

By Senator Grall

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1 A bill to be entitled
2 An act relating to childhood mental health, safety,
3 and welfare; providing legislative findings; amending
4 s. 394.495, F.S.; revising the array of services
5 offered by the child and adolescent mental health
6 system of care; amending s. 394.9086, F.S.; revising
7 the duties of the Commission on Mental Health and
8 Substance Abuse; creating s. 456.0342, F.S.; providing
9 applicability; requiring specified mental health care
10 professionals to complete a course on technology
11 addiction and pornography addiction by a specified
12 date; requiring that the course address certain
13 content; requiring certain licensing boards to include
14 the course hours in the total hours of continuing
15 education required for certain professions; creating
16 s. 490.0086, F.S.; requiring the Board of Psychology
17 to require applicants to complete a course on
18 technology addiction and pornography addiction as a
19 condition of licensure; providing a time extension for
20 certain applicants; creating s. 491.0066, F.S.;
21 requiring the Board of Clinical Social Work, Marriage
22 and Family Therapy, and Mental Health Counseling to
23 require applicants to complete a course on technology
24 addiction and pornography addiction as a condition of
25 licensure; providing a time extension for certain
26 applicants; creating s. 501.172, F.S.; defining terms;
27 requiring that a warning label be affixed to the
28 packaging of certain digital devices; providing
29 requirements for the warning label; creating s.

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30 501.173, F.S.; defining terms; requiring a commercial
31 entity to verify the age of individuals attempting to
32 access certain material online; prohibiting a
33 commercial entity from retaining personal identifying
34 information; providing an exception to news entities;
35 providing that certain entities may not be held to
36 have violated the section by performing certain
37 services; creating s. 501.174, F.S.; authorizing the
38 Department of Legal Affairs to adopt rules;
39 authorizing the department to initiate a legal
40 proceeding against a party for alleged violations;
41 providing the party with a time to cure; providing
42 judicial remedies; amending s. 847.001, F.S.; revising
43 the definition of the term "harmful to minors";
44 amending s. 847.012, F.S.; revising the circumstances
45 under which the distribution of harmful material to
46 minors is deemed to have occurred; providing an
47 exception for certain school-related materials;
48 amending s. 1002.321, F.S.; limiting the proportion of
49 instructional time that may be delivered in an
50 electronic or digital format; providing that
51 instructional time includes certain standardized or
52 progress monitoring assessments; requiring the State
53 Board of Education to adopt rules; requiring certain
54 schools to notify a parent of instruction given in an
55 electronic or digital format; amending s. 1002.33,
56 F.S.; revising the statutes with which a charter
57 school must comply; amending s. 1002.42, F.S.;

58 requiring private schools to publish online a list of

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59 websites approved for instructional purposes;
60 requiring private schools to adopt a policy regarding
61 the use of a wireless communications device by
62 students; specifying that such policy must prohibit
63 student use of such devices for any purpose during
64 school hours, prohibit an individual from posting a
65 student's image on social media which was created
66 during school hours, and prohibit the online sharing
67 of certain student location information; defining the
68 term "personal wireless communications device";
69 prohibiting a student's parent or guardian from
70 waiving policy requirements; amending s. 1006.07,
71 F.S.; defining the term "wireless communications
72 device"; requiring district school boards to adopt a
73 code of student conduct which prohibits the use of
74 wireless communications devices by students during
75 school hours; requiring district school boards to
76 adopt a policy that prohibits an individual from
77 posting a student's image or location information on a
78 social media platform; providing that a student's
79 parent or guardian may not waive the requirements;
80 amending s. 1006.28, F.S.; deleting a time limit for
81 the parent of a public school student to file a
82 petition to contest a school board's adoption of
83 specific instructional material; making technical
84 changes; deleting a requirement for a certain hearing;
85 requiring each district school board to annually
86 publish a list of websites for use by students for
87 instructional purposes; amending s. 1006.29, F.S.;

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88 revising the definition of the term "instructional
89 materials"; reenacting and amending s. 1006.40, F.S.,
90 relating to instructional materials allocation;
91 requiring the Department of Education to seize from
92 district school boards certain materials purchased or
93 employed which are harmful to minors; providing a
94 penalty for violations; reenacting ss. 1006.31(2) and
95 1006.34(2), F.S., relating to evaluation of
96 instructional materials and selection and adoption of
97 instructional materials, respectively, to incorporate
98 the amendment made to s. 847.012, F.S., in references
99 thereto; amending s. 1011.62, F.S.; requiring that
100 school district plans adopted in connection with the
101 Mental Health Assistance Allocation include strategies
102 or programs to reduce the likelihood of and improve
103 the early identification of students developing
104 specified addictions; amending ss. 381.88 and 1011.67,
105 F.S.; conforming cross-references; providing an
106 effective date.

107
108 Be It Enacted by the Legislature of the State of Florida:

109
110 Section 1. The Legislature finds that:

111 (1) Healthy brain development in children positively
112 impacts communication skills, focus and attention, the
113 development of executive functioning skills, the ability to
114 solve simple and complex problems, impulse control, mental
115 health, and overall wellness.

116 (2) Excessive use of digital media has been shown to

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117 interfere with healthy sleep habits, expose children to
118 dangerous relationships and materials online, lead to a loss of
119 interest in activities, result in lower test scores and grades,
120 and result in an increase in addiction, aggression, depression
121 and anxiety, self-harm, attention deficit hyperactivity
122 disorder, and deceptive behaviors.

123 (3) Young children who use screens more than an hour a day
124 without parental involvement have been shown to have lower
125 levels of development in the brain's white matter, which is an
126 area key to the development of language, literacy, and cognitive
127 skills.

