue assessment of the requirements of this subsection. 316 Instructional programming that incorporates the values of the 317 recipients of the Congressional Medal of Honor and that is 318 offered as part of a social studies, English Language Arts, or 319 other schoolwide character building and veteran awareness 320 initiative meets the requirements of paragraph (u). 321 Section 8. Subsection (4) of section 1004.06, Florida 322 Statutes, is renumbered as subsection (3), and subsections (2) 323 and (3) of that section are amended to read: 324 1004.06 Prohibited expenditures.-325 (2) A Florida College System institution, state

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326	university, Florida College System institution direct-support
327	organization, or state university direct-support organization
328	may, and is encouraged to, develop programs and campus
329	activities anchored in the principles of diversity, equity, and
330	inclusion. Programs and courses may not expend any state or
331	federal funds to promote, support, or maintain any such programs
332	or campus activities <del>that:</del>
333	(a) Violate s. 1000.05; or
334	(b) Advocate for diversity, equity, and inclusion, or
335	promote or engage in political or social activism, as defined by
336	rules of the State Board of Education and regulations of the
337	Board of Governors.
338	
339	Student fees to support student-led organizations are permitted
340	notwithstanding any speech or expressive activity by such
341	organizations which would otherwise violate this subsection,
342	provided that the public funds must be allocated to student-led
343	organizations pursuant to written policies or regulations of
344	each Florida College System institution or state university, as
345	applicable. Use of institution facilities by student-led
346	organizations is permitted notwithstanding any speech or
347	expressive activity by such organizations which would otherwise
348	violate this subsection, provided that such use must be granted
349	to student-led organizations pursuant to written policies or
350	regulations of each Florida College System institution or state
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351 university, as applicable. 352 (3) Subsection (2) does not prohibit programs, campus 353 activities, or functions required for compliance with general or 354 federal laws or regulations; for obtaining or retaining 355 institutional or discipline-specific accreditation with the 356 approval of either the State Board of Education or the Board of 357 Governors; or for access programs for military veterans, Pell 358 Grant recipients, first generation college students, nontraditional students, "2+2" transfer students from the 359 360 Florida College System, students from low-income families, or 361 students with unique abilities. 362 Section 9. Paragraphs (a) and (d) of subsection (2) of 363 section 1006.28, Florida Statutes, are amended to read: 364 1006.28 Duties of district school board, district school 365 superintendent; and school principal regarding K-12 366 instructional materials.-367 DISTRICT SCHOOL BOARD.-The district school board has (2)368 the constitutional duty and responsibility to select and provide 369 adequate instructional materials for all students in accordance 370 with the requirements of this part. The district school board 371 also has the following specific duties and responsibilities: 372 Courses of study; adoption.-Adopt courses of study, (a) 373 including instructional materials, for use in the schools of the 374 district. 375 1. Each district school board is responsible for the

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376 content of all instructional materials and any other materials 377 used in a classroom, made available in a school or classroom 378 library, or included on a reading list, whether adopted and 379 purchased from the state-adopted instructional materials list, 380 adopted and purchased through a district instructional materials 381 program under s. 1006.283, or otherwise purchased or made 382 available.

383 2. Each district school board must adopt a policy 384 regarding an objection by a parent or a resident of the county 385 to the use of a specific material, which clearly describes a process to handle all objections and provides for resolution. 386 387 The objection form, as prescribed by State Board of Education 388 rule, and the district school board's process must be easy to 389 read and understand and be easily accessible on the homepage of 390 the school district's website. The objection form must also 391 identify the school district point of contact and contact 392 information for the submission of an objection. The process must 393 provide the parent or resident the opportunity to proffer 394 evidence to the district school board that:

395 a. An instructional material does not meet the criteria of 396 s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in 397 a course or otherwise made available to students in the school 398 district but was not subject to the public notice, review, 399 comment, and hearing procedures under s. 1006.283(2)(b)8., 9., 400 and 11.

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401 Any material used in a classroom, made available in a b. 402 school or classroom library, or included on a reading list 403 contains content which: 404 (I) Is pornographic or prohibited under s. 847.012; 405 Depicts or describes sexual conduct as defined in s. (II)406 847.001(19), unless such material is for a course required by s. 407 1003.46, s. 1003.42(2)(n)1.g., or s. 1003.42(2)(n)3., or 408 identified by State Board of Education rule; 409 (III) Is not suited to student needs and their ability to 410 comprehend the material presented; or 411 (III) <del>(IV)</del> Is inappropriate for the grade level and age 412 group for which the material is used. 413 414 Any material that is subject to an objection on the basis of 415 sub-subparagraph b. (I) or sub-subparagraph b. (II) must 416 be removed within 5 school days of receipt of the objection and 417 remain unavailable to students of that school until the 418 objection is resolved. Parents shall have the right to read 419 passages from any material that is subject to an objection. If 420 the school board denies a parent the right to read passages due 421 to content that meets the requirements under sub-sub-422 subparagraph b.(I), the school district shall discontinue the 423 use of the material. If the district school board finds that any 424 material meets the requirements under sub-subparagraph a. or 425 that any other material contains prohibited content under sub-

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426 sub-subparagraph b.(I), the school district shall discontinue 427 use of the material. If the district school board finds that any 428 other material contains prohibited content under sub-sub-429 subparagraphs b.(II)-(IV), the school district shall discontinue 430 use of the material for any grade level or age group for which 431 such use is inappropriate or unsuitable.

