

By Senator Davis

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1 A bill to be entitled
2 An act relating to education; providing a short title;
3 repealing s. 1000.05(4), F.S., relating to prohibited
4 training or instruction in specified concepts which
5 constitutes discrimination on the basis of race,
6 color, national origin, or sex; repealing s. 1000.071,
7 F.S., relating to personal titles and pronouns;
8 amending s. 1001.42, F.S.; prohibiting school
9 districts from adopting a procedure that compels or
10 authorizes school personnel to share certain
11 information with a parent under certain circumstances;
12 deleting a provision authorizing school districts to
13 adopt procedures that permit school personnel to
14 withhold certain information from a parent under
15 certain circumstances; deleting a prohibition against
16 classroom instruction on sexual orientation and gender
17 identity in specified grades; deleting an exception;
18 deleting a provision requiring student support
19 services to adhere to specified guidelines; amending
20 s. 1001.706, F.S.; deleting a requirement for the
21 Board of Governors to include in its review of state
22 university missions a directive to each university
23 regarding its programs for curricula that violate
24 certain provisions; repealing s. 1001.92(5), F.S.,
25 relating to an educational institution losing its
26 eligibility for performance funding if a certain
27 violation is substantiated; amending s. 1003.42, F.S.;
28 requiring instruction in LGBTQ history in public
29 schools; conforming a cross-reference; amending s.

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30 1004.06, F.S.; authorizing and encouraging Florida
31 College System institutions, state universities, and
32 direct-support organizations to develop programs based
33 on diversity, equity, and inclusion principles;
34 authorizing the expenditure of state or federal funds
35 to promote such programs; deleting a prohibition
36 against Florida College System institutions, state
37 universities, and direct-support organizations
38 expending funds on programs or activities that
39 advocate for diversity, equity, and inclusion or that
40 promote or engage in political or social activism;
41 deleting obsolete language; amending s. 1006.28, F.S.;
42 providing that certain provisions relating to district
43 school board duties and materials made available in
44 schools do not apply to classroom libraries; revising
45 requirements for resolving objections to instructional
46 materials; deleting a requirement that any
47 instructional material that is subject to an objection
48 be removed within 5 school days; deleting a
49 requirement that a school board discontinue use of an
50 instructional material if certain conditions are met;
51 providing that school libraries may provide materials
52 and information presenting all points of view;
53 providing that materials may not be proscribed or
54 removed due to partisan or doctrinal disapproval;
55 amending s. 1007.25, F.S.; deleting certain
56 prohibitions for general education courses; providing
57 an effective date.
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59 Be It Enacted by the Legislature of the State of Florida:

60
61 Section 1. This act may be cited as the "Freedom to Learn
62 Act."

63 Section 2. Subsection (4) of section 1000.05, Florida
64 Statutes, is repealed.

65 Section 3. Section 1000.071, Florida Statutes, is repealed.

66 Section 4. Paragraph (c) of subsection (8) of section
67 1001.42, Florida Statutes, is amended to read:

68 1001.42 Powers and duties of district school board.—The
69 district school board, acting as a board, shall exercise all
70 powers and perform all duties listed below:

71 (8) STUDENT WELFARE.—

72 (c)1. In accordance with the rights of parents enumerated
73 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
74 student's parent if there is a change in the student's services
75 or monitoring related to the student's mental, emotional, or
76 physical health or well-being and the school's ability to
77 provide a safe and supportive learning environment for the
78 student. The procedures must reinforce the fundamental right of
79 parents to make decisions regarding the upbringing and control
80 of their children by requiring school district personnel to
81 encourage a student to discuss issues relating to his or her
82 well-being with his or her parent or to facilitate discussion of
83 the issue with the parent. The procedures may not prohibit
84 parents from accessing any of their student's education and
85 health records created, maintained, or used by the school
86 district, as required by s. 1002.22(2).

87 2. A school district may not adopt procedures or student

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88 support forms that prohibit school district personnel from
89 notifying a parent about his or her student's mental, emotional,
90 or physical health or well-being, or a change in related
91 services or monitoring, or that encourage or have the effect of
92 encouraging a student to withhold from a parent such
93 information. School district personnel may not discourage or
94 prohibit parental notification of and involvement in critical
95 decisions affecting a student's mental, emotional, or physical
96 health or well-being. A school district may not adopt a
97 procedure that compels or authorizes school personnel to provide
98 such information to a parent if a reasonably prudent person
99 would believe that disclosure would result in harm to the
100 student, including, but not limited to, This subparagraph does
101 not prohibit a school district from adopting procedures that
102 permit school personnel to withhold such information from a
103 parent if a reasonably prudent person would believe that
104 disclosure would result in abuse, abandonment, or neglect, as
105 those terms are defined in s. 39.01.