128 (4) Chronic sensory stimulation mimics early-stage dementia
129 due to difficulty with concentration, orientation, memory
130 acquisition and recall, and self-care.

131 (5) Due to unprecedented access to digital devices,
132 children have access to pornography at higher rates than ever.
133 Such access at a young age interferes with normal development
134 and the establishment of healthy relationships.

135 (6) Excessive use of digital media negatively impacts brain
136 development in children so significantly that the cognitive and
137 mental health ramifications faced by children have manifested
138 into a public health crisis.

139 Section 2. Paragraphs (f) and (g) are added to subsection
140 (2) and paragraphs (r) and (s) are added to subsection (4) of
141 section 394.495, Florida Statutes, to read:

142 394.495 Child and adolescent mental health system of care;
143 programs and services.—

144 (2) The array of services must include assessment services
145 that provide a professional interpretation of the nature of the

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146 problems of the child or adolescent and his or her family;
147 family issues that may impact the problems; additional factors
148 that contribute to the problems; and the assets, strengths, and
149 resources of the child or adolescent and his or her family. The
150 assessment services to be provided shall be determined by the
151 clinical needs of each child or adolescent. Assessment services
152 include, but are not limited to, evaluation and screening in the
153 following areas:

154 (f) Technology addiction.

155 (g) Pornography addiction.

156

157 The assessment for academic achievement is the financial
158 responsibility of the school district. The department shall
159 cooperate with other state agencies and the school district to
160 avoid duplicating assessment services.

161 (4) The array of services may include, but is not limited
162 to:

163 (r) Technology addiction treatment.

164 (s) Pornography addiction treatment.

165 Section 3. Paragraph (a) of subsection (4) of section
166 394.9086, Florida Statutes, is amended to read:

167 394.9086 Commission on Mental Health and Substance Abuse.—

168 (4) DUTIES.—

169 (a) The duties of the Commission on Mental Health and
170 Substance Abuse include the following:

171 1. Conducting a review and evaluation of the management and
172 functioning of the existing publicly supported mental health and
173 substance abuse systems and services in the department, the
174 Agency for Health Care Administration, and all other departments

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175 which administer mental health and substance abuse services.
176 Such review shall include, at a minimum, a review of current
177 goals and objectives, current planning, services strategies,
178 coordination management, purchasing, contracting, financing,
179 local government funding responsibility, and accountability
180 mechanisms.

181 2. Considering the unique needs of persons who are dually
182 diagnosed.

183 3. Addressing access to, financing of, and scope of
184 responsibility in the delivery of emergency behavioral health
185 care services.

186 4. Addressing the quality and effectiveness of current
187 mental health and substance abuse services delivery systems, and
188 professional staffing and clinical structure of services, roles,
189 and responsibilities of public and private providers, such as
190 community mental health centers; community substance abuse
191 agencies; hospitals, including emergency services departments;
192 law enforcement agencies; and the judicial system.

193 5. Addressing priority population groups for publicly
194 funded mental health and substance abuse services, identifying
195 the comprehensive mental health and substance abuse services
196 delivery systems, mental health and substance abuse needs
197 assessment and planning activities, and local government funding
198 responsibilities for mental health and substance abuse services.

199 6. Reviewing the implementation of chapter 2020-107, Laws
200 of Florida.

201 7. Identifying any gaps in the provision of mental health
202 and substance use disorder services.

203 8. Providing recommendations on how behavioral health

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204 managing entities may fulfill their purpose of promoting service
205 continuity.

206 9. Providing recommendations on how service providers and
207 school districts can best identify, treat, and serve children
208 suffering from technology addiction or pornography addiction.

209 10. Providing ~~Making~~ recommendations regarding the mission
210 and objectives of state-supported mental health and substance
211 abuse services and the planning, management, staffing,
212 financing, contracting, coordination, and accountability
213 mechanisms which will best foster the recommended mission and
214 objectives.

215 ~~11.10.~~ Evaluating and providing ~~making~~ recommendations
216 regarding the establishment of a permanent, agency-level entity
217 to manage mental health, substance abuse, and related services
218 statewide. At a minimum, the evaluation must consider and
219 describe the:

220 a. Specific duties and organizational structure proposed
221 for the entity;

222 b. Resource needs of the entity and possible sources of
223 funding;

224 c. Estimated impact on access to and quality of services;

225 d. Impact on individuals with behavioral health needs and
226 their families, both those currently served through the affected
227 systems providing behavioral health services and those in need
228 of services; and

229 e. Relation to, integration with, and impact on providers,
230 managing entities, communities, state agencies, and systems
231 which provide mental health and substance abuse services in this
232 state. Such recommendations must ensure that the ability of such

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233 other agencies and systems to carry out their missions and
234 responsibilities is not impaired.

235 Section 4. Section 456.0342, Florida Statutes, is created
236 to read:

237 456.0342 Required instruction on technology addiction and
238 pornography addiction.—The requirements of this section apply to
239 each person licensed or certified under chapter 490 or chapter
240 491, as a psychiatric nurse as defined in s. 394.455, as a
241 psychiatrist as defined in s. 394.455, or as a physician
242 assistant under chapter 458.

243 (1) By January 1, 2024, each such licensed or certified
244 practitioner shall complete a board-approved 2-hour continuing
245 education course on the treatment of technology addiction and
246 pornography addiction. The course must address the assessment,
247 treatment, and management of technology addiction and
248 pornography addiction.

249 (2) Each licensing board that requires a licensee or
250 certificateholder, as applicable, to complete a course pursuant
251 to this section must include the hours required for completion
252 in the total hours of continuing education required by law for
253 such profession.

