

Novoa v. Diaz, et al.,

**Exhibit 1 to
Verified Complaint for Civil
Rights Violations**

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1
2 An act relating to individual freedom; amending s.
3 760.10, F.S.; providing that subjecting any
4 individual, as a condition of employment, membership,
5 certification, licensing, credentialing, or passing an
6 examination, to training, instruction, or any other
7 required activity that espouses, promotes, advances,
8 inculcates, or compels such individual to believe
9 specified concepts constitutes discrimination based on
10 race, color, sex, or national origin; providing
11 construction; amending s. 1000.05, F.S.; providing
12 that subjecting any student or employee to training or
13 instruction that espouses, promotes, advances,
14 inculcates, or compels such individual to believe
15 specified concepts constitutes discrimination based on
16 race, color, sex, or national origin; conforming
17 provisions to changes made by the act; amending s.
18 1003.42, F.S.; revising requirements for required
19 instruction on the history of African Americans;
20 authorizing instructional personnel to facilitate
21 discussions and use curricula to address, in an age-
22 appropriate manner, specified topics; prohibiting
23 classroom instruction and curricula from being used to
24 indoctrinate or persuade students in a manner
25 inconsistent with certain principles or state academic

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26 standards; requiring the department to prepare and
27 offer certain standards and curriculum; authorizing
28 the department to seek input from a specified
29 organization for certain purposes; revising the
30 requirements for required instruction on health
31 education; requiring such instruction to comport with
32 certain principles and include certain life skills;
33 requiring civic and character education instead of a
34 character development program; providing the
35 requirements of such education; providing legislative
36 findings; requiring instruction to be consistent with
37 specified principles of individual freedom;
38 authorizing instructional personnel to facilitate
39 discussions and use curricula to address, in an age-
40 appropriate manner, specified topics; prohibiting
41 classroom instruction and curricula from being used to
42 indoctrinate or persuade students in a manner
43 inconsistent with certain principles or state academic
44 standards; conforming cross-references to changes made
45 by the act; requiring the State Board of Education to
46 adopt a specified curriculum to be made available to
47 schools for a certain purpose; amending s. 1006.31,
48 F.S.; prohibiting instructional materials reviewers
49 from recommending instructional materials that contain
50 any matter that contradicts certain principles;

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51 amending s. 1012.98, F.S.; requiring the Department of
52 Education to review school district professional
53 development systems for compliance with certain
54 provisions of law; amending ss. 1002.20 and 1006.40,
55 F.S.; conforming cross-references; providing an
56 effective date.

57
58 Be It Enacted by the Legislature of the State of Florida:

59
60 Section 1. Subsections (8) through (10) of section 760.10,
61 Florida Statutes, are renumbered as subsections (9) through
62 (11), respectively, and a new subsection (8) is added to that
63 section, to read:

64 760.10 Unlawful employment practices.—

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

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

75 2. An individual, by virtue of his or her race, color,

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76 sex, or national origin, is inherently racist, sexist, or
77 oppressive, whether consciously or unconsciously.

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

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

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

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

93 7. An individual, by virtue of his or her race, color,
94 sex, or national origin, bears personal responsibility for and
95 must feel guilt, anguish, or other forms of psychological
96 distress because of actions, in which the individual played no
97 part, committed in the past by other members of the same race,
98 color, sex, or national origin.

99 8. Such virtues as merit, excellence, hard work, fairness,
100 neutrality, objectivity, and racial colorblindness are racist or

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101 sexist, or were created by members of a particular race, color,
102 sex, or national origin to oppress members of another race,
103 color, sex, or national origin.

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

109 Section 2. Subsections (4) through (8) of section 1000.05,
110 Florida Statutes, are renumbered as subsections (5) through (9),
111 respectively, subsections (2) and (3), present subsection (4),
112 and paragraph (d) of present subsection (6) are amended, and a
113 new subsection (4) is added to that section, to read:

114 1000.05 Discrimination against students and employees in
115 the Florida K-20 public education system prohibited; equality of
116 access required.—

117 (2)(a) Discrimination on the basis of race, color
118 ~~ethnicity~~, national origin, sex ~~gender~~, disability, religion, or
119 marital status against a student or an employee in the state
120 system of public K-20 education is prohibited. No person in this
121 state shall, on the basis of race, color ~~ethnicity~~, national
122 origin, sex ~~gender~~, disability, religion, or marital status, be
123 excluded from participation in, be denied the benefits of, or be
124 subjected to discrimination under any public K-20 education
125 program or activity, or in any employment conditions or

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126 | practices, conducted by a public educational institution that
127 | receives or benefits from federal or state financial assistance.

