

1                   A bill to be entitled  
2           An act relating to instructional materials; amending  
3           s. 847.001, F.S.; revising definitions; amending s.  
4           847.012, F.S.; prohibiting a public school employee or  
5           volunteer from providing certain materials to minors;  
6           revising the requirements for a material to be  
7           considered harmful to minors; amending s. 1003.42,  
8           F.S.; requiring a school principal to notify certain  
9           parents of the inclusion of sex education  
10          instructional materials in a course; requiring a  
11          parent to provide written approval for his or her  
12          child to be included in portions of the course  
13          containing such instructional materials; prohibiting  
14          penalization of students exempt from such portions of  
15          the course; amending s. 1006.28, F.S.; revising and  
16          providing definitions; requiring the chair of each  
17          school district to annually provide a certain  
18          certification to the Department of Education;  
19          requiring district school boards to make certain  
20          information relating to instructional materials  
21          available to the public; revising the requirements for  
22          a school district policy relating to an objection to  
23          the use of a specified instructional material;  
24          requiring a school district to evaluate certain  
25          materials by a specified date and remove materials

26 meeting certain criteria; providing that certain  
27 persons who purchase certain prohibited materials  
28 commit a felony of the third degree; providing  
29 penalties; revising the district school board process  
30 for contesting the adoption of specific instructional  
31 materials; providing school district notification  
32 requirements; providing requirements for hearing  
33 officers; providing that certain persons may attend  
34 specified hearings but may not participate;  
35 prohibiting an attorney for the school district from  
36 designing or establishing the rules of operations for  
37 certain hearings; authorizing a petitioner to appeal a  
38 school board decision to the State Board of Education;  
39 authorizing a petitioner to appeal a state board  
40 decision to the circuit court; authorizing the  
41 petitioner to recover reasonable attorney fees and  
42 costs; revising district school board duties relating  
43 to the use of supplemental instructional materials;  
44 requiring the district school board to post certain  
45 information on its website; requiring the district  
46 school superintendent to provide an annual  
47 certification relating to instructional materials;  
48 amending s. 1006.283, F.S.; revising the requirements  
49 for the district school board instructional materials  
50 review process; providing requirements for certain

51 | hearings and public meetings; requiring instructional  
52 | materials to comply with department contract  
53 | provisions; amending s. 1006.31, F.S.; revising duties  
54 | of the department and school district instructional  
55 | materials reviewers; requiring instructional materials  
56 | to comply with certain requirements; amending s.  
57 | 1006.34, F.S.; conforming provisions to changes made  
58 | by the act; amending s. 1006.40, F.S.; encouraging  
59 | school districts to purchase certain instructional  
60 | materials and literature; revising the requirements  
61 | for materials purchased using the instructional  
62 | materials allocation; providing an effective date.

63

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

65

66 | Section 1. Subsections (3) and (6) of section 847.001,  
67 | Florida Statutes, are amended to read:

68 | 847.001 Definitions.—As used in this chapter, the term:

69 | (3) "Child pornography" means any image or text depicting  
70 | a minor engaged in sexual conduct.

71 | (6) "Harmful to minors" means any reproduction, imitation,  
72 | characterization, description, exhibition, presentation, or  
73 | representation, of whatever kind or form, depicting nudity,  
74 | sexual conduct, or sexual excitement when it:

75 | (a) Predominantly appeals to a prurient, shameful, or

76 morbid interest;

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

80 (c) Depicts an image or text that meets the definition of  
81 "deviate sexual intercourse" under subsection (5) ~~Taken as a~~  
82 ~~whole, is without serious literary, artistic, political, or~~  
83 ~~scientific value for minors.~~

84

85 The term "harmful to minors" does not include materials used in  
86 a formal, scheduled sex education course. ~~A mother's~~  
87 ~~breastfeeding of her baby is not under any circumstance "harmful~~  
88 ~~to minors."~~

89 Section 2. Subsections (3) and (5) of section 847.012,  
90 Florida Statutes, are amended, and subsection (6) of that  
91 section is republished, to read:

92 847.012 Harmful materials; sale or distribution to minors  
93 or using minors in production prohibited; penalty.—

