

1 A bill to be entitled
2 An act relating to materials harmful to minors;
3 amending s. 1006.28, F.S.; defining the term "harmful
4 to minors"; revising the list of materials used in a
5 classroom which are subject to the objection process
6 by parents or residents; reenacting s. 1014.05(1)(c),
7 F.S., relating to school district notifications on
8 parental rights, to incorporate the amendment made to
9 s. 1006.28, F.S., in a reference thereto; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 **Section 1. Subsection (1) and paragraph (a) of subsection**
15 **(2) of section 1006.28, Florida Statutes, are amended to read:**

16 1006.28 Duties of district school board, district school
17 superintendent; and school principal regarding K-12
18 instructional materials.—

19 (1) DEFINITIONS.—

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

21 1. "Adequate instructional materials" means a sufficient
22 number of student or site licenses or sets of materials that are
23 available in bound, unbound, kit, or package form and may
24 consist of hardbacked or softbacked textbooks, electronic
25 content, consumables, learning laboratories, manipulatives,

26 electronic media, and computer courseware or software that serve
27 as the basis for instruction in the core subject areas of
28 mathematics, language arts, social studies, science, reading,
29 and literature.

30 2. "Harmful to minors" means any reproduction, imitation,
31 characterization, description, exhibition, presentation, or
32 representation, of whatever kind or form, depicting nudity,
33 sexual conduct, or sexual excitement when it:

34 a. Predominantly appeals to prurient, shameful, or morbid
35 interest; and

36 b. Is patently offensive to prevailing standards in the
37 adult community as a whole with respect to what is suitable
38 material or conduct for minors.

39 3.2. "Instructional materials" has the same meaning as in
40 s. 1006.29(2).

41 4.3. "Library media center" means any collection of books,
42 ebooks, periodicals, or videos maintained and accessible on the
43 site of a school, including in classrooms.

44 (b) As used in this section and s. 1006.283, the term
45 "resident" means a person who has maintained his or her
46 residence in this state for the preceding year, has purchased a
47 home that is occupied by him or her as his or her residence, or
48 has established a domicile in this state pursuant to s. 222.17.

49 (c) As used in this section and ss. 1006.283, 1006.32,
50 1006.35, 1006.37, 1006.38, 1006.40, and 1006.42, the term

51 "purchase" includes purchase, lease, license, and acquire.

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

57 (a) *Courses of study; adoption.*—Adopt courses of study,
58 including instructional materials, for use in the schools of the
59 district.

60 1. Each district school board is responsible for the
61 content of all instructional materials and any other materials
62 used in a classroom, made available in a school or classroom
63 library, or included on a reading list, whether adopted and
64 purchased from the state-adopted instructional materials list,
65 adopted and purchased through a district instructional materials
66 program under s. 1006.283, or otherwise purchased or made
67 available.

68 2. Each district school board must adopt a policy
69 regarding an objection by a parent or a resident of the county
70 to the use of a specific material, which clearly describes a
71 process to handle all objections and provides for resolution.
72 The objection form, as prescribed by State Board of Education
73 rule, and the district school board's process must be easy to
74 read and understand and be easily accessible on the homepage of
75 the school district's website. The objection form must also

76 identify the school district point of contact and contact
77 information for the submission of an objection. The process must
78 provide the parent or resident the opportunity to proffer
79 evidence to the district school board that:

80 a. An instructional material does not meet the criteria of
81 s. 1006.31(2) or s. 1006.40(3)(c) if it was selected for use in
82 a course or otherwise made available to students in the school
83 district but was not subject to the public notice, review,
84 comment, and hearing procedures under s. 1006.283(2)(b)8., 9.,
85 and 11.

86 b. Any material used in a classroom, made available in a
87 school or classroom library, or included on a reading list
88 contains content which:

89 (I) Is pornographic ~~or prohibited under s. 847.012;~~

90 (II) Is harmful to minors;

91 (III) ~~(II)~~ Depicts or describes sexual conduct as defined
92 in s. 847.001(19), unless such material is specifically
93 authorized as part of a health education course required under
94 s. 1003.46; as part of comprehensive health education required
95 under s. 1003.42(2)(o)1.g. or 3.; or as approved through for a
96 course required by s. 1003.46 or s. 1003.42(2)(o)1.g. or 3., or
97 identified by State Board of Education rule for specific
98 educational purposes;

99 (IV) ~~(III)~~ Is not suited to student needs and their ability
100 to comprehend the material presented; or

101 (V) ~~(IV)~~ Is inappropriate for the grade level and age group
102 for which the material is used.