128 | (b) The criteria for admission to a program or course
129 | shall not have the effect of restricting access by persons of a
130 | particular race, color ~~ethnicity~~, national origin, sex ~~gender~~,
131 | disability, religion, or marital status.

132 | (c) All public K-20 education classes shall be available
133 | to all students without regard to race, color ~~ethnicity~~,
134 | national origin, sex ~~gender~~, disability, religion, or marital
135 | status; however, this is not intended to eliminate the provision
136 | of programs designed to meet the needs of students with limited
137 | proficiency in English, gifted students, or students with
138 | disabilities or programs tailored to students with specialized
139 | talents or skills.

140 | (d) Students may be separated by sex ~~gender~~ for a single-
141 | gender program as provided under s. 1002.311, for any portion of
142 | a class that deals with human reproduction, or during
143 | participation in bodily contact sports. For the purpose of this
144 | section, bodily contact sports include wrestling, boxing, rugby,
145 | ice hockey, football, basketball, and other sports in which the
146 | purpose or major activity involves bodily contact.

147 | (e) Guidance services, counseling services, and financial
148 | assistance services in the state public K-20 education system
149 | shall be available to students equally. Guidance and counseling
150 | services, materials, and promotional events shall stress access

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151 to academic and career opportunities for students without regard
152 to race, color ~~ethnicity~~, national origin, sex ~~gender~~,
153 disability, religion, or marital status.

154 (3)(a) No person shall, on the basis of sex ~~gender~~, be
155 excluded from participating in, be denied the benefits of, or be
156 treated differently from another person or otherwise be
157 discriminated against in any interscholastic, intercollegiate,
158 club, or intramural athletics offered by a public K-20
159 educational institution; and no public K-20 educational
160 institution shall provide athletics separately on such basis.

161 (b) Notwithstanding the requirements of paragraph (a), a
162 public K-20 educational institution may operate or sponsor
163 separate teams for members of each sex ~~gender~~ if the selection
164 for such teams is based upon competitive skill or the activity
165 involved is a bodily contact sport. However, when a public K-20
166 educational institution operates or sponsors a team in a
167 particular sport for members of one sex ~~gender~~ but does not
168 operate or sponsor such a team for members of the other sex
169 ~~gender~~, and athletic opportunities for that sex ~~gender~~ have
170 previously been limited, members of the excluded sex ~~gender~~ must
171 be allowed to try out for the team offered.

172 (c) This subsection does not prohibit the grouping of
173 students in physical education classes and activities by ability
174 as assessed by objective standards of individual performance
175 developed and applied without regard to sex ~~gender~~. However,

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176 | when use of a single standard of measuring skill or progress in
177 | a physical education class has an adverse effect on members of
178 | one sex ~~gender~~, the educational institution shall use
179 | appropriate standards which do not have such effect.

180 | (d) A public K-20 educational institution which operates
181 | or sponsors interscholastic, intercollegiate, club, or
182 | intramural athletics shall provide equal athletic opportunity
183 | for members of both sexes ~~genders~~.

184 | 1. The Board of Governors shall determine whether equal
185 | opportunities are available at state universities.

186 | 2. The Commissioner of Education shall determine whether
187 | equal opportunities are available in school districts and
188 | Florida College System institutions. In determining whether
189 | equal opportunities are available in school districts and
190 | Florida College System institutions, the Commissioner of
191 | Education shall consider, among other factors:

192 | a. Whether the selection of sports and levels of
193 | competition effectively accommodate the interests and abilities
194 | of members of both sexes ~~genders~~.

195 | b. The provision of equipment and supplies.

196 | c. Scheduling of games and practice times.

197 | d. Travel and per diem allowances.

198 | e. Opportunities to receive coaching and academic
199 | tutoring.