106 ~~3. Classroom instruction by school personnel or third~~
107 ~~parties on sexual orientation or gender identity may not occur~~
108 ~~in prekindergarten through grade 8, except when required by ss.~~
109 ~~1003.42(2)(n)3. and 1003.46. If such instruction is provided in~~
110 ~~grades 9 through 12, the instruction must be age appropriate or~~
111 ~~developmentally appropriate for students in accordance with~~
112 ~~state standards. This subparagraph applies to charter schools.~~

113 ~~4. Student support services training developed or provided~~
114 ~~by a school district to school district personnel must adhere to~~
115 ~~student services guidelines, standards, and frameworks~~
116 ~~established by the Department of Education.~~

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117 ~~5.~~ At the beginning of the school year, each school
118 district shall notify parents of each health care service
119 offered at their student's school and the option to withhold
120 consent or decline any specific service in accordance with s.
121 1014.06. Parental consent to a health care service does not
122 waive the parent's right to access his or her student's
123 educational or health records or to be notified about a change
124 in his or her student's services or monitoring as provided by
125 this paragraph.

126 ~~4.6.~~ Before administering a student well-being
127 questionnaire or health screening form to a student in
128 kindergarten through grade 3, the school district must provide
129 the questionnaire or health screening form to the parent and
130 obtain the permission of the parent.

131 ~~5.7.~~ Each school district shall adopt procedures for a
132 parent to notify the principal, or his or her designee,
133 regarding concerns under this paragraph at his or her student's
134 school and the process for resolving those concerns within 7
135 calendar days after notification by the parent.

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

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

143 (I) Request the Commissioner of Education to appoint a
144 special magistrate who is a member of The Florida Bar in good
145 standing and who has at least 5 years' experience in

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146 administrative law. The special magistrate shall determine facts
147 relating to the dispute over the school district procedure or
148 practice, consider information provided by the school district,
149 and render a recommended decision for resolution to the State
150 Board of Education within 30 days after receipt of the request
151 by the parent. The State Board of Education must approve or
152 reject the recommended decision at its next regularly scheduled
153 meeting that is more than 7 calendar days and no more than 30
154 days after the date the recommended decision is transmitted. The
155 costs of the special magistrate shall be borne by the school
156 district. The State Board of Education shall adopt rules,
157 including forms, necessary to implement this subparagraph.

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

164 c. Each school district shall adopt and post on its website
165 policies to notify parents of the procedures required under this
166 subparagraph.

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

170 Section 5. Paragraph (a) of subsection (5) of section
171 1001.706, Florida Statutes, is amended to read:

172 1001.706 Powers and duties of the Board of Governors.—

173 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

174 (a) The Legislature intends that the Board of Governors

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175 shall align the missions of each constituent university with the
176 academic success of its students; the existing and emerging
177 economic development needs of the state; the national reputation
178 of its faculty and its academic and research programs; the
179 quantity of externally generated research, patents, and
180 licenses; and the strategic and accountability plans required in
181 paragraphs (b) and (c). The Board of Governors shall
182 periodically review the mission of each constituent university
183 and make updates or revisions as needed. Upon completion of a
184 review of the mission, the board shall review existing academic
185 programs for alignment with the mission. ~~The board shall include~~
186 ~~in its review a directive to each constituent university~~
187 ~~regarding its programs for any curriculum that violates s.~~
188 ~~1000.05 or that is based on theories that systemic racism,~~
189 ~~sexism, oppression, and privilege are inherent in the~~
190 ~~institutions of the United States and were created to maintain~~
191 ~~social, political, and economic inequities.~~ The mission
192 alignment and strategic plan must consider peer institutions at
193 the constituent universities. The mission alignment and
194 strategic plan must acknowledge that universities that have a
195 national and international impact have the greatest capacity to
196 promote the state's economic development through: new
197 discoveries, patents, licenses, and technologies that generate
198 state businesses of global importance; research achievements
199 through external grants and contracts that are comparable to
200 nationally recognized and ranked universities; the creation of a
201 resource rich academic environment that attracts high-technology
202 business and venture capital to the state; and this generation's
203 finest minds focusing on solving the state's economic, social,

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204 environmental, and legal problems in the areas of life sciences,
205 water, sustainability, energy, and health care. A nationally
206 recognized and ranked university that has a global perspective
207 and impact must be afforded the opportunity to enable and
208 protect the university's competitiveness on the global stage in
209 fair competition with other institutions of other states in the
210 highest Carnegie Classification.