103
104 A resident of the county who is not the parent or guardian of a
105 student with access to school district materials may not object
106 to more than one material per month. The State Board of
107 Education may adopt rules to implement this provision. Any
108 material that is subject to an objection on the basis of sub-
109 sub-subparagraphs b.(I)-(III) ~~sub-sub-subparagraph b.(I) or sub-~~
110 ~~sub-subparagraph b.(II)~~ must be removed within 5 school days
111 after receipt of the objection and remain unavailable to
112 students of that school until the objection is resolved. The
113 school district may not consider potential literary, artistic,
114 political, or scientific value as a basis for retaining the
115 material if it contains material harmful to minors. Parents
116 shall have the right to read passages from any material that is
117 subject to an objection. If the school board denies a parent the
118 right to read passages due to content that meets the
119 requirements under sub-sub-subparagraph b.(I) or sub-sub-
120 subparagraph b.(II), the school district shall discontinue the
121 use of the material in the school district. If the district
122 school board finds that any material meets the requirements
123 under sub-subparagraph a. or that any other material contains
124 prohibited content under sub-sub-subparagraph b.(I) or sub-sub-
125 subparagraph b.(II), the school district shall discontinue use

of the material. If the district school board finds that any other material contains prohibited content under sub-sub-subparagraphs b.(III)-(V) ~~b.(II)-(IV)~~, the school district shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable. The State Board of Education shall monitor district compliance with the requirements of sub-sub-subparagraphs (I)-(III) through regular audits and reporting. Upon finding that a district has failed to comply with these requirements, the State Board of Education must provide written notice of noncompliance to the district and require the district to submit a corrective action plan within 30 days after receiving such notice; may withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified by the Legislature until the district complies with the requirements; and may impose additional sanctions or requirements as conditions for the continued receipt of state funds.

3. Each district school board must establish a process by which the parent of a public school student or a resident of the county may contest the district school board's adoption of a specific instructional material. The parent or resident must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the instructional material by the school board. The school board must make the form available to the public and publish the form on the school

151 district's website. The form must be signed by the parent or
152 resident, include the required contact information, and state
153 the objection to the instructional material based on the
154 criteria of s. 1006.31(2) or s. 1006.40(3)(c). Within 30 days
155 after the 30-day period has expired, the school board must, for
156 all petitions timely received, conduct at least one open public
157 hearing before an unbiased and qualified hearing officer. The
158 hearing officer may not be an employee or agent of the school
159 district. The hearing is not subject to the provisions of
160 chapter 120; however, the hearing must provide sufficient
161 procedural protections to allow each petitioner an adequate and
162 fair opportunity to be heard and present evidence to the hearing
163 officer. The school board's decision after convening a hearing
164 is final and not subject to further petition or review.

165 4. Meetings of committees convened for the purpose of
166 ranking, eliminating, or selecting instructional materials for
167 recommendation to the district school board must be noticed and
168 open to the public in accordance with s. 286.011. Any committees
169 convened for such purposes must include parents of students who
170 will have access to such materials.

171 5. Meetings of committees convened for the purpose of
172 resolving an objection by a parent or resident to specific
173 materials must be noticed and open to the public in accordance
174 with s. 286.011. Any committees convened for such purposes must
175 include parents of students who will have access to such

176 materials.

177 6. If a parent disagrees with the determination made by
178 the district school board on the objection to the use of a
179 specific material, a parent may request the Commissioner of
180 Education to appoint a special magistrate who is a member of The
181 Florida Bar in good standing and who has at least 5 years'
182 experience in administrative law. The special magistrate shall
183 determine facts relating to the school district's determination,
184 consider information provided by the parent and the school
185 district, and render a recommended decision for resolution to
186 the State Board of Education within 30 days after receipt of the
187 request by the parent. The State Board of Education must approve
188 or reject the recommended decision at its next regularly
189 scheduled meeting that is more than 7 calendar days and no more
190 than 30 days after the date the recommended decision is
191 transmitted. The costs of the special magistrate shall be borne
192 by the school district. The State Board of Education shall adopt
193 rules, including forms, necessary to implement this
194 subparagraph.

195 **Section 2. For the purpose of incorporating the amendment**
196 **made by this act to section 1006.28, Florida Statutes, in a**
197 **reference thereto, paragraph (c) of subsection (1) of section**
198 **1014.05, Florida Statutes, is reenacted to read:**

199 1014.05 School district notifications on parental rights.—

200 (1) Each district school board shall, in consultation with

201 parents, teachers, and administrators, develop and adopt a
202 policy to promote parental involvement in the public school
203 system. Such policy must include:

204 (c) Procedures, pursuant to s. 1006.28(2)(a)2., for a
205 parent to object to instructional materials and other materials
206 used in the classroom. Such objections may be based on beliefs
207 regarding morality, sex, and religion or the belief that such
208 materials are harmful. For purposes of this section, the term
209 "instructional materials" has the same meaning as in s.
210 1006.29(2) and may include other materials used in the
211 classroom, including workbooks and worksheets, handouts,
212 software, applications, and any digital media made available to
213 students.

214 **Section 3.** This act shall take effect July 1, 2025.