200 | f. Assignment and compensation of coaches and tutors.

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201 g. Provision of locker room, practice, and competitive
202 facilities.

203 h. Provision of medical and training facilities and
204 services.

205 i. Provision of housing and dining facilities and
206 services.

207 j. Publicity.
208

209 Unequal aggregate expenditures for members of each sex ~~gender~~ or
210 unequal expenditures for male and female teams if a public
211 school or Florida College System institution operates or
212 sponsors separate teams do not constitute nonimplementation of
213 this subsection, but the Commissioner of Education shall
214 consider the failure to provide necessary funds for teams for
215 one sex ~~gender~~ in assessing equality of opportunity for members
216 of each sex ~~gender~~.

217 (e) A public school or Florida College System institution
218 may provide separate toilet, locker room, and shower facilities
219 on the basis of gender, but such facilities shall be comparable
220 to such facilities provided for students of the other sex
221 ~~gender~~.

222 (4) (a) It shall constitute discrimination on the basis of
223 race, color, national origin, or sex under this section to
224 subject any student or employee to training or instruction that
225 espouses, promotes, advances, inculcates, or compels such

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226 student or employee to believe any of the following concepts:

227 1. Members of one race, color, national origin, or sex are

228 morally superior to members of another race, color, national

229 origin, or sex.

230 2. A person, by virtue of his or her race, color, national

231 origin, or sex is inherently racist, sexist, or oppressive,

232 whether consciously or unconsciously.

233 3. A person's moral character or status as either

234 privileged or oppressed is necessarily determined by his or her

235 race, color, national origin, or sex.

236 4. Members of one race, color, national origin, or sex

237 cannot and should not attempt to treat others without respect to

238 race, color, national origin, or sex.

239 5. A person, by virtue of his or her race, color, national

240 origin, or sex bears responsibility for, or should be

241 discriminated against or receive adverse treatment because of,

242 actions committed in the past by other members of the same race,

243 color, national origin, or sex.

244 6. A person, by virtue of his or her race, color, national

245 origin, or sex should be discriminated against or receive

246 adverse treatment to achieve diversity, equity, or inclusion.

247 7. A person, by virtue of his or her race, color, sex, or

248 national origin, bears personal responsibility for and must feel

249 guilt, anguish, or other forms of psychological distress because

250 of actions, in which the person played no part, committed in the

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251 past by other members of the same race, color, national origin,
252 or sex.

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

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

263 (5)~~(4)~~ Public schools and Florida College System
264 institutions shall develop and implement methods and strategies
265 to increase the participation of students of a particular race,
266 color ~~ethnicity~~, national origin, sex ~~gender~~, disability, or
267 marital status in programs and courses in which students of that
268 particular race, color ~~ethnicity~~, national origin, sex ~~gender~~,
269 disability, or marital status have been traditionally
270 underrepresented, including, but not limited to, mathematics,
271 science, computer technology, electronics, communications
272 technology, engineering, and career education.

273 (7)~~(6)~~ The functions of the Office of Equal Educational
274 Opportunity of the Department of Education shall include, but
275 are not limited to:

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276 (d) Conducting studies of the effectiveness of methods and
277 strategies designed to increase the participation of students in
278 programs and courses in which students of a particular race,
279 color ~~ethnicity~~, national origin, sex ~~gender~~, disability, or
280 marital status have been traditionally underrepresented and
281 monitoring the success of students in such programs or courses,
282 including performing followup monitoring.

283 Section 3. Subsection (3) of section 1003.42, Florida
284 Statutes, is renumbered as subsection (5), paragraph (b) of
285 subsection (1) and subsection (2) are amended, and a new
286 subsection (3) and subsection (4) are added to that section, to
287 read:

288 1003.42 Required instruction.—

289 (1)

290 (b) All instructional materials, as defined in s.
291 1006.29(2), used to teach reproductive health or any disease,
292 including HIV/AIDS, its symptoms, development, and treatment, as
293 part of the courses referenced in subsection (5) ~~(3)~~, must be
294 annually approved by a district school board in an open, noticed
295 public meeting.