254 Section 5. Section 490.0086, Florida Statutes, is created
255 to read:

256 490.0086 Requirement for instruction on technology
257 addiction and pornography addiction.—Beginning January 1, 2024,
258 the board shall require, as a condition of granting a license
259 under this chapter, that an applicant making initial application
260 for licensure complete an education course acceptable to the
261 board on technology addiction and pornography addiction. Upon

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262 submission of an affidavit showing good cause, an applicant who
263 has not taken the course at the time of licensure must be
264 allowed 6 months to comply with this section.

265 Section 6. Section 491.0066, Florida Statutes, is created
266 to read:

267 491.0066 Requirement for instruction on technology
268 addiction and pornography addiction.—Beginning January 1, 2024,
269 the board shall require, as a condition of granting a license
270 under this chapter, that an applicant making initial application
271 for licensure complete an education course acceptable to the
272 board on technology addiction and pornography addiction. Upon
273 submission of an affidavit showing good cause, an applicant who
274 has not taken the course at the time of licensure must be
275 allowed 6 months to comply with this section.

276 Section 7. Section 501.172, Florida Statutes, is created to
277 read:

278 501.172 Digital devices.—

279 (1) DEFINITIONS.—As used in this section, the term:

280 (a) "Digital device" means an electronic device that can
281 create, generate, send, share, communicate, receive, display, or
282 process information, and includes, but is not limited to,
283 desktop and laptop computers, computer tablets, mobile
284 telephones, smartphones, and any similar device that currently
285 exists or may exist as technology develops.

286 (b) "Manufacturer" means a business that is classified in
287 Sector 334, Computer and Electronic Product Manufacturing, of
288 the National American Industry Classification System (NAICS).

289 (c) "Packaging" means any container or wrapping in which a
290 consumer commodity is enclosed for use in the delivery or

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291 display of such consumer commodity to retail purchasers.

292 (2) REQUIRED WARNING LABEL.—Any new digital device
293 manufactured by a manufacturer to be sold in this state must
294 include a warning label affixed to the packaging. The warning
295 label must include clear and conspicuous text that conveys all
296 of the following:

297 (a) The use of digital devices can cause people, especially
298 minors, to become addicted to such use.

299 (b) Excessive use of digital devices can lead to
300 undesirable behavior patterns and psychological effects.

301 Section 8. Section 501.173, Florida Statutes, is created to
302 read:

303 501.173 Age verification.—

304 (1) DEFINITIONS.—As used in this section, the term:

305 (a) "Commercial entity" includes corporations, limited
306 liability companies, partnerships, limited partnerships, sole
307 proprietorships, or other legally recognized entities.

308 (b) "Distribute" means to issue, sell, give, provide,
309 deliver, transfer, transmute, circulate, or disseminate by any
310 means.

311 (c) "Internet" means the international computer network of
312 both federal and nonfederal interoperable packet-switched data
313 networks.

314 (d) "Material harmful to minors" has the same meaning as in
315 s. 847.001.

316 (e) "Minor" means any person under the age of 18 years.

317 (f) "News-gathering organization" means:

318 1. A newspaper, news publication, or news source, printed
319 or published online or on a mobile platform, of current news and

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320 public interest, and includes an employee who can provide
321 documentation of such employment.

322 2. A radio broadcast station, television broadcast station,
323 cable television operator, or wire service, and includes an
324 employee who can provide documentation of such employment.

325 (g) "Publish" means to communicate or make information
326 available to another person or entity on a publicly available
327 Internet website.

328 (h) "Reasonable age verification methods" means verifying
329 that the person seeking to access certain material is 18 years
330 of age or older by complying with an age verification system
331 that verifies in any of the following ways:

332 1. Government-issued identification.

333 2. Any commercially reasonable method that relies on public
334 or private transactional data to verify that the person
335 attempting to access the information is at least 18 years of age
336 or older.

337 (i) "Substantial portion" means more than 33.3 percent of
338 total material on a website which meets the definition of
339 "material harmful to minors" as defined by this section.

340 (j) "Transactional data" means a sequence of information
341 that documents an exchange, an agreement, or a transfer between
342 an individual, a commercial entity, or a third party used for
343 the purpose of satisfying a request or an event. Transactional
344 data can include, but is not limited to, records from mortgage,
345 education, and employment entities.

346 (2) A commercial entity shall use age verification methods
347 to verify the age of individuals attempting to access material
348 deemed harmful to minors on the Internet from a website that

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349 contains a substantial portion of such material.

350 (3) Any commercial entity or third party that performs the
351 required age verification may not retain any personal
352 identifying information of the individual after access has been
353 granted to the material.

354 (4) This section does not apply to any bona fide news or
355 public interest broadcast, website video, report, or event and
356 may not be construed to affect the rights of any news-gathering
357 organizations.

358 (5) An Internet service provider or its affiliates or
359 subsidiaries, a search engine provider, or a cloud service
360 provider may not be held to have violated this section solely
361 for providing access or connection to or from a website or to
362 other information or content on the Internet or a facility,
363 system, or network not under that provider's control, including
364 transmission, downloading, intermediate storage, access
365 software, or other, to the extent such provider is not
366 responsible for the creation of the content of the communication
367 which constitutes material harmful to minors.

368 Section 9. Section 501.174, Florida Statutes, is created to
369 read:

370 501.174 Enforcement; Attorney General; rules.—

371 (1) The Department of Legal Affairs may adopt rules to
372 implement this section. If the department has reason to believe
373 that a manufacturer or consumer entity is in violation of s.
374 501.172 or s. 501.173 and that a proceeding would be in the
375 public interest, the department may initiate an appropriate
376 legal proceeding against such party.

