A bill to be entitled
An act relating to individual freedom; amending s. 760.10, F.S.; providing that subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual to believe specified concepts constitutes discrimination based on race, color, sex, or national origin; providing construction; providing severability; amending s. 1003.42, F.S.; revising the requirements for required instruction on health education; requiring such instruction to comport with certain principles; requiring civic and character education instead of a character development program; providing the requirements of such education; providing Legislative findings; requiring instruction to be consistent with specified principles of individual freedom; authorizing instructional personnel to facilitate discussions and use curricula to address, in an age-appropriate manner, specified topics; prohibiting classroom instruction and curricula from being used to indoctrinate or persuade students in a manner inconsistent with certain principles or state academic standards; amending s. 1006.31, F.S.; prohibiting instructional materials reviewers from recommending instructional materials that contain any matter that contradicts certain principles; amending s. 1012.98,
F.S.; requiring the Department of Education to review school district professional development systems for compliance with certain provisions of law; amending ss. 1002.20 and 1006.40, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (8), (9), and (10) of section 760.10, Florida Statutes, are redesignated as subsections (9), (10), and (11), respectively, and a new subsection (8) and subsection (12) are added to that section, to read:

760.10 Unlawful employment practices.—

(8) (a) Subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual to believe any of the following concepts constitutes discrimination based on race, color, sex, or national origin under this section:

1. Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.

2. An individual, by virtue of his or her race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

3. An individual’s moral character or status as either privileged or oppressed is necessarily determined by his or her
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race, color, sex, or national origin.

4. Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.

5. An individual, by virtue of his or her race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin.

6. An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.

7. An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race, color, sex, or national origin.

8. Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress members of another race, color, sex, or national origin.

(b) Paragraph (a) may not be construed to prohibit discussion of the concepts listed therein as part of a course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts.

(12) If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or
application, and to this end the provisions of this section are
severable.

Section 2. Present subsection (3) of section 1003.42, Florida Statutes, is redesignated as subsection (4), a new
subsection (3) is added to that section, and paragraph (b) of
subsection (1) and subsection (2) of that section are amended,
to read:

1003.42 Required instruction.—
(1)
(b) All instructional materials, as defined in s.
1006.29(2), used to teach reproductive health or any disease,
including HIV/AIDS, its symptoms, development, and treatment, as
part of the courses referenced in subsection (4) (3), must be
annually approved by a district school board in an open, noticed
public meeting.

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

(a) The history and content of the Declaration of
Independence, including national sovereignty, natural law, self-
evident truth, equality of all persons, limited government,
popular sovereignty, and inalienable rights of life, liberty,
and property, and how they form the philosophical foundation of
our government.

(b) The history, meaning, significance, and effect of the
provisions of the Constitution of the United States and
amendments thereto, with emphasis on each of the 10 amendments
that make up the Bill of Rights and how the constitution
provides the structure of our government.

(c) The arguments in support of adopting our republican
form of government, as they are embodied in the most important
of the Federalist Papers.

(d) Flag education, including proper flag display and flag
salute.

(e) The elements of civil government, including the primary
functions of and interrelationships between the Federal
Government, the state, and its counties, municipalities, school
districts, and special districts.

(f) The history of the United States, including the period
of discovery, early colonies, the War for Independence, the
Civil War, the expansion of the United States to its present
boundaries, the world wars, and the civil rights movement to the
present. American history shall be viewed as factual, not as
constructed, shall be viewed as knowable, teachable, and
testable, and shall be defined as the creation of a new nation
based largely on the universal principles stated in the
Declaration of Independence.

(g)1. The history of the Holocaust (1933-1945), the
systematic, planned annihilation of European Jews and other
groups by Nazi Germany, a watershed event in the history of
humanity, to be taught in a manner that leads to an
investigation of human behavior, an understanding of the
ramifications of prejudice, racism, and stereotyping, and an
examination of what it means to be a responsible and respectful
person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions, including the policy, definition, and historical and current examples of anti-Semitism, as described in s. 1000.05(7), and the prevention of anti-Semitism. Each school district must annually certify and provide evidence to the department, in a manner prescribed by the department, that the requirements of this paragraph are met. The department shall prepare and offer standards and curriculum for the instruction required by this paragraph and may seek input from the Commissioner of Education’s Task Force on Holocaust Education or from any state or nationally recognized Holocaust educational organizations. The department may contract with any state or nationally recognized Holocaust educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.