296 (2) Members of the instructional staff of the public
297 schools, subject to the rules of the State Board of Education
298 and the district school board, shall teach efficiently and
299 faithfully, using the books and materials required that meet the
300 highest standards for professionalism and historical accuracy,

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301 following the prescribed courses of study, and employing
302 approved methods of instruction, the following:

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

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

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

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

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

323 (f) The history of the United States, including the period
324 of discovery, early colonies, the War for Independence, the
325 Civil War, the expansion of the United States to its present

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326 boundaries, the world wars, and the civil rights movement to the
327 present. American history shall be viewed as factual, not as
328 constructed, shall be viewed as knowable, teachable, and
329 testable, and shall be defined as the creation of a new nation
330 based largely on the universal principles stated in the
331 Declaration of Independence.

332 (g)1. The history of the Holocaust (1933-1945), the
333 systematic, planned annihilation of European Jews and other
334 groups by Nazi Germany, a watershed event in the history of
335 humanity, to be taught in a manner that leads to an
336 investigation of human behavior, an understanding of the
337 ramifications of prejudice, racism, and stereotyping, and an
338 examination of what it means to be a responsible and respectful
339 person, for the purposes of encouraging tolerance of diversity
340 in a pluralistic society and for nurturing and protecting
341 democratic values and institutions, including the policy,
342 definition, and historical and current examples of anti-
343 Semitism, as described in s. 1000.05(8) ~~s. 1000.05(7)~~, and the
344 prevention of anti-Semitism. Each school district must annually
345 certify and provide evidence to the department, in a manner
346 prescribed by the department, that the requirements of this
347 paragraph are met. The department shall prepare and offer
348 standards and curriculum for the instruction required by this
349 paragraph and may seek input from the Commissioner of
350 Education's Task Force on Holocaust Education or from any state

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351 or nationally recognized Holocaust educational organizations.
352 The department may contract with any state or nationally
353 recognized Holocaust educational organizations to develop
354 training for instructional personnel and grade-appropriate
355 classroom resources to support the developed curriculum.

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

360 (h) The history of African Americans, including the
361 history of African peoples before the political conflicts that
362 led to the development of slavery, the passage to America, the
363 enslavement experience, abolition, and the history and
364 contributions of African Americans of the African diaspora to
365 society. Students shall develop an understanding of the
366 ramifications of prejudice, racism, and stereotyping on
367 individual freedoms, and examine what it means to be a
368 responsible and respectful person, for the purpose of
369 encouraging tolerance of diversity in a pluralistic society and
370 for nurturing and protecting democratic values and institutions.
371 Instruction shall include the roles and contributions of
372 individuals from all walks of life and their endeavors to learn
373 and thrive throughout history as artists, scientists, educators,
374 businesspeople, influential thinkers, members of the faith
375 community, and political and governmental leaders and the

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376 courageous steps they took to fulfill the promise of democracy
377 and unite the nation. Instructional materials shall include the
378 vital contributions of African Americans to build and strengthen
379 American society and celebrate the inspirational stories of
380 African Americans who prospered, even in the most difficult
381 circumstances. Instructional personnel may facilitate
382 discussions and use curricula to address, in an age-appropriate
383 manner, how the individual freedoms of persons have been
384 infringed by slavery, racial oppression, racial segregation, and
385 racial discrimination, as well as topics relating to the
386 enactment and enforcement of laws resulting in racial
387 oppression, racial segregation, and racial discrimination and
388 how recognition of these freedoms has overturned these unjust
389 laws. However, classroom instruction and curriculum may not be
390 used to indoctrinate or persuade students to a particular point
391 of view inconsistent with the principles enumerated in
392 subsection (3) or the state academic standards. The department
393 shall prepare and offer standards and curriculum for the
394 instruction required by this paragraph and may seek input from
395 the Commissioner of Education's African American History Task
396 Force.

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

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401 (k) Kindness to animals.

402 (l) The history of the state.

403 (m) The conservation of natural resources.

404 (n) ~~1.~~ Comprehensive age-appropriate and developmentally

405 appropriate K-12 instruction on: health education that addresses

406 1. Health education that addresses concepts of community

407 health, consumer health, environmental health, and family life,

408 including:

409 ~~a.~~ Mental and emotional health.

410 ~~a.b.~~ Injury prevention and safety.

411 ~~b.e.~~ Internet safety.