377 (2) After the department has notified a party in writing of

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378 an alleged violation, the department may grant the party a 30-
379 day period to cure the alleged violation. If the party cures the
380 alleged violation to the satisfaction of the department and
381 provides proof of such cure to the department, the department
382 may issue a letter of guidance to the party which indicates that
383 the party will not be offered a 30-day cure period for any
384 future violations. If the party fails to cure the violation
385 within 30 days, the department may bring an action against the
386 party for the alleged violation.

387 (3) The trial court, upon a showing that any party is in
388 violation of s. 501.172 or s. 501.173, may take any of the
389 following actions:

390 (a) Issue a temporary or permanent injunction.

391 (b) Impose a civil penalty of not more than \$7,500 for each
392 violation.

393 (c) Award reasonable costs of enforcement, including
394 reasonable attorney fees and costs.

395 (d) Grant such other relief as the court may deem
396 appropriate.

397 Section 10. Subsection (7) of section 847.001, Florida
398 Statutes, is amended to read:

399 847.001 Definitions.—As used in this chapter, the term:

400 (7) "Harmful to minors" means any reproduction, imitation,
401 characterization, description, exhibition, presentation, or
402 representation, of whatever kind or form, depicting nudity,
403 sexual conduct, or sexual excitement, including, but not limited
404 to, pubic hair, the anus, the vulva, genitals, or the nipple of
405 the female breast; touching, caressing, or fondling of nipples,
406 breasts, buttocks, anuses, or genitals; or sexual intercourse,

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407 masturbation, sodomy, bestiality, oral copulation, flagellation,
408 excretory functions, or any other sexual act or exhibition.

409 ~~when it:~~

410 ~~(a) Predominantly appeals to a prurient, shameful, or~~
411 ~~morbid interest;~~

412 ~~(b) Is patently offensive to prevailing standards in the~~
413 ~~adult community as a whole with respect to what is suitable~~
414 ~~material or conduct for minors; and~~

415 ~~(c) Taken as a whole, is without serious literary,~~
416 ~~artistic, political, or scientific value for minors.~~

417

418 A mother's breastfeeding of her baby is not under any
419 circumstance "harmful to minors."

420 Section 11. Subsections (3) and (5) of section 847.012,
421 Florida Statutes, are amended to read:

422 847.012 Harmful materials; sale or distribution to minors
423 or using minors in production prohibited; penalty.-

424 (3) A person may not knowingly sell, rent, give, send,
425 show, or loan ~~for monetary consideration~~ to a minor:

426 (a) Any picture, photograph, drawing, sculpture, motion
427 picture film, videocassette, social media post, or digital
428 video, or similar visual representation or image, of a person or
429 portion of the human body which depicts nudity or sexual
430 conduct, sexual excitement, sexual battery, bestiality, or
431 sadomasochistic abuse and which is harmful to minors; or

432 (b) Any book, pamphlet, magazine, printed matter however
433 reproduced, or sound recording that contains any matter defined
434 in s. 847.001, explicit and detailed verbal descriptions or
435 narrative accounts of sexual excitement, or sexual conduct and

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436 that is harmful to minors.

437 (5) An adult may not knowingly distribute to a minor on
438 school property, or post on school property, any material
439 described in subsection (3). As used in this subsection, the
440 term "school property" means the grounds or facility of any
441 kindergarten, elementary school, middle school, junior high
442 school, or secondary school, whether public or nonpublic. This
443 subsection does not apply to the distribution or posting of
444 materials aligned with the state academic standards under s.
445 1003.41 school-approved instructional materials that by design
446 serve as a major tool for assisting in the instruction of a
447 subject or course by school officers, instructional personnel,
448 administrative personnel, school volunteers, educational support
449 employees, or managers as those terms are defined in s. 1012.01.

450 Section 12. Subsections (7) and (8) are added to section
451 1002.321, Florida Statutes, to read:

452 1002.321 Digital learning.-

453 (7) LIMITATIONS.-Notwithstanding ss. 1002.37, 1002.45,
454 1002.451, 1002.455, and 1003.499, no more than 10 percent of
455 instructional time given in a traditional school setting for
456 prekindergarten through grade 8 in a public school, including
457 charter schools, may be delivered in an electronic format or a
458 digital format as those terms are defined in s. 1006.29(3)(a)
459 and (b), respectively.

460 (a) Instructional time delivered in an electronic format or
461 a digital format includes any statewide or schoolwide
462 standardized or progress monitoring assessment administered
463 pursuant to s. 1008.22.

464 (b) The State Board of Education shall adopt rules pursuant

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465 to ss. 120.536(1) and 120.54 to administer this subsection.

466 (8) PARENTAL NOTIFICATION AND REVIEW.—A public school,
467 including a charter school, must notify a parent of instruction
468 that will be delivered to a student in an electronic format or a
469 digital format. All such instructional material must be made
470 available to the parent to review and access in advance.

471 Section 13. Paragraph (b) of subsection (16) of section
472 1002.33, Florida Statutes, is amended to read:

473 1002.33 Charter schools.—

474 (16) EXEMPTION FROM STATUTES.—

475 (b) Additionally, a charter school shall be in compliance
476 with the following statutes:

477 1. Section 286.011, relating to public meetings and
478 records, public inspection, and criminal and civil penalties.

479 2. Chapter 119, relating to public records.

480 3. Section 1003.03, relating to the maximum class size,
481 except that the calculation for compliance pursuant to s.
482 1003.03 shall be the average at the school level.

483 4. Section 1012.22(1)(c), relating to compensation and
484 salary schedules.

485 5. Section 1012.33(5), relating to workforce reductions.

486 6. Section 1012.335, relating to contracts with
487 instructional personnel hired on or after July 1, 2011.

