A bill to be entitled
An act relating to education; amending s. 1000.21, F.S.; defining the term "sex" for the Florida Early Learning-20 Education Code; amending s. 1003.42, F.S.; requiring all materials used for specified instruction relating to reproductive health to be approved by the Department of Education; amending s. 1003.46, F.S.; providing additional requirements for certain instruction regarding human sexuality; requiring the Department of Education to approve specified instructional materials; amending s. 1006.28, F.S.; providing that district school boards are responsible for materials used in classroom libraries; requiring that a specified objection form and the district school board's process meet certain requirements; providing requirements for materials used in a classroom library; revising the criteria by which a parent or resident must meet to object to certain materials used in the classroom; requiring certain classroom materials to be removed within a specified time period and be unavailable to students until the resolution of certain objections; providing that parents have the right to read passages from specified materials; requiring the discontinuation of specified materials under certain circumstances; providing
requirements for certain meetings of school district
commitees relating to instructional materials;
requiring the Commissioner of Education to appoint a
special magistrate under certain circumstances;
providing requirements for the special magistrate;
requiring the State Board of Education to approve or
reject the special magistrate's recommendation within
a specified timeframe; requiring school districts to
bear the costs of the special magistrate; requiring
the State Board of Education to adopt rules; revising
certain district school board procedures relating to
library media center collections; revising elementary
school requirements relating to materials in specified
libraries; requiring district school boards to adopt
and publish a specified process relating to student
access to certain materials; revising district school
board reporting requirements relating to materials
which received certain objections; requiring school
principals to communicate to and notify parents of
certain procedures and processes relating to
instructional materials; reenacting ss. 1000.05(2),
(3), (4)(a), (5), and (6)(d), 1001.453(2)(c),
1002.42(3)(a), 1003.27(2)(b) and (c), 1003.42(3)(a),
(c), (e), and (f), 1004.43(2), 1006.205(2)(b) and (3),
1009.23(7), 1009.24(10)(b), 1009.983(6),
1009.986(3)(e), and 1014.05(1)(c), (d), and (f), F.S., to incorporate the amendment made to s. 1000.21, F.S., in references thereto; providing an effective date.

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

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

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

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

Section 2. Paragraph (b) of subsection (1) of section 1003.42, Florida Statutes, is 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 (5), must be annually approved by the department a district school board in an open, noticed public meeting.
Section 3. Subsection (2) of section 1003.46, Florida Statutes, is amended to read:

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

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

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

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

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

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

(e) Provide instruction and material that is
appropriate for the grade and age of the student.

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

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

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

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

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

1. Each district school board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school or classroom library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program under s. 1006.283, or otherwise purchased or made
2. Each district school board must adopt a policy regarding an objection by a parent or a resident of the county to the use of a specific material, which clearly describes a process to handle all objections and provides for resolution. The objection form, as prescribed by State Board of Education rule, and the district school board's process must be easy to read and understand and be easily accessible on the homepage of the school district's website. The objection form must also identify the school district point of contact and contact information for the submission of an objection. The process must provide the parent or resident the opportunity to proffer evidence to the district school board that:

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

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

(I) Is pornographic or prohibited under s. 847.012

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

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

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

Any material that is subject to an objection on the basis of sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be removed within 5 school days of receipt of the objection and remain unavailable until the objection is resolved. Parents shall have the right to read passages from any material that is subject to an objection. If the school board denies a parent the right to read passages due to content that meets the requirements under sub-sub-subparagraph b.(I), the school district shall discontinue the use of the material. If the district school board finds that an instructional material meets criteria under sub-subparagraph a. or that any other material contains prohibited content under sub-sub-subparagraph b.(I) sub-sub-subparagraph b., the school district shall discontinue use of the material. If the district school board finds that any other material contains prohibited content under sub-sub-subparagraph b. (II)-(IV), the school district shall discontinue use of the material for any grade level or age group for which such use is inappropriate or
unsuitable.

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

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

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

6. If a parent or a resident of the county disagrees with the determination made by the district school board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the dispute over the school district procedure or practice, consider information provided by the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of
the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

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

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

2. Each district school board shall adopt procedures for
developing library media center collections and post the
procedures on the website for each school within the district.
The procedures must:
   a. Require that book selections meet the criteria in s.
   1006.40(3)(d).
   b. Require consultation of reputable, professionally
   recognized reviewing periodicals and school community
   stakeholders.
   c. Provide for library media center collections, including
   classroom libraries, based on reader interest, support of state
   academic standards and aligned curriculum, and the academic
   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.

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 the books and
media materials his or her student can access in the school's
(e) Public participation.—Publish on its website, in a
searchable format prescribed by the department, a list of all
instructional materials, including those used to provide
instruction required by s. 1003.42. Each district school board
must:

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

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

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

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

b. Each material that was removed or discontinued as a
result of an objection.
c. Each material that was not removed or discontinued and the rationale for not removing or discontinuing the material. The grade level and course for which a removed or discontinued material was used, as applicable.

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

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

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

(f) Selection of library media center materials.—School principals are responsible for overseeing compliance with school district procedures for selecting school library media center materials at the school to which they are assigned and notifying
parents of the process for objecting to the use of specific materials.

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

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