412 ~~c.d.~~ Nutrition.

413 ~~d.e.~~ Personal health.

414 ~~e.f.~~ Prevention and control of disease.

415 ~~f.g.~~ Substance use and abuse.

416 ~~g.h.~~ Prevention of child sexual abuse, exploitation, and

417 human trafficking.

418 2. ~~The health education curriculum~~ For students in grades

419 7 through 12, ~~shall include a~~ teen dating violence and abuse. This

420 component must include that includes, but ~~is~~ not be limited

421 to, the definition of dating violence and abuse, the warning

422 signs of dating violence and abusive behavior, the

423 characteristics of healthy relationships, measures to prevent

424 and stop dating violence and abuse, and community resources

425 available to victims of dating violence and abuse.

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426 3. ~~The health education curriculum~~ For students in grades
427 6 through 12, ~~shall include an awareness of the benefits of~~
428 sexual abstinence as the expected standard and the consequences
429 of teenage pregnancy.

430 4. Life skills that build confidence, support mental and
431 emotional health, and enable students to overcome challenges,
432 including:

433 a. Self-awareness and self-management.

434 b. Responsible decisionmaking.

435 c. Resiliency.

436 d. Relationship skills and conflict resolution.

437 e. Understanding and respecting other viewpoints and
438 backgrounds.

439 f. For grades 9 through 12, developing leadership skills,
440 interpersonal skills, organization skills, and research skills;
441 creating a resume, including a digital resume; exploring career
442 pathways; using state career planning resources; developing and
443 practicing the skills necessary for employment interviews;
444 workplace ethics and workplace law; managing stress and
445 expectations; and self-motivation.

446
447 Health education and life skills instruction and materials may
448 not contradict the principles enumerated in subsection (3).

449 (o) Such additional materials, subjects, courses, or
450 fields in such grades as are prescribed by law or by rules of

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451 the State Board of Education and the district school board in
452 fulfilling the requirements of law.

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

455 (q) The study of women's contributions to the United
456 States.

457 (r) The nature and importance of free enterprise to the
458 United States economy.

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

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

473 2. ~~The character development curriculum for grades 9~~
474 ~~through 12 shall, at a minimum, include instruction on~~
475 ~~developing leadership skills, interpersonal skills, organization~~

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476 ~~skills, and research skills; creating a resume, including a~~
477 ~~digital resume; exploring career pathways; using state career~~
478 ~~planning resources; developing and practicing the skills~~
479 ~~necessary for employment interviews; conflict resolution,~~
480 ~~workplace ethics, and workplace law; managing stress and~~
481 ~~expectations; and developing skills that enable students to~~
482 ~~become more resilient and self-motivated.~~

483 ~~3. The character development curriculum~~ for grades 11 and
484 ~~12, shall include instruction on~~ voting using the uniform
485 primary and general election ballot described in s. 101.151(9).

486 (t) In order to encourage patriotism, the sacrifices that
487 veterans and Medal of Honor recipients have made in serving our
488 country and protecting democratic values worldwide. Such
489 instruction must occur on or before Medal of Honor Day,
490 Veterans' Day, and Memorial Day. Members of the instructional
491 staff are encouraged to use the assistance of local veterans and
492 Medal of Honor recipients when practicable.

493
494 The State Board of Education is encouraged to adopt standards
495 and pursue assessment of the requirements of this subsection.
496 Instructional programming ~~A character development program~~ that
497 incorporates the values of the recipients of the Congressional
498 Medal of Honor and that is offered as part of a social studies,
499 English Language Arts, or other schoolwide character building
500 and veteran awareness initiative meets the requirements of

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501 paragraph (t) paragraphs (s) and (t).

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

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

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

511 (c) No person should be discriminated against or receive
512 adverse treatment solely or partly on the basis of race, color,
513 national origin, religion, disability, or sex.

514 (d) Meritocracy or traits such as a hard work ethic are
515 not racist but fundamental to the right to pursue happiness and
516 be rewarded for industry.

517 (e) A person, by virtue of his or her race or sex, does
518 not bear responsibility for actions committed in the past by
519 other members of the same race or sex.