488 7. Section 1012.34, relating to the substantive
489 requirements for performance evaluations for instructional
490 personnel and school administrators.

491 8. Section 1006.12, relating to safe-school officers.

492 9. Section 1006.07(7), relating to threat assessment teams.

493 10. Section 1006.07(9), relating to School Environmental

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494 Safety Incident Reporting.

495 11. Section 1006.07(10), relating to reporting of
496 involuntary examinations.

497 12. Section 1006.1493, relating to the Florida Safe Schools
498 Assessment Tool.

499 13. Section 1006.07(6)(d), relating to adopting an active
500 assailant response plan.

501 14. Section 943.082(4)(b), relating to the mobile
502 suspicious activity reporting tool.

503 15. Section 1012.584, relating to youth mental health
504 awareness and assistance training.

505 16. Section 1006.07(2)(f), relating to wireless
506 communications devices.

507 17. Section 1006.07(12), relating to online posting or
508 sharing of student images or of the location of students in such
509 images.

510 18. Section 1006.28(4)(f), relating to posting of
511 electronic instructional material.

512 Section 14. Present subsections (12) through (17) of
513 section 1002.42, Florida Statutes, are redesignated as
514 subsections (13) through (18), respectively, a new subsection
515 (12) is added to that section, and subsection (10) of that
516 section is amended, to read:

517 1002.42 Private schools.—

518 (10) INSTRUCTIONAL MATERIALS.—

519 (a) A private school shall publish on the school's website
520 in an easily accessible location a list of the websites approved
521 for use by teachers and students for instructional purposes.

522 (b) District school boards may dispose of instructional

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523 materials when they become unserviceable or surplus or are no
524 longer on state contract by giving them to a private school in
525 accordance with ~~the provisions of~~ s. 1006.41.

526 (12) INTERNET SAFETY.—

527 (a) A private school shall adopt a policy regarding student
528 use of a personal wireless communications device while on school
529 property or in attendance at a school function. Such policy must
530 include a prohibition on student use of a personal wireless
531 communications device for any purpose during school hours. For
532 the purposes of this paragraph, the term "personal wireless
533 communications device" means hardware that uses wireless
534 technology to transmit and receive data, and includes, but is
535 not limited to, a wireless telephone, text-messaging device,
536 computer tablet, or laptop computer.

537 (b) Each private school shall adopt a policy that prohibits
538 an individual, including, but not limited to, a student, an
539 employee, or a contractor, from posting online to any social
540 media platform as defined in s. 501.2041 a student's image
541 created during school hours. Such policy must also prohibit the
542 online sharing of any information that could identify the
543 location of a student at the time the information is shared. A
544 student's parent or guardian may not waive the requirements of
545 this paragraph.

546 Section 15. Paragraph (f) of subsection (2) of section
547 1006.07, Florida Statutes, is amended, and subsection (12) is
548 added to that section, to read:

549 1006.07 District school board duties relating to student
550 discipline and school safety.—The district school board shall
551 provide for the proper accounting for all students, for the

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552 attendance and control of students at school, and for proper
553 attention to health, safety, and other matters relating to the
554 welfare of students, including:

555 (2) CODE OF STUDENT CONDUCT.—Adopt a code of student
556 conduct for elementary schools and a code of student conduct for
557 middle and high schools and distribute the appropriate code to
558 all teachers, school personnel, students, and parents, at the
559 beginning of every school year. Each code shall be organized and
560 written in language that is understandable to students and
561 parents and shall be discussed at the beginning of every school
562 year in student classes, school advisory council meetings, and
563 parent and teacher association or organization meetings. Each
564 code shall be based on the rules governing student conduct and
565 discipline adopted by the district school board and shall be
566 made available in the student handbook or similar publication.
567 Each code shall include, but is not limited to:

568 (f) Notice that use of a wireless communications device
569 includes the possibility of the imposition of disciplinary
570 action by the school or criminal penalties if the device is used
571 in a criminal act. For purposes of this paragraph, the term
572 “wireless communications device” means hardware that uses
573 wireless technology to transmit and receive data, and includes,
574 but is not limited to, a wireless telephone, text-messaging
575 device, computer tablet, or laptop computer. A student may
576 possess a wireless communications device while the student is on
577 school property or in attendance at a school function. Each
578 district school board shall adopt rules governing the use of a
579 wireless communications device by a student while the student is
580 on school property or in attendance at a school function. Such

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581 rules must include a prohibition on student use of a personal
582 wireless communications device for any purpose during school
583 hours.

584 (12) INTERNET SAFETY.—Each district school board shall
585 adopt a policy that prohibits an individual, including, but not
586 limited to, a student, an employee, or a contractor, from
587 posting online to any social media platform as defined in s.
588 501.2041 a student’s image created during school hours. Such
589 policy must also prohibit the online sharing of any information
590 that could identify the location of a student at the time the
591 information is shared. A student’s parent or guardian may not
592 waive the requirements of this subsection.

593 Section 16. Paragraph (a) of subsection (2) of section
594 1006.28, Florida Statutes, is amended, and paragraph (f) is
595 added to that subsection, to read:

596 1006.28 Duties of district school board, district school
597 superintendent; and school principal regarding K-12
598 instructional materials.—

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

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

607 1. Each district school board is responsible for the
608 content of all instructional materials and any other materials
609 used in a classroom, made available in a school library, or

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610 included on a reading list, whether adopted and purchased from
611 the state-adopted instructional materials list, adopted and
612 purchased through a district instructional materials program
613 under s. 1006.283, or otherwise purchased or made available.