211 Section 6. Subsection (5) of section 1001.92, Florida
212 Statutes, is repealed.

213 Section 7. Paragraph (g) of subsection (2) of section
214 1003.42, Florida Statutes, is amended, and paragraph (v) is
215 added to that subsection, to read:

216 1003.42 Required instruction.—

217 (2) Members of the instructional staff of the public
218 schools, subject to the rules of the State Board of Education
219 and the district school board, shall teach efficiently and
220 faithfully, using the books and materials required that meet the
221 highest standards for professionalism and historical accuracy,
222 following the prescribed courses of study, and employing
223 approved methods of instruction, the following:

224 (g)1. The history of the Holocaust (1933-1945), the
225 systematic, planned annihilation of European Jews and other
226 groups by Nazi Germany, a watershed event in the history of
227 humanity, to be taught in a manner that leads to an
228 investigation of human behavior, an understanding of the
229 ramifications of prejudice, racism, and stereotyping, and an
230 examination of what it means to be a responsible and respectful
231 person, for the purposes of encouraging tolerance of diversity
232 in a pluralistic society and for nurturing and protecting

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233 democratic values and institutions, including the policy,
234 definition, and historical and current examples of anti-
235 Semitism, as described in s. 1000.05(7) ~~s. 1000.05(8)~~, and the
236 prevention of anti-Semitism. Each school district must annually
237 certify and provide evidence to the department, in a manner
238 prescribed by the department, that the requirements of this
239 paragraph are met. The department shall prepare and offer
240 standards and curriculum for the instruction required by this
241 paragraph and may seek input from the Commissioner of
242 Education's Task Force on Holocaust Education or from any state
243 or nationally recognized Holocaust educational organizations.
244 The department may contract with any state or nationally
245 recognized Holocaust educational organizations to develop
246 training for instructional personnel and grade-appropriate
247 classroom resources to support the developed curriculum.

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

252 (v) The study of LGBTQ history in Florida and the LGBTQ
253 community's contributions to the United States, which may
254 include important United States Supreme Court cases, such as
255 *Obergefell v. Hodges* and *Windsor v. United States*; the Florida
256 Legislative Investigation Committee; and the tragedy at Pulse
257 Nightclub.

258
259 The State Board of Education is encouraged to adopt standards
260 and pursue assessment of the requirements of this subsection.
261 Instructional programming that incorporates the values of the

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262 recipients of the Congressional Medal of Honor and that is
263 offered as part of a social studies, English Language Arts, or
264 other schoolwide character building and veteran awareness
265 initiative meets the requirements of paragraph (u).

266 Section 8. Subsections (2) and (3) of section 1004.06,
267 Florida Statutes, are amended to read:

268 1004.06 Prohibited expenditures.—

269 (2) A Florida College System institution, state university,
270 Florida College System institution direct-support organization,
271 or state university direct-support organization may, and is
272 encouraged to, develop programs and campus activities anchored
273 in the principles of diversity, equity, and inclusion. Programs
274 and courses may not expend any state or federal funds to
275 promote, support, or maintain any such programs or campus
276 activities ~~that:~~

277 ~~(a) Violate s. 1000.05; or~~

278 ~~(b) Advocate for diversity, equity, and inclusion, or~~
279 ~~promote or engage in political or social activism, as defined by~~
280 ~~rules of the State Board of Education and regulations of the~~
281 ~~Board of Governors.~~

282
283 Student fees to support student-led organizations are permitted
284 ~~notwithstanding any speech or expressive activity by such~~
285 ~~organizations which would otherwise violate this subsection,~~
286 provided that the public funds must be allocated to student-led
287 organizations pursuant to written policies or regulations of
288 each Florida College System institution or state university, as
289 applicable. Use of institution facilities by student-led
290 organizations is permitted ~~notwithstanding any speech or~~

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291 ~~expressive activity by such organizations which would otherwise~~
292 ~~violate this subsection,~~ provided that such use must be granted
293 to student-led organizations pursuant to written policies or
294 regulations of each Florida College System institution or state
295 university, as applicable.