94 (3) A person, including a public school employee or  
95 volunteer, may not knowingly sell, rent, or loan ~~for monetary~~  
96 ~~consideration~~ to a minor:

97 (a) Any picture, photograph, drawing, sculpture, motion  
98 picture film, videocassette, or similar visual representation or  
99 image of a person or portion of the human body which depicts  
100 nudity or sexual conduct, sexual excitement, sexual battery,

101 bestiality, or sadomasochistic abuse and which is harmful to  
102 minors; or

103 (b) Any book, pamphlet, magazine, printed matter however  
104 reproduced, or sound recording that contains any matter defined  
105 in s. 847.001, explicit and detailed verbal descriptions or  
106 narrative accounts of sexual excitement, or sexual conduct ~~and~~  
107 ~~that is harmful to minors.~~

108 (5) An adult may not knowingly distribute to a minor on  
109 school property, or post on school property, any material  
110 described in subsection (3). As used in this subsection, the  
111 term "school property" means the grounds or facility of any  
112 kindergarten, elementary school, middle school, junior high  
113 school, or secondary school, whether public or nonpublic. This  
114 subsection does not apply to the distribution or posting of  
115 school-approved instructional materials that by design serve as  
116 a major tool for assisting in the instruction of a sex education  
117 subject or course by school officers, instructional personnel,  
118 administrative personnel, school volunteers, educational support  
119 employees, or managers as those terms are defined in s. 1012.01.

120 (6) Any person violating any provision of this section  
121 commits a felony of the third degree, punishable as provided in  
122 s. 775.082, s. 775.083, or s. 775.084.

123 Section 3. Subsection (3) of section 1003.42, Florida  
124 Statutes, is amended to read:

125 1003.42 Required instruction.—

126           (3) (a) A school principal must notify each parent of a  
127 student enrolled in a course that will include sex education  
128 instructional materials of the content and the nature of such  
129 materials at least 10 instructional days before such materials  
130 are to be used. A parent must provide written approval for his  
131 or her child to be included in the portions of the course that  
132 include such instructional materials. A student so exempted may  
133 not be penalized by reason of that exemption.

134           (b) Any student whose parent makes written request to the  
135 school principal shall be exempted from the teaching of  
136 reproductive health or any disease, including HIV/AIDS, its  
137 symptoms, development, and treatment. A student so exempted may  
138 not be penalized by reason of that exemption. Course  
139 descriptions for comprehensive health education shall not  
140 interfere with the local determination of appropriate curriculum  
141 which reflects local values and concerns.

142           Section 4. Subsections (1) and (2) and paragraph (a) of  
143 subsection (3) of section 1006.28, Florida Statutes, are amended  
144 to read:

145           1006.28 Duties of district school board, district school  
146 superintendent; and school principal regarding K-12  
147 instructional materials.—

148           (1) DEFINITIONS.—

149           (a) As used in this section, the term:

150           1. "Adequate instructional materials" means a sufficient

151 number of student or site licenses or sets of materials that are  
152 available in bound, unbound, kit, or package form and may  
153 consist of hardbacked or softbacked textbooks, electronic  
154 content, consumables, learning laboratories, manipulatives,  
155 electronic media, and computer courseware or software that serve  
156 as the basis for instruction for each student in the core  
157 subject areas of mathematics, language arts, social studies,  
158 science, reading, and literature.

159 2. "Instructional materials" means systematically arranged  
160 content in text, digital, braille, and large print or audio  
161 format which may be used within the state curriculum framework  
162 for courses of study by public school students. The term  
163 includes textbooks, workbooks, worksheets, handouts, computer  
164 software, online and Internet courses, CDs or DVDs, all  
165 materials used in the classroom including supplemental materials  
166 and materials available to students in school libraries or media  
167 centers, and multiple forms of communication and electronic  
168 media. Instructional materials must be designed for student use  
169 and may contain or be accompanied by teaching and study guides  
170 ~~has the same meaning as in s. 1006.29(2).~~

171 (b) As used in this section, the term "hearing officer"  
172 means general magistrates, special magistrates, and hearing  
173 officers who are employed by the circuit court of the county or  
174 by a state agency.