614 2. Each district school board shall ~~must~~ adopt a policy
615 regarding an objection by a parent or a resident of the county
616 to the use of a specific material, which clearly describes a
617 process to handle all objections and provides for resolution.
618 The process must provide the parent or resident the opportunity
619 to proffer evidence to the district school board that:

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

626 b. Any material used in a classroom, made available in a
627 school library, or included on a reading list contains content
628 that is pornographic or prohibited under s. 847.012, is not
629 suited to student needs and their ability to comprehend the
630 material presented, or is inappropriate for the grade level and
631 age group for which the material is used.

632
633 If the district school board finds that an instructional
634 material does not meet the criteria under sub-subparagraph a. or
635 that any other material contains prohibited content under sub-
636 subparagraph b., the school district must ~~shall~~ discontinue use
637 of the material for any grade level or age group for which such
638 use is inappropriate or unsuitable.

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639 3. Each district school board shall ~~must~~ establish a
640 process by which the parent of a public school student or a
641 resident of the county may contest the district school board's
642 adoption of a specific instructional material. The parent or
643 resident must file a petition, on a form provided by the school
644 board, ~~within 30 calendar days after the adoption of the~~
645 ~~instructional material by the school board.~~ The school board
646 shall ~~must~~ make the form available to the public and publish the
647 form on the school district's website. The form must be signed
648 by the parent or resident, include the required contact
649 information, and state the objection to the instructional
650 material based on the criteria of s. 1006.31(2) or s.
651 1006.40(3)(d). ~~Within 30 days after the 30-day period has~~
652 ~~expired,~~ the school board must, for all petitions timely
653 received, conduct at least one open public hearing before an
654 unbiased and qualified hearing officer. The hearing officer may
655 not be an employee or agent of the school district. The hearing
656 before the school board is not subject to ~~the provisions of~~
657 chapter 120; however, the hearing must provide sufficient
658 procedural protections that ~~to~~ allow each petitioner an adequate
659 and fair opportunity to be heard and present evidence to the
660 hearing officer. The school board's decision ~~after convening a~~
661 ~~hearing~~ is final agency action and is ~~not~~ subject to further
662 petition or review pursuant to chapter 120.

663 4. Meetings of committees convened for the purpose of
664 ranking, eliminating, or selecting instructional materials for
665 recommendation to the district school board must be noticed and
666 open to the public in accordance with s. 286.011. Any committees
667 convened for such purposes must include parents of district

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668 students.

669 (f) Websites.—Annually publish to the school board’s
670 website a list of all websites or software applications adopted
671 for use by teachers and students for instructional purposes.

672 Section 17. Subsection (2) of section 1006.29, Florida
673 Statutes, is amended to read:

674 1006.29 State instructional materials reviewers.—

675 (2) For purposes of this part, the term “instructional
676 materials” means items having intellectual content that by
677 design serve as a major tool for assisting in the instruction of
678 a subject or course. These items may be available in bound,
679 unbound, kit, or package form and may consist of hardbacked or
680 softbacked textbooks, electronic content, consumables, learning
681 laboratories, manipulatives, electronic media that includes
682 Internet websites, and computer courseware or software. A
683 publisher or manufacturer providing instructional materials as a
684 single bundle shall also make the instructional materials
685 available as separate and unbundled items, each priced
686 individually. A publisher may also offer sections of state-
687 adopted instructional materials in digital or electronic
688 versions at reduced rates to districts, schools, and teachers.

689 Section 18. For the purpose of incorporating the amendment
690 made by this act to section 847.012, Florida Statutes, in a
691 reference thereto, paragraph (d) of subsection (3) of section
692 1006.40, Florida Statutes, is reenacted, and subsection (4) of
693 that section is amended, to read:

694 1006.40 Use of instructional materials allocation;
695 instructional materials, library books, and reference books;
696 repair of books.—

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- 697 (3)
- 698 (d) Any materials purchased pursuant to this section must
699 be:
- 700 1. Free of pornography and material prohibited under s.
701 847.012.
- 702 2. Suited to student needs and their ability to comprehend
703 the material presented.
- 704 3. Appropriate for the grade level and age group for which
705 the materials are used or made available.
- 706 (4) (a) Each district school board is responsible for the
707 content of all materials used in a classroom or otherwise made
708 available to students. Each district school board shall adopt
709 rules, and each district school superintendent shall implement
710 procedures, that:
- 711 1. ~~(a)~~ Maximize student use of ~~the~~ district-approved
712 instructional materials.
- 713 2. ~~(b)~~ Provide a process for public review of, public
714 comment on, and the adoption of materials, including those used
715 to provide instruction required by s. 1003.42, which satisfies
716 the requirements of s. 1006.283(2)(b)8., 9., and 11.
- 717 (b) If a district school board is found by the Department
718 of Education to have purchased or employed material harmful to
719 minors as defined in s. 847.001, the department must seize such
720 materials.
- 721 Section 19. For the purpose of incorporating the amendment
722 made by this act to section 847.012, Florida Statutes, in a
723 reference thereto, subsection (2) of section 1006.31, Florida
724 Statutes, is reenacted to read:
- 725 1006.31 Duties of the Department of Education and school

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726 district instructional materials reviewer.—The duties of the
727 instructional materials reviewer are:

728 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
729 selection criteria listed in s. 1006.34(2)(b) and recommend for
730 adoption only those instructional materials aligned with the
731 Next Generation Sunshine State Standards provided for in s.
732 1003.41. Instructional materials recommended by each reviewer
733 shall be, to the satisfaction of each reviewer, accurate,
734 objective, balanced, noninflammatory, current, free of
735 pornography and material prohibited under s. 847.012, and suited
736 to student needs and their ability to comprehend the material
737 presented. Reviewers shall consider for recommendation materials
738 developed for academically talented students, such as students
739 enrolled in advanced placement courses. When recommending
740 instructional materials, each reviewer shall:

741 (a) Include only instructional materials that accurately
742 portray the ethnic, socioeconomic, cultural, religious,
743 physical, and racial diversity of our society, including men and
744 women in professional, career, and executive roles, and the role
745 and contributions of the entrepreneur and labor in the total
746 development of this state and the United States.