296 ~~(3) Subsection (2) does not prohibit programs, campus~~
297 ~~activities, or functions required for compliance with general or~~
298 ~~federal laws or regulations; for obtaining or retaining~~
299 ~~institutional or discipline-specific accreditation with the~~
300 ~~approval of either the State Board of Education or the Board of~~
301 ~~Governors; or for access programs for military veterans, Pell~~
302 ~~Grant recipients, first generation college students,~~
303 ~~nontraditional students, "2+2" transfer students from the~~
304 ~~Florida College System, students from low-income families, or~~
305 ~~students with unique abilities.~~

306 Section 9. Paragraphs (a) and (d) of subsection (2) of
307 section 1006.28, Florida Statutes, are amended to read:

308 1006.28 Duties of district school board, district school
309 superintendent; and school principal regarding K-12
310 instructional materials.—

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

316 (a) *Courses of study; adoption.*—Adopt courses of study,
317 including instructional materials, for use in the schools of the
318 district.

319 1. Each district school board is responsible for the

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320 content of all instructional materials and any other materials
321 used in a classroom, made available in a school ~~or classroom~~
322 library, or included on a reading list, whether adopted and
323 purchased from the state-adopted instructional materials list,
324 adopted and purchased through a district instructional materials
325 program under s. 1006.283, or otherwise purchased or made
326 available.

327 2. Each district school board must adopt a policy regarding
328 an objection by a parent ~~or a resident of the county~~ to the use
329 of a specific material, which clearly describes a process to
330 handle all objections and provides for resolution. The objection
331 form, as prescribed by State Board of Education rule, and the
332 district school board's process must be easy to read and
333 understand and be easily accessible on the homepage of the
334 school district's website. The objection form must also identify
335 the school district point of contact and contact information for
336 the submission of an objection. The process must provide the
337 parent ~~or resident~~ the opportunity to proffer evidence to the
338 district school board that:

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

345 b. Any material used in a classroom, made available in a
346 school ~~or classroom~~ library, or included on a reading list
347 contains content which:

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

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349 ~~(II) Depicts or describes sexual conduct as defined in s.~~
350 ~~847.001(19), unless such material is for a course required by s.~~
351 ~~1003.46, s. 1003.42(2)(n)1.g., or s. 1003.42(2)(n)3., or~~
352 ~~identified by State Board of Education rule;~~

353 ~~(III)~~ Is not suited to student needs and their ability to
354 comprehend the material presented; or

355 (III) ~~(IV)~~ Is inappropriate for the grade level and age
356 group for which the material is used.

357

358 ~~Any material that is subject to an objection on the basis of~~
359 ~~sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must~~
360 ~~be removed within 5 school days of receipt of the objection and~~
361 ~~remain unavailable to students of that school until the~~
362 ~~objection is resolved. Parents shall have the right to read~~
363 ~~passages from any material that is subject to an objection. If~~
364 ~~the school board denies a parent the right to read passages due~~
365 ~~to content that meets the requirements under sub-sub-~~
366 ~~subparagraph b.(I), the school district shall discontinue the~~
367 ~~use of the material. If the district school board finds that any~~
368 ~~material meets the requirements under sub-subparagraph a. or~~
369 ~~that any other material contains prohibited content under sub-~~
370 ~~sub-subparagraph b.(I), the school district shall discontinue~~
371 ~~use of the material. If the district school board finds that any~~
372 ~~other material contains prohibited content under sub-sub-~~
373 ~~subparagraphs b.(II)-(IV), the school district shall discontinue~~
374 ~~use of the material for any grade level or age group for which~~
375 ~~such use is inappropriate or unsuitable.~~

376 3. Each district school board must establish a process by
377 which the parent of a public school student ~~or a resident of the~~

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378 ~~county~~ may contest the district school board's adoption of a
379 specific instructional material. The parent ~~or resident~~ must
380 file a petition, on a form provided by the school board, within
381 30 calendar days after the adoption of the instructional
382 material by the school board. The school board must make the
383 form available to the public and publish the form on the school
384 district's website. The form must be signed by the parent ~~or~~
385 ~~resident~~, include the required contact information, and state
386 the objection to the instructional material based on the
387 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days
388 after the 30-day period has expired, the school board must, for
389 all petitions timely received, conduct at least one open public
390 hearing before an unbiased and qualified hearing officer. The
391 hearing officer may not be an employee or agent of the school
392 district. The hearing is not subject to the provisions of
393 chapter 120; however, the hearing must provide sufficient
394 procedural protections to allow each petitioner an adequate and
395 fair opportunity to be heard and present evidence to the hearing
396 officer. The school board's decision after convening a hearing
397 is final and not subject to further petition or review.