175 (c) ~~(b)~~ As used in this section and s. 1006.283, the term

176 "resident" means a person who has maintained his or her  
177 residence in this state for the preceding year, has purchased a  
178 home that is occupied by him or her as his or her residence, or  
179 has established a domicile in this state pursuant to s. 222.17.

180 (d)~~(e)~~ As used in this section and ss. 1006.283, 1006.32,  
181 1006.35, 1006.37, 1006.38, 1006.40, and 1006.42, the term  
182 "purchase" includes purchase, lease, license, and acquire.

183 (2) DISTRICT SCHOOL BOARD.—The district school board has  
184 the constitutional duty and responsibility to select and provide  
185 the highest quality ~~adequate~~ instructional materials for all  
186 students. Annually, by January 1, the chair of each district  
187 school board shall certify in writing to the Department of  
188 Education that all school district instructional materials  
189 comply with all state laws relating to instructional materials  
190 ~~in accordance with the requirements of this part.~~ The district  
191 school board also has the following specific duties and  
192 responsibilities:

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

196 1. Each district school board is responsible for the  
197 quality and content of all instructional materials ~~and any other~~  
198 ~~materials~~ used in a classroom, made available in a school  
199 library, or included on a reading list, whether adopted and  
200 purchased from the state-adopted instructional materials list,

201 adopted and purchased through a district instructional materials  
202 program under s. 1006.283, or otherwise purchased or made  
203 available. Each district school board shall maintain on its  
204 website a current list of instructional materials, by grade  
205 level, purchased by the district and make such materials  
206 available to the public. Such list must contain, at a minimum,  
207 the title, author, and, if appropriate, ISBN number for all  
208 instructional materials.

209 2. Each district school board must adopt a policy  
210 regarding an objection by a parent or a resident of the county  
211 to the use of a specific instructional material, which clearly  
212 describes a process to handle each objection ~~all objections~~ and  
213 provide ~~provides~~ for resolution. The process must provide the  
214 parent or resident with adequate time and the opportunity to  
215 proffer evidence for each objection to the district school board  
216 that:

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

223 b. Any material used in a classroom, made available in a  
224 school library, or included on a reading list containing  
225 ~~contains~~ content that is pornographic or prohibited under s.

226 | 847.012 ~~or,~~ is not acceptable ~~suited to student needs and their~~  
227 | ~~ability to comprehend the material presented, or is~~  
228 | ~~inappropriate for the grade level and age group for which the~~  
229 | ~~material is used.~~

230 |     3.a. If the district school board finds that an  
231 | instructional material does not meet the criteria under sub-  
232 | subparagraph 2.a.a. or that any other material contains  
233 | prohibited content under sub-subparagraph 2.b.b., the school  
234 | district shall proactively remove ~~discontinue use of~~ the  
235 | material regardless of whether a parent or resident has objected  
236 | to the material ~~for any grade level or age group for which such~~  
237 | ~~use is inappropriate or unsuitable.~~

238 |     b. Each school district must evaluate all such materials  
239 | no later than October 1, 2019, and remove materials that are  
240 | pornographic or prohibited under s. 847.012.

241 |     c. Effective October 1, 2019, any person who purchases a  
242 | textbook, novel, or material that is pornographic or prohibited  
243 | under s. 847.012 with the intent to expose students to such  
244 | material commits a felony of the third degree, punishable as  
245 | provided in s. 775.082, s. 775.083, or s. 775.084. Every  
246 | textbook, novel, or material purchased shall constitute a  
247 | separate offense and is punishable as such.

