

State Board of Education

Ben Gibson, *Chair*  
Ryan Petty, *Vice Chair*  
*Members*  
Monesia Brown  
Esther Byrd  
Grazie Pozo Christie  
Kelly Garcia  
MaryLynn Magar

Manny Diaz, Jr.  
Commissioner of Education

**MEMORANDUM**

**TO:** School District Superintendents

**FROM:** Paul O. Burns, Ed.D.

**DATE:** October 13, 2023

**SUBJECT:** **House Bill 1069, K-12 Education, School District Responsibilities**

**Contact Information:**

- Library Media and Instructional Materials:  
Katelyn Barrington  
850-245-0633  
[Katelyn.Barrington@fldoe.org](mailto:Katelyn.Barrington@fldoe.org)
  - Health Education:  
Meghan Spencer  
850-245-3212  
[Meghan.Spencer@fldoe.org](mailto:Meghan.Spencer@fldoe.org)
- DPS: 2023-90**

[House Bill 1069](#), signed by Governor DeSantis on May 17, 2023, and effective July 1, 2023, continues Florida's efforts to require school districts to be transparent in the selection of instructional materials and library and reading materials. Existing requirements for school districts that are specific to library media, instructional materials and health education are noted below with changes provided through House Bill 1069 italicized.

- Each book made available to students through a classroom library is the responsibility of each district school board.
- *Each district school board must use an objection form prescribed by State Board of Education (SBE) rule that is easy to read and understand, contains contact information for the school district and for submission of the objection and is accessible on the homepage of the school district's website.*
- Any materials used in a classroom, made available in a school or classroom library, or included on a reading list may not contain content that:
  - Is pornographic or prohibited under section (s.) 847.012, Florida Statutes (F.S.);
  - *Depicts or describes sexual conduct as defined in s. 847.001(19), F.S., unless such material is for a course required by ss. 1003.46, 1003.42(2)(n)1.g., or 1003.42(2)(n)3, F.S., or identified by SBE rule;*
  - Is not suited to student needs and their ability to comprehend the material presented; or
  - Is inappropriate for the grade level and age group for which the material is used.
- *School districts must remove any material subject to an objection on the basis of pornography or depiction or description of sexual conduct within five school days following the objection and such materials must remain unavailable to students of that school until the objection is resolved.* This provision does not apply to instructional materials, unless a district runs its own adoption process under s. 1006.283, F.S., and the material was made available to students without first providing the opportunity for public notice, review and hearing procedures required by s. 1006.283, F.S.

**DR. PAUL O. BURNS**  
CHANCELLOR OF PUBLIC SCHOOLS

[www.fldoe.org](http://www.fldoe.org)

325 W. Gaines Street – Suite 1502 | Tallahassee, FL 32399-0400 | 850-245-0509

- *Parents have a right to read passages from any material that is subject to an objection and if the school board denies a parent the right to read passages due to the material being pornographic, the school district shall discontinue use of the material.*
- *If the district school board finds that any material contains prohibited content, the school board shall discontinue use of the material.*
- *School district 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, F.S., and parents of students who will have access to such materials must be included in such committees.*
- *If a parent disagrees with the decision made by a district school board on an objection to a specific material, a parent may request a special magistrate, paid for by the school district, who will recommend a resolution to the SBE. The SBE will approve or reject the recommended decision at its next regularly scheduled meeting.*
- *Each school district must provide classroom library collections based on reader interest, support of state academic standards and aligned curriculum and the academic needs of students and faculty.*
- *Each elementary school must publish on its website 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.*
- *Each school district must 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.*
- *Annually, beginning June 30, 2023, each school district must submit to the Commissioner of Education a report that identifies:*
  - *Each material a school district received an objection to, including the grade level and course the material was used in.*
  - *Each material that was removed or discontinued, not just those that were removed as a result of an objection (effective for 2024 report).*
  - *Each material that received an objection but was not removed or discontinued and the rationale for not removing or discontinuing the material.*
- *School principals are required to communicate with parents the procedures for contesting the adoption and use of instructional materials and notify parents of the process for objecting to the use of specific materials.*

House Bill 1069 also includes important updates for health education professionals:

- *Section 1000.21(9), F.S., defines "sex" as 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 1003.42(1), F.S., Required instruction, is amended to require all materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment to be approved by the Department.*
- *Section 1003.46(2), F.S., Health education; instruction in acquired immune deficiency syndrome, is amended requiring instruction in acquired immune deficiency syndrome, sexually transmitted diseases, or health education to:*

- *Classify males and females as provided in s. 1000.21(9), F.S., and teach 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.*

Further, House Bill 1069 creates s. 1000.071, F.S., regarding use of pronouns in an educational setting:

- *Requires that it be the policy of every public K-12 education institution that a person's sex is an immutable biological trait and that it is false to ascribe to a person a pronoun that does not correspond to such person's sex.*
  - *Provides an exception for individuals born with a genetically or biochemically verifiable disorder of sex development.*
- *Prohibits an employee, contractor, or student of a public K-12 educational institution from being required, as a condition of employment or enrollment or participation in any program, to refer to another person using that person's preferred personal title or pronouns if such personal title or pronouns do not correspond to that person's sex.*
- *Prohibits an employee or contractor of a public K-12 education institution from providing to a student his or her preferred personal title or pronouns if such preferred personal title or pronouns do not correspond to his or her sex.*
- *Prohibits a student from being asked by an employee or contractor of a public K-12 education institution to provide his or her preferred personal title or pronouns.*
  - *Students may not be penalized or subjected to adverse or discriminatory treatment for not providing his or her preferred personal title or pronouns.*

Thank you for your attention to the implementation of these important changes.

PB/kb

cc: School District Library Media Supervisors  
School District Instructional Material Supervisors  
School District Health Education Coordinators