520 (f) A person should not be instructed that he or she must
521 feel guilt, anguish, or other forms of psychological distress
522 for actions, in which he or she played no part, committed in the
523 past by other members of the same race or sex.

524
525 Instructional personnel may facilitate discussions and use

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526 curricula to address, in an age-appropriate manner, how the
527 freedoms of persons have been infringed by sexism, slavery,
528 racial oppression, racial segregation, and racial
529 discrimination, including topics relating to the enactment and
530 enforcement of laws resulting in sexism, racial oppression,
531 racial segregation, and racial discrimination, including how
532 recognition of these freedoms have overturned these unjust laws.
533 However, classroom instruction and curriculum may not be used to
534 indoctrinate or persuade students to a particular point of view
535 inconsistent with the principles of this subsection or state
536 academic standards.

537 (4) The State Board of Education shall develop or adopt a
538 curriculum to inspire future generations through motivating
539 stories of American history that demonstrate important life
540 skills and the principles of individual freedom that enabled
541 persons to prosper even in the most difficult circumstances.
542 This curriculum shall be known as "Stories of Inspiration" and
543 made available to schools to implement the requirements of
544 subsection (3).

545 Section 4. Paragraph (d) of subsection (2) of section
546 1006.31, Florida Statutes, is amended to read:

547 1006.31 Duties of the Department of Education and school
548 district instructional materials reviewer.—The duties of the
549 instructional materials reviewer are:

550 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the

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551 selection criteria listed in s. 1006.34(2)(b) and recommend for
552 adoption only those instructional materials aligned with the
553 Next Generation Sunshine State Standards provided for in s.
554 1003.41. Instructional materials recommended by each reviewer
555 shall be, to the satisfaction of each reviewer, accurate,
556 objective, balanced, noninflammatory, current, free of
557 pornography and material prohibited under s. 847.012, and suited
558 to student needs and their ability to comprehend the material
559 presented. Reviewers shall consider for recommendation materials
560 developed for academically talented students, such as students
561 enrolled in advanced placement courses. When recommending
562 instructional materials, each reviewer shall:

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

572 Section 5. Paragraph (b) of subsection (4) of section
573 1012.98, Florida Statutes, is amended to read:

574 1012.98 School Community Professional Development Act.—

575 (4) The Department of Education, school districts,

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576 schools, Florida College System institutions, and state
577 universities share the responsibilities described in this
578 section. These responsibilities include the following:

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

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

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

600 3. Provide inservice activities coupled with followup

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601 support appropriate to accomplish district-level and school-
602 level improvement goals and standards. The inservice activities
603 for instructional personnel shall focus on analysis of student
604 achievement data, ongoing formal and informal assessments of
605 student achievement, identification and use of enhanced and
606 differentiated instructional strategies that emphasize rigor,
607 relevance, and reading in the content areas, enhancement of
608 subject content expertise, integrated use of classroom
609 technology that enhances teaching and learning, classroom
610 management, parent involvement, and school safety.

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

615 5. Include a master plan for inservice activities,
616 pursuant to rules of the State Board of Education, for all
617 district employees from all fund sources. The master plan shall
618 be updated annually by September 1, must be based on input from
619 teachers and district and school instructional leaders, and must
620 use the latest available student achievement data and research
621 to enhance rigor and relevance in the classroom. Each district
622 inservice plan must be aligned to and support the school-based
623 inservice plans and school improvement plans pursuant to s.
624 1001.42(18). Each district inservice plan must provide a
625 description of the training that middle grades instructional

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626 personnel and school administrators receive on the district's
627 code of student conduct adopted pursuant to s. 1006.07;
628 integrated digital instruction and competency-based instruction
629 and CAPE Digital Tool certificates and CAPE industry
630 certifications; classroom management; student behavior and
631 interaction; extended learning opportunities for students; and
632 instructional leadership. District plans must be approved by the
633 district school board annually in order to ensure compliance
634 with subsection (1) and to allow for dissemination of research-
635 based best practices to other districts. District school boards
636 must submit verification of their approval to the Commissioner
637 of Education no later than October 1, annually. Each school
638 principal may establish and maintain an individual professional
639 development plan for each instructional employee assigned to the
640 school as a seamless component to the school improvement plans
641 developed pursuant to s. 1001.42(18). An individual professional
642 development plan must be related to specific performance data
643 for the students to whom the teacher is assigned, define the
644 inservice objectives and specific measurable improvements
645 expected in student performance as a result of the inservice
646 activity, and include an evaluation component that determines
647 the effectiveness of the professional development plan.