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

(h) The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society. Instructional materials shall include the contributions of African Americans to American society.

(i) The elementary principles of agriculture.
(j) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

(k) Kindness to animals.

(l) The history of the state.

(m) The conservation of natural resources.

(n) Comprehensive age-appropriate and developmentally appropriate K-12 instruction on health education that addresses:

1. Health education that addresses concepts of community health, consumer health, environmental health, and family life, including:
   a. Mental and emotional health.
   b. Injury prevention and safety.
   c. Internet safety.
   d. Nutrition.
   e. Personal health.
   f. Prevention and control of disease.
   g. Substance use and abuse.
   h. Prevention of child sexual abuse, exploitation, and human trafficking.

2. The health education curriculum For students in grades 7 through 12, shall include a teen dating violence and abuse. This component must include, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

3. The health education curriculum For students in grades 6
through 12, shall include an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.

4. Life skills that build confidence, support mental and emotional health, and enable students to overcome challenges, including:
   a. Self-awareness and self-management.
   b. Responsible decisionmaking.
   c. Resiliency.
   d. Relationship skills and conflict resolution.
   e. Understanding and respecting other viewpoints and backgrounds.
   f. For grades 9 through 12, developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using state career planning resources; developing and practicing the skills necessary for employment interviews; workplace ethics and workplace law; managing stress and expectations; and self-motivation.

Health education and life skills instruction and materials may not contradict the principles enumerated in subsection (3).

(o) Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the district school board in fulfilling the requirements of law.

(p) The study of Hispanic contributions to the United States.

(q) The study of women’s contributions to the United States.
(r) The nature and importance of free enterprise to the United States economy.

(s) Civic and character education on a character development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature. Beginning in school year 2004-2005, the character development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character development program that shall be submitted to the department for approval.

1. The character development curriculum shall stress the qualities and responsibilities of patriotism and responsibility, citizenship, including kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation, and, 

2. The character development curriculum for grades 9 through 12 shall, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using state career planning resources; developing and practicing the skills necessary for employment interviews; conflict resolution, workplace ethics, and workplace law; managing stress and expectations, and developing skills that enable students to become more resilient and self-motivated.

3. The character development curriculum for grades 11 and 12, shall include instruction on voting using the uniform
(t) In order to encourage patriotism, the sacrifices that veterans and Medal of Honor recipients have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Medal of Honor Day, Veterans’ Day, and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans and Medal of Honor recipients when practicable.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

Instructional programming A character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraph (t) paragraphs (s) and (t).

(3) The Legislature acknowledges the fundamental truth that all individuals are equal before the law and have inalienable rights. Accordingly, instruction on the topics enumerated in this section and supporting materials must be consistent with the following principles of individual freedom:

(a) No individual is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex.

(b) No race is inherently superior to another race.

(c) No individual should be discriminated against or receive adverse treatment solely or partly on the basis of race, color, national origin, religion, disability, or sex.
(d) Meritocracy or traits such as a hard work ethic are not racist but fundamental to the right to pursue happiness and be rewarded for industry.

(e) An individual, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex.

(f) An individual should not be made to feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race.

Instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, the topics of sexism, slavery, racial oppression, racial segregation, and racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, racial segregation, and racial discrimination. However, classroom instruction and curriculum may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the principles of this subsection or state academic standards.

Section 3. Paragraph (d) of subsection (2) of section 1006.31, Florida Statutes, is amended to read:

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

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

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

Section 4. Paragraph (b) of subsection (4) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(4) The Department of Education, school districts, schools, Florida College System institutions, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of Florida College System institutions and state
universities, business and community representatives, and local
education foundations, consortia, and professional
organizations. The professional development system must:

1. Be reviewed and approved by the department for
compliance with s. 1003.42(3) and this section. All substantial
revisions to the system shall be submitted to the department for
review for continued approval.

2. Be based on analyses of student achievement data and
instructional strategies and methods that support rigorous,
relevant, and challenging curricula for all students. Schools
and districts, in developing and refining the professional
development system, shall also review and monitor school
discipline data; school environment surveys; assessments of
parental satisfaction; performance appraisal data of teachers,
managers, and administrative personnel; and other performance
indicators to identify school and student needs that can be met
by improved professional performance.