432 3. Each district school board must establish a process by 433 which the parent of a public school student or a resident of the 434 county may contest the district school board's adoption of a 435 specific instructional material. The parent or resident must file a petition, on a form provided by the school board, within 436 437 30 calendar days after the adoption of the instructional material by the school board. The school board must make the 438 439 form available to the public and publish the form on the school 440 district's website. The form must be signed by the parent or 441 resident, include the required contact information, and state 442 the objection to the instructional material based on the 443 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days 444 after the 30-day period has expired, the school board must, for 445 all petitions timely received, conduct at least one open public 446 hearing before an unbiased and qualified hearing officer. The 447 hearing officer may not be an employee or agent of the school 448 district. The hearing is not subject to the provisions of 449 chapter 120; however, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and 450

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451 fair opportunity to be heard and present evidence to the hearing 452 officer. The school board's decision after convening a hearing 453 is final and not subject to further petition or review.

454 4. Meetings of committees convened for the purpose of 455 ranking, eliminating, or selecting instructional materials for 456 recommendation to the district school board must be noticed and 457 open to the public in accordance with s. 286.011. Any committees 458 convened for such purposes must include parents of students who 459 will have access to such materials.

460 5. Meetings of committees convened for the purpose of 461 resolving an objection by a parent or resident to specific 462 materials must be noticed and open to the public in accordance 463 with s. 286.011. Any committees convened for such purposes must 464 include parents of students who will have access to such 465 materials.

466 6. If a parent disagrees with the determination made by 467 the district school board on the objection to the use of a 468 specific material, a parent may request the Commissioner of 469 Education to appoint a special magistrate who is a member of The 470 Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall 471 determine facts relating to the school district's determination, 472 473 consider information provided by the parent and the school 474 district, and render a recommended decision for resolution to 475 the State Board of Education within 30 days after receipt of the

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476 request by the parent. The State Board of Education must approve 477 or reject the recommended decision at its next regularly 478 scheduled meeting that is more than 7 calendar days and no more 479 than 30 days after the date the recommended decision is 480 transmitted. The costs of the special magistrate shall be borne 481 by the school district. The State Board of Education shall adopt 482 rules, including forms, necessary to implement this 483 subparagraph.

484 (d) School library media services; establishment and 485 maintenance.-Establish and maintain a program of school library 486 media services for all public schools in the district, including 487 school library media centers, or school library media centers 488 open to the public, and, in addition such traveling or 489 circulating libraries as may be needed for the proper operation 490 of the district school system. Beginning January 1, 2023, school 491 librarians, media specialists, and other personnel involved in 492 the selection of school district library materials must complete 493 the training program developed pursuant to s. 1006.29(6) before 494 reviewing and selecting age-appropriate materials and library 495 resources. Upon written request, a school district shall provide 496 access to any material or book specified in the request that is 497 maintained in a district school system library and is available 498 for review.

Each book made available to students through a school
 district library media center or included in a recommended or

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501 assigned school or grade-level reading list must be selected by 502 a school district employee who holds a valid educational media 503 specialist certificate, regardless of whether the book is 504 purchased, donated, or otherwise made available to students.

505 2. Each district school board shall adopt procedures for 506 developing library media center collections and post the 507 procedures on the website for each school within the district. 508 <u>School libraries may provide materials and information</u> 509 <u>presenting all points of view on current and historical issues.</u> 510 <u>Materials may not be proscribed or removed because of partisan</u> 511 <u>or doctrinal disapproval.</u> The procedures must:

a. Require that book selections meet the criteria in s.513 1006.40(3)(d).

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

517 c. Provide for library media center collections, including 518 classroom libraries, based on reader interest, support of state 519 academic standards and aligned curriculum, and the academic 520 needs of students and faculty.

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

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

4. Each district school board shall adopt and publish on
its website the process for a parent to limit his or her
student's access to materials in the school or classroom
library.

535 Section 10. Paragraph (c) of subsection (3) of section 536 1007.25, Florida Statutes, is amended to read:

537 1007.25 General education courses; common prerequisites;538 other degree requirements.-

539 The chair of the State Board of Education and the (3) 540 chair of the Board of Governors, or their designees, shall 541 jointly appoint faculty committees to review and recommend to 542 the Articulation Coordinating Committee for approval by the 543 State Board of Education and the Board of Governors statewide 544 general education core course options for inclusion in the 545 statewide course numbering system established under s. 1007.24. Faculty committees shall, by July 1, 2024, and by July 1 every 4 546 547 years thereafter, review and submit recommendations to the 548 Articulation Coordinating Committee and the commissioner for the 549 removal, alignment, realignment, or addition of general education core courses that satisfy the requirements of this 550

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551 subsection.

(c) Ceneral education core courses may not distort significant historical events or include a curriculum that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. Section 11. This act shall take effect July 1, 2024.

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