248 |     d. After exhausting all local policy remedies and  
249 | appealing to the State Board of Education, a parent or resident  
250 | may sue in circuit court for an injunction to remove such

251 materials and may recover reasonable attorney fees and costs.  
252 ~~4.3-~~ Each district school board must establish a process  
253 by which the parent of a public school student or a resident of  
254 the county may contest the district school board's adoption of a  
255 specific instructional material. The parent or resident must  
256 file a petition, on a form provided by the school board, within  
257 30 calendar days after the adoption of the material by the  
258 school board. The school board must make the form easy to use,  
259 prominently advertise the school board's policy and the form  
260 available to the public, and publish the form on the school  
261 district's website. The form must be signed by the parent or  
262 resident, include the required contact information, and state  
263 the objection to the instructional material based on the  
264 criteria of s. 1006.31(2) or s. 1006.40(3)(d). A hearing officer  
265 must give priority to a parent's or resident's objections based  
266 on failure of a material to comply with the criteria of s.  
267 1006.31(2) or s. 1006.40(3)(d) in his or her written findings.  
268 Within 30 days after the 30-day period has expired, the school  
269 board must, for all petitions timely received, commission  
270 ~~conduct~~ at least one open public hearing by an independent  
271 ~~before an unbiased~~ and qualified hearing officer. A district  
272 school board may not appoint its own hearing officer and the  
273 hearing officer may not be an employee or agent of the school  
274 district. At least 7 days before the hearing, a school board  
275 must provide each petitioner with a written notification of the

276 date and time of the hearing and publish on its website for the  
277 public all instructional materials included in a petition. A  
278 school board's failure to provide petitioners with the required  
279 written notice or publish such instructional materials on its  
280 website for the public shall result in the hearing being  
281 rescheduled to satisfy these requirements. The hearing is ~~not~~  
282 subject to ~~the provisions of chapter 120.; however,~~ The hearing  
283 must provide sufficient procedural protections to allow each  
284 petitioner an adequate and fair opportunity to be heard and  
285 present evidence to the hearing officer on all petitions timely  
286 received. The hearing officer shall provide written findings on  
287 each objection with his or her recommendations to the school  
288 board. Failure of the hearing officer to provide written  
289 findings on each objection voids the adoption process. Members  
290 of the district school board, the district school  
291 superintendent, and any attorney for the school district may  
292 attend a hearing as part of the audience, but may not  
293 participate in the hearing. An attorney for the school district  
294 may not have been involved in designing or establishing the  
295 rules of operation for the hearing.  
296  
297 The rationale for the school board's decision for each contested  
298 instructional material must be documented and available to the  
299 public. Decisions regarding such instructional materials by the  
300 school board may be appealed by the petitioner to the State

301 Board of Education. A petitioner may appeal the decision of the  
302 state board to a circuit court and may seek damages or  
303 injunctive relief, or both. The circuit court has original and  
304 exclusive jurisdiction of all proceedings brought under this  
305 section. If any proceeding brought under this section is deemed  
306 to be frivolous by the court, the petitioner may recover  
307 reasonable attorney fees and costs ~~after convening a hearing is~~  
308 ~~final and not subject to further petition or review.~~

309 (b) Instructional materials.—Provide for proper  
310 requisitioning, distribution, accounting, storage, care, and use  
311 of all instructional materials and furnish such other  
312 instructional materials as may be needed. Instructional  
313 materials used must be consistent with the district goals and  
314 objectives and the course descriptions established in rule of  
315 the State Board of Education, as well as with the applicable  
316 Next Generation Sunshine State Standards provided for in s.  
317 1003.41.

318 (c) Other instructional materials.—Provide such other  
319 teaching accessories and aids as are needed for the school  
320 district's educational program, including supplemental  
321 instructional materials. Each school district shall create a  
322 policy and training program for the use of supplemental  
323 instructional materials in the classroom to ensure that the  
324 materials used comply with s. 1006.31(2) and any other state  
325 laws relating to instructional materials.

326 (d) School library media services; establishment and  
327 maintenance.—Establish and maintain a program of school library  
328 media services for all public schools in the district, including  
329 school library media centers, or school library media centers  
330 open to the public, and, in addition such traveling or  
331 circulating libraries as may be needed for the proper operation  
332 of the district school system. Each school district shall post  
333 on its website a current list of all instructional materials,  
334 including library materials. Upon written request, a school  
335 district shall provide access to any material or book specified  
336 in the request that is maintained in a district school system  
337 library and is available for review.