3. Provide inservice activities coupled with followup
support appropriate to accomplish district-level and school-
level improvement goals and standards. The inservice activities
for instructional personnel shall focus on analysis of student
achievement data, ongoing formal and informal assessments of
student achievement, identification and use of enhanced and
differentiated instructional strategies that emphasize rigor,
relevance, and reading in the content areas, enhancement of
subject content expertise, integrated use of classroom
technology that enhances teaching and learning, classroom
management, parent involvement, and school safety.

4. Provide inservice activities and support targeted to the
individual needs of new teachers participating in the professional development certification and education competency program under s. 1012.56(8)(a).

5. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1, must be based on input from teachers and district and school instructional leaders, and must use the latest available student achievement data and research to enhance rigor and relevance in the classroom. Each district inservice plan must be aligned to and support the school-based inservice plans and school improvement plans pursuant to s. 1001.42(18). Each district inservice plan must provide a description of the training that middle grades instructional personnel and school administrators receive on the district’s code of student conduct adopted pursuant to s. 1006.07; integrated digital instruction and competency-based instruction and CAPE Digital Tool certificates and CAPE industry certifications; classroom management; student behavior and interaction; extended learning opportunities for students; and instructional leadership. District plans must be approved by the district school board annually in order to ensure compliance with subsection (1) and to allow for dissemination of research-based best practices to other districts. District school boards must submit verification of their approval to the Commissioner of Education no later than October 1, annually. Each school principal may establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans.
developed pursuant to s. 1001.42(18). An individual professional
development plan must be related to specific performance data
for the students to whom the teacher is assigned, define the
inservice objectives and specific measurable improvements
expected in student performance as a result of the inservice
activity, and include an evaluation component that determines
the effectiveness of the professional development plan.

6. Include inservice activities for school administrative
personnel that address updated skills necessary for
instructional leadership and effective school management
pursuant to s. 1012.986.

7. Provide for systematic consultation with regional and
state personnel designated to provide technical assistance and
evaluation of local professional development programs.

8. Provide for delivery of professional development by
distance learning and other technology-based delivery systems to
reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and
effectiveness of professional development programs in order to
eliminate ineffective programs and strategies and to expand
effective ones. Evaluations must consider the impact of such
activities on the performance of participating educators and
their students’ achievement and behavior.

10. For middle grades, emphasize:
   a. Interdisciplinary planning, collaboration, and
      instruction.
   b. Alignment of curriculum and instructional materials to
      the state academic standards adopted pursuant to s. 1003.41.
   c. Use of small learning communities; problem-solving,
inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.

Each school that includes any of grades 6, 7, or 8 must include in its school improvement plan, required under s. 1001.42(18), a description of the specific strategies used by the school to implement each item listed in this subparagraph.

11. Provide training to reading coaches, classroom teachers, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporating instructional techniques into the general education setting which are proven to improve reading performance for all students; and using predictive and other data to make instructional decisions based on individual student needs. The training must help teachers integrate phonemic awareness; phonics, word study, and spelling; reading fluency; vocabulary, including academic vocabulary; and text comprehension strategies into an explicit, systematic, and sequential approach to reading instruction, including multisensory intervention strategies. Each district must provide all elementary grades instructional personnel access to training sufficient to meet the requirements of s. 1012.585(3)(f).

Section 5. Paragraph (d) of subsection (3) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information
regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(d) Reproductive health and disease education.—A public school student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, in accordance with s. 1003.42(4). Each school district shall, on the district’s website homepage, notify parents of this right and the process to request an exemption. The homepage must include a link for a student’s parent to access and review the instructional materials, as defined in s. 1006.29(2), used to teach the curriculum.

Section 6. Paragraph (b) of subsection (4) of section 1006.40, Florida Statutes, is amended to read:

1006.40 Use of instructional materials allocation;

instructional materials, library books, and reference books;

repair of books.—

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

(b) Provide a process for public review of, public comment on, and the adoption of instructional materials, including instructional materials used to teach reproductive health or any disease, including HIV/AIDS, under ss. 1003.42(4) and 1003.46.
ss. 1003.42(3) and 1003.46, which satisfies the requirements of
s. 1006.283(2)(b)8., 9., and 11.

Section 7. This act shall take effect July 1, 2022.