398 4. Meetings of committees convened for the purpose of
399 ranking, eliminating, or selecting instructional materials for
400 recommendation to the district school board must be noticed and
401 open to the public in accordance with s. 286.011. Any committees
402 convened for such purposes must include parents of students who
403 will have access to such materials.

404 5. Meetings of committees convened for the purpose of
405 resolving an objection by a parent ~~or resident~~ to specific
406 materials must be noticed and open to the public in accordance

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407 with s. 286.011. Any committees convened for such purposes must
408 include parents of students who will have access to such
409 materials.

410 6. If a parent disagrees with the determination made by the
411 district school board on the objection to the use of a specific
412 material, a parent may request the Commissioner of Education to
413 appoint a special magistrate who is a member of The Florida Bar
414 in good standing and who has at least 5 years' experience in
415 administrative law. The special magistrate shall determine facts
416 relating to the school district's determination, consider
417 information provided by the parent and the school district, and
418 render a recommended decision for resolution to the State Board
419 of Education within 30 days after receipt of the request by the
420 parent. The State Board of Education must approve or reject the
421 recommended decision at its next regularly scheduled meeting
422 that is more than 7 calendar days and no more than 30 days after
423 the date the recommended decision is transmitted. The costs of
424 the special magistrate shall be borne by the school district.
425 The State Board of Education shall adopt rules, including forms,
426 necessary to implement this subparagraph.

427 (d) *School library media services; establishment and*
428 *maintenance.*—Establish and maintain a program of school library
429 media services for all public schools in the district, including
430 school library media centers, or school library media centers
431 open to the public, and, in addition such traveling or
432 circulating libraries as may be needed for the proper operation
433 of the district school system. Beginning January 1, 2023, school
434 librarians, media specialists, and other personnel involved in
435 the selection of school district library materials must complete

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436 the training program developed pursuant to s. 1006.29(6) before
437 reviewing and selecting age-appropriate materials and library
438 resources. Upon written request, a school district shall provide
439 access to any material or book specified in the request that is
440 maintained in a district school system library and is available
441 for review.

442 1. Each book made available to students through a school
443 district library media center or included in a recommended or
444 assigned school or grade-level reading list must be selected by
445 a school district employee who holds a valid educational media
446 specialist certificate, regardless of whether the book is
447 purchased, donated, or otherwise made available to students.

448 2. Each district school board shall adopt procedures for
449 developing library media center collections and post the
450 procedures on the website for each school within the district.
451 School libraries may provide materials and information
452 presenting all points of view on current and historical issues.
453 Materials may not be proscribed or removed because of partisan
454 or doctrinal disapproval. The procedures must:

455 a. Require that book selections meet the criteria in s.
456 1006.40(3)(d).

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

460 c. Provide for library media center collections, including
461 classroom libraries, based on reader interest, support of state
462 academic standards and aligned curriculum, and the academic
463 needs of students and faculty.

464 d. Provide for the regular removal or discontinuance of

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465 books based on, at a minimum, physical condition, rate of recent
466 circulation, alignment to state academic standards and relevancy
467 to curriculum, out-of-date content, and required removal
468 pursuant to subparagraph (a)2.

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

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

478 Section 10. Paragraph (c) of subsection (3) of section
479 1007.25, Florida Statutes, is amended to read:

480 1007.25 General education courses; common prerequisites;
481 other degree requirements.-

482 (3) The chair of the State Board of Education and the chair
483 of the Board of Governors, or their designees, shall jointly
484 appoint faculty committees to review and recommend to the
485 Articulation Coordinating Committee for approval by the State
486 Board of Education and the Board of Governors statewide general
487 education core course options for inclusion in the statewide
488 course numbering system established under s. 1007.24. Faculty
489 committees shall, by July 1, 2024, and by July 1 every 4 years
490 thereafter, review and submit recommendations to the
491 Articulation Coordinating Committee and the commissioner for the
492 removal, alignment, realignment, or addition of general
493 education core courses that satisfy the requirements of this

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494 subsection.

495 ~~(c) General education core courses may not distort~~
496 ~~significant historical events or include a curriculum that~~
497 ~~teaches identity politics, violates s. 1000.05, or is based on~~
498 ~~theories that systemic racism, sexism, oppression, and privilege~~
499 ~~are inherent in the institutions of the United States and were~~
500 ~~created to maintain social, political, and economic inequities.~~

501 Section 11. This act shall take effect July 1, 2024.