338 (3) DISTRICT SCHOOL SUPERINTENDENT.—

339 (a) The district school superintendent has the duty to  
340 annually certify, by March 31, that he or she is following state  
341 laws relating to instructional materials. If there is a conflict  
342 between state law and the Next Generation Sunshine State  
343 Standards, state law prevails. The district school  
344 superintendent shall ~~to~~ recommend ~~such~~ plans for improving,  
345 providing, distributing, accounting for, and caring for  
346 instructional materials and other instructional aids as will  
347 result in general improvement of the district school system, as  
348 prescribed in this part, in accordance with adopted district  
349 school board rules prescribing the duties and responsibilities  
350 of the district school superintendent regarding the requisition,

351 purchase, receipt, storage, distribution, use, conservation,  
352 records, and reports of, and management practices and property  
353 accountability concerning, instructional materials, and  
354 providing for an evaluation of any instructional materials to be  
355 requisitioned that have not been used previously in the  
356 district's schools. The district school superintendent must keep  
357 adequate records and accounts for all financial transactions for  
358 funds collected pursuant to subsection (4).

359 Section 5. Subsection (2) of section 1006.283, Florida  
360 Statutes, is amended to read:

361 1006.283 District school board instructional materials  
362 review process.—

363 (2) (a) If a district school board chooses to implement its  
364 own instructional materials program, the school board shall  
365 adopt rules implementing the district's instructional materials  
366 program which must include its processes, criteria, and  
367 requirements for the following:

- 368 1. Selection of reviewers, one-third ~~one or more~~ of whom  
369 must be parents with children in public schools.
- 370 2. Review of instructional materials.
- 371 3. Selection of instructional materials, including a  
372 thorough review of curriculum content.
- 373 4. Reviewer recommendations.
- 374 5. District school board adoption.
- 375 6. Purchase of instructional materials.

- 376 (b) District school board rules must also:
- 377 1. Identify, by subject area, a review cycle for
- 378 instructional materials.
- 379 2. Specify the qualifications for an instructional
- 380 materials reviewer and the process for selecting reviewers; list
- 381 a reviewer's duties and responsibilities; provide for training
- 382 to ensure, ~~including~~ compliance with the requirements of ss.
- 383 847.012, 1003.42(2)(a)-(f), and 1006.28 ~~s. 1006.31~~; and provide
- 384 that all instructional materials recommended by a reviewer be
- 385 accompanied by the reviewer's statement that the materials align
- 386 with or exceed the state standards pursuant to s. 1003.41 and
- 387 the requirements of s. 1006.31.
- 388 3. State the requirements for an affidavit to be made by
- 389 each district instructional materials reviewer which
- 390 substantially meet the requirements of s. 1006.30.
- 391 4. Comply with s. 1006.32, relating to prohibited acts.
- 392 5. Establish a process that certifies the accuracy and
- 393 quality of instructional materials in accordance with the
- 394 criteria established under s. 1006.28 and other state laws
- 395 relating to instructional materials.
- 396 6. Incorporate applicable requirements of s. 1006.31,
- 397 which relates to the duties of instructional materials
- 398 reviewers.
- 399 7. Incorporate applicable requirements of s. 1006.38,
- 400 relating to the duties, responsibilities, and requirements of

401 publishers of instructional materials.

402 8. Establish the process by which instructional materials  
403 are adopted by the district school board, which must include:

404 a. A process to allow student and teacher editions of  
405 recommended instructional materials to be accessed and viewed  
406 online ~~by the public~~ at least 45 ~~20~~ calendar days before the  
407 district school board's independent board hearing and public  
408 meeting as specified in this subparagraph. Failure to meet the  
409 45-calendar day deadline shall result in the hearing and public  
410 meeting being rescheduled. This process must include reasonable  
411 safeguards against the unauthorized use, reproduction, and  
412 distribution of instructional materials considered for adoption.

413 b. An open, noticed school board hearing to receive public  
414 comment on the recommended instructional materials.

415 c. An open, noticed public meeting to approve an annual  
416 instructional materials plan to identify any instructional  
417 materials that will be purchased through the district school  
418 board instructional materials review process pursuant to this  
419 section. This public meeting must be held at least 10 days after  
420 the last hearing to address objections to instructional  
421 materials as provided in s. 1006.28 to allow the school board  
422 adequate time to review the findings of the hearing officer.  
423 Failure to adhere to this timeline will render the school  
424 board's adoption of materials void on a different date than the  
425 school board hearing.