648 6. Include inservice activities for school administrative
649 personnel that address updated skills necessary for
650 instructional leadership and effective school management

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651 pursuant to s. 1012.986.

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

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

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

664 10. For middle grades, emphasize:

665 a. Interdisciplinary planning, collaboration, and
666 instruction.

667 b. Alignment of curriculum and instructional materials to
668 the state academic standards adopted pursuant to s. 1003.41.

669 c. Use of small learning communities; problem-solving,
670 inquiry-driven research and analytical approaches for students;
671 strategies and tools based on student needs; competency-based
672 instruction; integrated digital instruction; and project-based
673 instruction.

674

675 Each school that includes any of grades 6, 7, or 8 must include

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676 in its school improvement plan, required under s. 1001.42(18), a
677 description of the specific strategies used by the school to
678 implement each item listed in this subparagraph.

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

695 Section 6. Paragraph (d) of subsection (3) of section
696 1002.20, Florida Statutes, is amended to read:

697 1002.20 K-12 student and parent rights.—Parents of public
698 school students must receive accurate and timely information
699 regarding their child's academic progress and must be informed
700 of ways they can help their child to succeed in school. K-12

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701 students and their parents are afforded numerous statutory
702 rights including, but not limited to, the following:

703 (3) HEALTH ISSUES.—

704 (d) *Reproductive health and disease education.*—A public
705 school student whose parent makes written request to the school
706 principal shall be exempted from the teaching of reproductive
707 health or any disease, including HIV/AIDS, in accordance with s.
708 1003.42(5) ~~s. 1003.42(3)~~. Each school district shall, on the
709 district's website homepage, notify parents of this right and
710 the process to request an exemption. The homepage must include a
711 link for a student's parent to access and review the
712 instructional materials, as defined in s. 1006.29(2), used to
713 teach the curriculum.

714 Section 7. Paragraph (b) of subsection (4) of section
715 1006.40, Florida Statutes, is amended to read:

716 1006.40 Use of instructional materials allocation;
717 instructional materials, library books, and reference books;
718 repair of books.—

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

724 (b) Provide a process for public review of, public comment
725 on, and the adoption of instructional materials, including

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726 | instructional materials used to teach reproductive health or any
727 | disease, including HIV/AIDS, under ss. 1003.42(5) and 1003.46
728 | ~~ss. 1003.42(3) and 1003.46~~, which satisfies the requirements of
729 | s. 1006.283(2)(b) 8., 9., and 11.

730 | Section 8. This act shall take effect July 1, 2022.

Novoa v. Diaz, et al.,

**Exhibit 2 to
Verified Complaint for Civil
Rights Violations**

10.005 Prohibition of Discrimination in University Training or Instruction

(1) Definitions. For purposes of this regulation, the enumerated terms are defined as follows:

(a) "Concepts" are the following:

1. Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
2. A person, by virtue of his or her race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
3. A person's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
4. Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
5. A person, by virtue of his or her race, color, national origin, or sex 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, national origin, or sex.
6. A person, by virtue of his or her race, color, national origin, or sex should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
7. A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.
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, national origin, or sex to oppress members of another race, color, national origin, or sex.

(b) "Training" is defined as a planned and organized activity conducted by the university as a mandatory condition of employment, enrollment, or participation in a university program for the purpose of imparting knowledge, developing skills or competencies, or becoming proficient in a particular job or role.

(c) "Instruction" is defined as the process of teaching or engaging students with content about a particular subject by a university employee or a person authorized to provide instruction by the university within a course.

(d) "Substantiate" is defined as establishing the existence or truth of a particular fact through the use of competent evidence.

(e) "University regulation" is defined as the regulation required by section (2)(a) below.

- (f) “Administrator” means the following high level personnel who have been assigned the responsibilities of university-wide academic or administrative functions: university president, provost, senior/executive vice presidents, vice presidents, associate vice presidents, associate/vice provosts, deans, equal opportunity programs director, chief audit executive, and chief compliance officer.

