



Florida Legislative Brief on HB 1071 / SB 1090

HB 1071/SB 1090 limits how school districts can spend money and strengthens the state's authority over what is taught in public schools. The bills are almost completely identical, but an important policy difference lies in the reproductive health instruction consent section. The current parent opt-out in the law should be retained.

Key Concerns

1. State Prohibitions on Spending and Local Initiatives The bills restrict how school districts may use state and local funds by prohibiting spending on programs or organizations the state determines are not allowed under the law.

- A. **While the bills do not name specific programs, the restrictions are broad.** The language broadly affects spending decisions at the district or school level by setting state-level prohibition standards. These could constrain local use of funds for initiatives if those initiatives are interpreted (or adjudicated) as falling under restricted categories.
- B. **Districts would have less flexibility to respond to local needs and community priorities.** This opens the door for local initiatives that support underrepresented students—such as culturally focused programs, targeted academic support, or community partnerships—to lose funding if they are challenged under the new rules.

Although the bills do not explicitly ban local funding for specific programs, their broad restrictions on the use of funds tied to “programs or campus activities” and nondiscrimination definitions provide a statutory basis for challenging local initiatives that serve underrepresented communities. Organizations like We Need Diverse Books, a nonprofit that provides grants and diverse book donations to increase representation in school library collections, may be prohibited from supporting school library programs under this bill.

2. State Control of Curriculum & Instructional Materials While the language differs slightly, both bills move Florida further toward a state-developed and state-controlled curriculum where decisions about what students learn would increasingly be made at the state level, not by local educators or school boards. The FLDOE would have expanded power to approve, remove, or ban materials statewide.

- A. **Publishers could be penalized or barred if materials do not meet state standards.** The bills empower the Commissioner of Education to remove materials from the state-approved instructional list and suspend publishers' eligibility if those materials violate state law. Additionally, the department may require corrective action by the publisher or manufacturer before reinstatement.
- B. **Districts are encouraged to use materials developed or approved by the state, reducing local input.** Materials developed under state direction must be made available

for district use, and districts may purchase these state-developed materials which increases the influence of state standards on local curriculum choices.

HB 1071/SB 1090 also requires districts and charter schools to implement a system of comprehensive mathematics instruction with approved plans, further embedding state-mandated frameworks into local teaching.

3. Health Education and Parental Consent Provisions Both bills add state standards specific to fetal development education and require the use of specific materials to deliver this instruction (the description of which seems to be a match for the “Baby Olivia” anti-abortion propaganda video). It’s in this section of the bills that there is some variation between the two:

- A. SB 1090 explicitly requires prior written consent from a parent/guardian before a public school student may receive instruction on reproductive health and disease topics.
- B. HB 1071 likewise addresses instructional consent but does not change existing parental opt-out provisions to an opt-in system for reproductive health and disease education. That means under HB 1071, parents can still opt out rather than having to opt in their child to such instruction.

This distinction matters because an opt-in model drastically lowers participation rates in sensitive subjects and places the initial consent burden on families, whereas opt-out preserves automatic inclusion unless a parent explicitly declines.

Consequences if the Bill Advances

- Increased restrictions on how educational funds can be used, with broad prohibitions that could limit local autonomy and programs serving underrepresented communities.
- Expanded state control over curriculum and instructional materials, allowing for forced use, removal, or sanctioning of materials with little consideration of local needs or content concerns.
- Altered consent mechanisms for health and reproductive education under SB 1090, imposing an opt-in requirement.

Bottom Line

Taken together, HB 1071 and SB 1090:

- Reduce local control over education funding and programming
- Risk eliminating or weakening programs that support underrepresented students
- Centralize curriculum decisions with the state
- Limit access to health education (particularly under SB 1090)

These bills reflect a broader shift toward state oversight and uniformity, with significant implications for educational equity, local decision-making, and student access to inclusive learning opportunities.