426           d. Notice requirements for the school board hearing and  
427 the public meeting that must specifically state which  
428 instructional materials are being reviewed and the manner in  
429 which the instructional materials can be accessed for public  
430 review. The hearing officer must allow the parent of a public  
431 school student or a resident of the county a minimum of 10  
432 minutes per objection to proffer evidence that a recommended  
433 instructional material does not meet the criteria provided in s.  
434 1006.31(2), ~~taking into consideration course expectations based~~  
435 ~~on the district's comprehensive plan for student progression~~  
436 ~~under s. 1008.25(2) and course descriptions in the course code~~  
437 ~~directory.~~

438           9. Establish the process by which the district school  
439 board shall receive public comment on and accept or deny each of  
440 the findings of the independent hearing officer, ~~and review, the~~  
441 ~~recommended instructional materials.~~

442           10. Establish the process by which instructional materials  
443 will be purchased, including advertising, bidding, and  
444 purchasing requirements. Purchased instructional materials must  
445 comply with Department of Education contract provisions. All bid  
446 contract terms, whether acquired from department-approved lists  
447 or under this section, are subject to public records requests  
448 during and after the acquisition process.

449           11. Establish the process by which the school district  
450 will notify parents of their ability to access their children's

451 instructional materials through the district's local  
452 instructional improvement system and by which the school  
453 district will encourage parents to access the system. This  
454 notification must be displayed prominently on the school  
455 district's website and provided annually in written format to  
456 all parents of enrolled students.

457 Section 6. Subsection (2) of section 1006.31, Florida  
458 Statutes, is amended to read:

459 1006.31 Duties of the Department of Education and school  
460 district instructional materials reviewer.—The duties of the  
461 instructional materials reviewer are:

462 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—

463 To use the selection criteria listed in s. 1006.34(2)(b) and  
464 recommend for adoption only those instructional materials  
465 aligned with or exceed the Next Generation Sunshine State  
466 Standards provided for in s. 1003.41. Instructional materials  
467 recommended by each reviewer shall comply with all quality and  
468 content criteria established in state law, including an  
469 assurance that such materials are researched-based and proven to  
470 be effective in supporting student learning; are ~~be, to the~~  
471 satisfaction of each reviewer, accurate and factual; provide,  
472 objective, balanced, and noninflammatory viewpoints on  
473 controversial issues; are, ~~current,~~ free of pornography and  
474 material prohibited under s. 847.012; are of acceptable quality;  
475 are in full compliance with s. 847.012, s. 1003.42, and all

476 | other state laws relating to instructional materials;~~7~~ and are  
477 | suited to student needs and their ability to comprehend the  
478 | material presented. Reviewers shall consider for recommendation  
479 | materials developed for academically talented students, such as  
480 | students enrolled in advanced placement courses. When  
481 | recommending instructional materials, each reviewer shall:

482 |       (a) Include only instructional materials that accurately  
483 | portray the ethnic, socioeconomic, cultural, religious,  
484 | physical, and racial diversity of our society, including men and  
485 | women in professional, career, and executive roles, and the role  
486 | and contributions of the entrepreneur and labor in the total  
487 | development of this state and the United States. Instructional  
488 | materials that are recommended must comply with s. 1002.206  
489 | relating to religious expression in public schools.

490 |       (b) Include only materials that accurately portray,  
491 | whenever appropriate, humankind's place in ecological systems,  
492 | including the necessity for the protection of our environment  
493 | and conservation of our natural resources and the effects on the  
494 | human system of the use of tobacco, alcohol, controlled  
495 | substances, and other dangerous substances.

496 |       (c) Include materials that encourage thrift, fire  
497 | prevention, and humane treatment of people and animals.

498 |       (d) Require, when appropriate to the comprehension of  
499 | students, that materials for social science, history, or civics  
500 | classes contain the Declaration of Independence and the

501 Constitution of the United States. A reviewer may not recommend  
502 any instructional materials that contain any matter that  
503 contradicts s. 1003.42(2)(a)-(f) or that reflects ~~reflecting~~  
504 unfairly upon persons because of their race, color, creed,  
505 national origin, ancestry, gender, religion, disability,  
506 socioeconomic status, or occupation.