747 (b) Include only materials that accurately portray,
748 whenever appropriate, humankind's place in ecological systems,
749 including the necessity for the protection of our environment
750 and conservation of our natural resources and the effects on the
751 human system of the use of tobacco, alcohol, controlled
752 substances, and other dangerous substances.

753 (c) Include materials that encourage thrift, fire
754 prevention, and humane treatment of people and animals.

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

764 Section 20. For the purpose of incorporating the amendment
765 made by this act to section 847.012, Florida Statutes, in a
766 reference thereto, subsection (2) of section 1006.34, Florida
767 Statutes, is reenacted to read:

768 1006.34 Powers and duties of the commissioner and the
769 department in selecting and adopting instructional materials.—

770 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

771 (a) The department shall notify all publishers and
772 manufacturers of instructional materials who have submitted bids
773 that within 3 weeks after the deadline for receiving bids, at a
774 designated time and place, it will open the bids submitted and
775 deposited with it. At the time and place designated, the bids
776 shall be opened, read, and tabulated in the presence of the
777 bidders or their representatives. No one may revise his or her
778 bid after the bids have been filed. When all bids have been
779 carefully considered, the commissioner shall, from the list of
780 suitable, usable, and desirable instructional materials reported
781 by the state instructional materials reviewers, select and adopt
782 instructional materials for each grade and subject field in the
783 curriculum of public elementary, middle, and high schools in

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784 which adoptions are made and in the subject areas designated in
785 the advertisement. The adoption shall continue for the period
786 specified in the advertisement, beginning on the ensuing April
787 1. The adoption shall not prevent the extension of a contract as
788 provided in subsection (3). The commissioner shall always
789 reserve the right to reject any and all bids. The commissioner
790 may ask for new sealed bids from publishers or manufacturers
791 whose instructional materials were recommended by the state
792 instructional materials reviewers as suitable, usable, and
793 desirable; specify the dates for filing such bids and the date
794 on which they shall be opened; and proceed in all matters
795 regarding the opening of bids and the awarding of contracts as
796 required by this part. In all cases, bids shall be accompanied
797 by a cash deposit or certified check of from \$500 to \$2,500, as
798 the department may direct. The department, in adopting
799 instructional materials, shall give due consideration both to
800 the prices bid for furnishing instructional materials and to the
801 report and recommendations of the state instructional materials
802 reviewers. When the commissioner has finished with the report of
803 the state instructional materials reviewers, the report shall be
804 filed and preserved with the department and shall be available
805 at all times for public inspection.

806 (b) In the selection of instructional materials, library
807 media, and other reading material used in the public school
808 system, the standards used to determine the propriety of the
809 material shall include:

- 810 1. The age of the students who normally could be expected
811 to have access to the material.
- 812 2. The educational purpose to be served by the material.

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813 Priority shall be given to the selection of materials that align
814 with the Next Generation Sunshine State Standards as provided
815 for in s. 1003.41 and include the instructional objectives
816 contained within the curriculum frameworks for career and
817 technical education and adult and adult general education
818 adopted by rule of the State Board of Education under s.
819 1004.92.

820 3. The degree to which the material would be supplemented
821 and explained by mature classroom instruction as part of a
822 normal classroom instructional program.

823 4. The consideration of the broad racial, ethnic,
824 socioeconomic, and cultural diversity of the students of this
825 state.

826

827 Any instructional material containing pornography or otherwise
828 prohibited by s. 847.012 may not be used or made available
829 within any public school.

830 Section 21. Paragraph (b) of subsection (13) of section
831 1011.62, Florida Statutes, is amended to read:

832 1011.62 Funds for operation of schools.—If the annual
833 allocation from the Florida Education Finance Program to each
834 district for operation of schools is not determined in the
835 annual appropriations act or the substantive bill implementing
836 the annual appropriations act, it shall be determined as
837 follows:

838 (13) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health
839 assistance allocation is created to provide funding to assist
840 school districts in establishing or expanding school-based
841 mental health care; train educators and other school staff in

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842 detecting and responding to mental health issues; and connect
843 children, youth, and families who may experience behavioral
844 health issues with appropriate services. These funds shall be
845 allocated annually in the General Appropriations Act or other
846 law to each eligible school district. Each school district shall
847 receive a minimum of \$100,000, with the remaining balance
848 allocated based on each school district's proportionate share of
849 the state's total unweighted full-time equivalent student
850 enrollment. Charter schools that submit a plan separate from the
851 school district are entitled to a proportionate share of
852 district funding. The allocated funds may not supplant funds
853 that are provided for this purpose from other operating funds
854 and may not be used to increase salaries or provide bonuses.
855 School districts are encouraged to maximize third-party health
856 insurance benefits and Medicaid claiming for services, where
857 appropriate.

858 (b) The plans required under paragraph (a) must be focused
859 on a multitiered system of supports to deliver evidence-based
860 mental health care assessment, diagnosis, intervention,
861 treatment, and recovery services to students with one or more
862 mental health or co-occurring substance abuse diagnoses and to
863 students at high risk of such diagnoses. The provision of these
864 services must be coordinated with a student's primary mental
865 health care provider and with other mental health providers
866 involved in the student's care. At a minimum, the plans must
867 include the following elements:

868 1. Direct employment of school-based mental health services
869 providers to expand and enhance school-based student services
870 and to reduce the ratio of students to staff in order to better

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871 align with nationally recommended ratio models. These providers
872 include, but are not limited to, certified school counselors,
873 school psychologists, school social workers, and other licensed
874 mental health professionals. The plan also must identify
875 strategies to increase the amount of time that school-based
876 student services personnel spend providing direct services to
877 students, which may include the review and revision of district
878 staffing resource allocations based on school or student mental
879 health assistance needs.