(2) University Regulation and Content Review

- (a) Each university shall have a university regulation that prohibits discrimination on the basis of race, color, national origin, or sex by subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the concepts as defined in paragraph (1)(a). Such university regulation shall contain a method for submitting complaints of alleged violations of the university regulation and the title and contact information of the office(s) designated by the university to receive and maintain such complaints.
- (b) The university regulation shall include that the prohibition in section (2)(a) does not prohibit discussion of the concepts as part of a larger course of training or instruction, provided such training or instruction is given in an objective manner without endorsement of the concepts.
- (c) Each university shall post the university regulation on a public website where the university commonly publishes regulations.
- (d) Each university shall periodically review its regulations, policies and institutional training materials to ensure that the content does not violate the university regulation.

(3) University Investigation and Corrective Action

- (a) Each administrator who receives a complaint of an alleged violation of the university regulation shall timely forward such complaint to the office(s) designated to receive such complaints.
- (b) After reviewing the complaint and obtaining any additional information to aid in the review, the designated office shall direct, supervise, or coordinate the investigation of credible complaints that identify a training or instruction that espouses, promotes, advances, inculcates, or compels a student or employee to believe any of the concepts.
- (c) In the event the investigation finds that an instruction or training is inconsistent with the university regulation, the university shall inform the Board of Governors through the Office of Inspector General and take prompt action to correct the violation by mandating that the employee(s) responsible for the instruction or training modify it to be consistent with the university regulation, issuing disciplinary measures where appropriate and remove, by

termination if appropriate, the employee(s) if there is a failure or refusal to comply with the mandate.

- (d) If the Board of Governors receives a complaint about which it has not been previously informed pursuant paragraph 3(c), it shall refer the complaint to the subject university's Chief Audit Executive to be addressed pursuant paragraphs 3(a)-(c).

(4) Proceedings to Determine a Substantiated Institutional Violation

- (a) Upon receipt of a credible allegation that a university willfully and knowingly failed to correct a violation of the university regulation, the Board of Governors' Office of Inspector General shall conduct an investigation to determine if evidence exists to support the allegation and ineligibility for performance funding. In determining whether a university willfully and knowingly failed to correct a violation, the Office of Inspector General shall consider whether the university made a good faith determination that the complaint did not allege a violation of the university regulation or whether it took prompt corrective action after it substantiated a violation of the university regulation. If it is determined an external qualified investigative firm is necessary to assist with or conduct the investigation, the subject university will be responsible for any costs incurred.
- (b) The Inspector General shall submit the investigatory findings to the Chair of the university's Board of Trustees, or the Chair's designee, which shall have twenty (20) business days to submit a written response after receipt of such findings. The Office of Inspector General shall provide a rebuttal, if any, to the university within twenty (20) business days after receipt of the university's response. The university's response and the Office of Inspector General's rebuttal to the response, if any, shall be included in a final investigative report provided to the Board of Governor's Audit and Compliance Committee and the Chair of the university's Board of Trustees.
- (c) The Board of Governor's Audit and Compliance Committee shall make a recommendation to the Board as to whether it should substantiate an allegation that a university willfully and knowingly failed to correct a violation of the university regulation. The Board shall review the investigative report and recommendation and make a final decision regarding whether the alleged willful and knowing failure to correct a violation of the university regulation is substantiated. Such decision will be rendered in writing to the university within twenty (20) business days of the meeting at which the report is considered.
- (d) If the Board of Governors determines that a university willfully and knowingly engaged in conduct at the institutional level that constituted a substantiated violation of section 1000.05(4)(a), Florida Statutes, and failed to take appropriate corrective action, the university will be ineligible for

performance funding for the next fiscal year following the year in which the Board of Governors made the determination.

(5) Additional Proceedings.

A university or the complainant may seek judicial review by filing a petition for writ of certiorari review with the appropriate circuit court within thirty (30) days of the date of the Board's final decision pursuant to Florida Rule of Appellate Procedure 9.190(b)(3).

Authority: Section 7(d), art. IX, Fla. Const.; Section 1000.05, Florida Statutes; Section 1001.92, Florida Statutes; History: New 08-26-22.