507 Section 7. Paragraph (b) of subsection (2) of section  
508 1006.34, Florida Statutes, is amended to read:

509 1006.34 Powers and duties of the commissioner and the  
510 department in selecting and adopting instructional materials.—

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

512 (b) In the selection of instructional materials, library  
513 media, and other reading material used in the public school  
514 system, the standards used to determine the propriety of the  
515 material shall include:

516 1. The age of the students who normally could be expected  
517 to have access to the material.

518 2. The educational purpose to be served by the material.  
519 Priority shall be given to the selection of materials that align  
520 with or exceeds the Next Generation Sunshine State Standards as  
521 provided for in s. 1003.41 and include the instructional  
522 objectives contained within the curriculum frameworks for career  
523 and technical education and adult and adult general education  
524 adopted by rule of the State Board of Education under s.  
525 1004.92.

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

529           4. The consideration of the broad racial, ethnic,  
530 socioeconomic, and cultural diversity of the students of this  
531 state.

532           5. The requirements established in s. 1006.31(2).

533

534 Any instructional material containing pornography or otherwise  
535 prohibited by s. 847.012 may not be used or made available  
536 within any public school.

537           Section 8. Subsection (2), paragraphs (a) and (d) of  
538 subsection (3), and subsections (4) and (7) of section 1006.40,  
539 Florida Statutes, are amended to read:

540           1006.40 Use of instructional materials allocation;  
541 instructional materials, library books, and reference books;  
542 repair of books.—

543           (2) Each district school board must purchase current  
544 instructional materials to provide each student in kindergarten  
545 through grade 12 with a major tool of instruction in core  
546 courses of the subject areas of mathematics, language arts,  
547 science, social studies, reading, and literature. Such purchase  
548 must be made within the first 3 years after the effective date  
549 of the adoption cycle unless a district school board or a  
550 consortium of school districts has implemented an instructional

551 materials program pursuant to s. 1006.283. Each district school  
552 board is encouraged to purchase originally sourced instructional  
553 materials and classical literature.

554 (3) (a) Except for a school district or a consortium of  
555 school districts that implements an instructional materials  
556 program pursuant to s. 1006.283, each district school board  
557 shall use the annual allocation only for the purchase of  
558 instructional materials that align with or exceed state  
559 standards and are included on the state-adopted list, except as  
560 otherwise authorized in paragraphs (b) and (c).

561 (d) All ~~Any~~ materials purchased pursuant to this section  
562 must be:

563 ~~1. free of pornography and material prohibited under s.~~  
564 ~~847.012.~~

565 ~~2. Suited to student needs and their ability to comprehend~~  
566 ~~the material presented.~~

567 ~~3. Appropriate for the grade level and age group for which~~  
568 ~~the materials are used or made available.~~

569 (4) Each district school board is responsible for the  
570 content and quality of all materials used in a classroom or  
571 otherwise made available to students and the compliance of such  
572 materials with state laws relating to instructional materials.

573 Each district school board shall adopt rules, and each district  
574 school superintendent shall implement procedures, that:

575 (a) Maximize student use of the district-approved

576 instructional materials.

577 (b) Provide a process for public review of, public comment  
578 on, formal objections to, appropriate hearings on, and the  
579 adoption of instructional materials that satisfies the  
580 requirements of s. 1006.283(2)(b)8., 9., and 11.

581 (7) A district school board or a consortium of school  
582 districts that implements an instructional materials program  
583 pursuant to s. 1006.283 may use the annual allocation to  
584 purchase instructional materials not on the state-adopted list.  
585 However, instructional materials purchased pursuant to this  
586 section which are not included on the state-adopted list must  
587 meet the criteria of s. 1006.31(2), align with or exceed state  
588 standards adopted by the State Board of Education pursuant to s.  
589 1003.41, and be consistent with course expectations based on the  
590 district's comprehensive plan for student progression and course  
591 descriptions adopted in state board rule.

592 Section 9. This act shall take effect July 1, 2019.