880 2. Contracts or interagency agreements with one or more
881 local community behavioral health providers or providers of
882 Community Action Team services to provide a behavioral health
883 staff presence and services at district schools. Services may
884 include, but are not limited to, mental health screenings and
885 assessments, individual counseling, family counseling, group
886 counseling, psychiatric or psychological services, trauma-
887 informed care, mobile crisis services, and behavior
888 modification. These behavioral health services may be provided
889 on or off the school campus and may be supplemented by
890 telehealth.

891 3. Policies and procedures, including contracts with
892 service providers, which will ensure that:

893 a. Students referred to a school-based or community-based
894 mental health service provider for mental health screening for
895 the identification of mental health concerns and students at
896 risk for mental health disorders are assessed within 15 days of
897 referral. School-based mental health services must be initiated
898 within 15 days after identification and assessment, and support
899 by community-based mental health service providers for students

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900 who are referred for community-based mental health services must
901 be initiated within 30 days after the school or district makes a
902 referral.

903 b. Parents of a student receiving services under this
904 subsection are provided information about other behavioral
905 health services available through the student's school or local
906 community-based behavioral health services providers. A school
907 may meet this requirement by providing information about and
908 Internet addresses for web-based directories or guides for local
909 behavioral health services.

910 c. Individuals living in a household with a student
911 receiving services under this subsection are provided
912 information about behavioral health services available through
913 other delivery systems or payors for which such individuals may
914 qualify, if such services appear to be needed or enhancements in
915 those individuals' behavioral health would contribute to the
916 improved well-being of the student.

917 4. Strategies or programs to reduce the likelihood of at-
918 risk students developing social, emotional, or behavioral health
919 problems, depression, anxiety disorders, suicidal tendencies,
920 technology addiction, pornography addiction, or substance use
921 disorders.

922 5. Strategies to improve the early identification of
923 social, emotional, or behavioral problems or substance use
924 disorders, including, but not limited to, technology addiction
925 and pornography addiction, to improve the provision of early
926 intervention services, and to assist students in dealing with
927 trauma and violence.

928 6. Procedures to assist a mental health services provider

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929 or a behavioral health provider as described in subparagraph 1.
930 or subparagraph 2., respectively, or a school resource officer
931 or school safety officer who has completed mental health crisis
932 intervention training in attempting to verbally de-escalate a
933 student's crisis situation before initiating an involuntary
934 examination pursuant to s. 394.463. Such procedures must include
935 strategies to de-escalate a crisis situation for a student with
936 a developmental disability as that term is defined in s.
937 393.063.

938 7. Policies of the school district which must require that
939 in a student crisis situation, school or law enforcement
940 personnel must make a reasonable attempt to contact a mental
941 health professional who may initiate an involuntary examination
942 pursuant to s. 394.463, unless the child poses an imminent
943 danger to themselves or others, before initiating an involuntary
944 examination pursuant to s. 394.463. Such contact may be in
945 person or using telehealth as defined in s. 456.47. The mental
946 health professional may be available to the school district
947 either by contracts or interagency agreements with the managing
948 entity, one or more local community behavioral health providers,
949 or the local mobile response team or be a direct or contracted
950 school district employee.

951 Section 22. Paragraph (b) of subsection (2) of section
952 381.88, Florida Statutes, is amended to read:

953 381.88 Emergency allergy treatment.—

954 (2) As used in this section and s. 381.885, the term:

955 (b) "Authorized entity" means an entity or organization at
956 or in connection with which allergens capable of causing a
957 severe allergic reaction may be present. The term includes, but

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958 is not limited to, restaurants, recreation camps, youth sports
959 leagues, theme parks and resorts, and sports arenas. However, a
960 school as described in s. 1002.20(3)(i) or s. 1002.42(18)(b) ~~s.~~
961 ~~1002.42(17)(b)~~ is an authorized entity for the purposes of s.
962 381.885(4) and (5) only.

963 Section 23. Subsection (2) of section 1011.67, Florida
964 Statutes, is amended to read:

965 1011.67 Funds for instructional materials.—

966 (2) Annually by July 1 and before the release of
967 instructional materials funds, each district school
968 superintendent shall certify to the Commissioner of Education
969 that the district school board has approved a comprehensive
970 staff development plan that supports fidelity of implementation
971 of instructional materials programs, including verification that
972 training was provided; that the materials are being implemented
973 as designed; and, beginning July 1, 2021, for core reading
974 materials and reading intervention materials used in
975 kindergarten through grade 5, that the materials meet the
976 requirements of s. 1001.215(8). Such instructional materials, as
977 evaluated and identified pursuant to s. 1001.215(4), may be
978 purchased by the school district with funds under this section
979 without undergoing the adoption procedures under s.
980 1006.40(4)(a)2 ~~s. 1006.40(4)(b)~~. The certification must identify
981 any material that received an objection pursuant to s. 1006.28
982 for the school year and the specific objections thereto, each
983 material that was removed or discontinued as a result of an
984 objection, and the grade level and course for which a removed or
985 discontinued material was used, as applicable. This subsection
986 does not preclude school districts from purchasing or using

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987 other materials to supplement reading instruction and provide
988 additional skills practice.

989 Section 24. This act shall take effect July 1, 2023.