

By Senator Mayfield

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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      criminal penalties; revising the district school board

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30 process for contesting the adoption of specific  
31 instructional materials; providing school district  
32 notification requirements; providing requirements for  
33 hearing officers; providing that certain persons may  
34 attend 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

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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 a  
70 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~~

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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

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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

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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  
166 materials and materials available to students in school  
167 libraries or media centers, and multiple forms of communication  
168 and electronic media. Instructional materials must be designed  
169 for student use and may contain or be accompanied by teaching  
170 and study guides ~~has the same meaning as in s. 1006.29(2).~~

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

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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

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

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

222 b. Any material used in a classroom, made available in a  
223 school library, or included on a reading list containing  
224 ~~contains~~ content that is pornographic or prohibited under s.  
225 847.012 or, ~~is not acceptable suited to student needs and their~~  
226 ~~ability to comprehend the material presented, or is~~  
227 ~~inappropriate for the grade level and age group for which the~~  
228 ~~material is used.~~

229 3.a. If the district school board finds that an  
230 instructional material does not meet the criteria under sub-  
231 subparagraph 2.a.a. or that any other material contains  
232 prohibited content under sub-subparagraph 2.b.b., the school



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233 district shall proactively remove ~~discontinue use of~~ the  
234 material regardless of whether a parent or resident has objected  
235 to the material for any grade level or age group for which such  
236 ~~use is inappropriate or unsuitable.~~

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

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

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

251 ~~4.3.~~ Each district school board must establish a process by  
252 which the parent of a public school student or a resident of the  
253 county may contest the district school board's adoption of a  
254 specific instructional material. The parent or resident must  
255 file a petition, on a form provided by the school board, within  
256 30 calendar days after the adoption of the material by the  
257 school board. The school board must make the form easy to use,  
258 prominently advertise the school board's policy and the form  
259 ~~available~~ to the public, and publish the form on the school  
260 district's website. The form must be signed by the parent or  
261 resident, include the required contact information, and state

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262 the objection to the instructional material based on the  
263 criteria of s. 1006.31(2) or s. 1006.40(3)(d). A hearing officer  
264 must give priority to a parent's or resident's objections based  
265 on failure of a material to comply with the criteria of s.  
266 1006.31(2) or s. 1006.40(3)(d) in his or her written findings.  
267 Within 30 days after the 30-day period has expired, the school  
268 board must, for all petitions timely received, commission  
269 ~~conduct~~ at least one open public hearing by an independent  
270 ~~before an unbiased~~ and qualified hearing officer. A district  
271 school board may not appoint its own hearing officer, and the  
272 hearing officer may not be an employee or agent of the school  
273 district. At least 7 days before the hearing, a school board  
274 must provide each petitioner with a written notification of the  
275 date and time of the hearing and publish on its website for the  
276 public all instructional materials included in a petition. A  
277 school board's failure to provide petitioners with the required  
278 written notice or publish such instructional materials on its  
279 website for the public shall result in the hearing being  
280 rescheduled to satisfy these requirements. The hearing is not  
281 ~~subject to the provisions of chapter 120.; however,~~ The hearing  
282 must provide sufficient procedural protections to allow each  
283 petitioner an adequate and fair opportunity to be heard and  
284 present evidence to the hearing officer on all petitions timely  
285 received. The hearing officer shall provide written findings on  
286 each objection with his or her recommendations to the school  
287 board. Failure of the hearing officer to provide written  
288 findings on each objection voids the adoption process. Members  
289 of the district school board, the district school  
290 superintendent, and any attorney for the school district may

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291 attend a hearing as part of the audience, but may not  
292 participate in the hearing. An attorney for the school district  
293 may not have been involved in designing or establishing the  
294 rules of operation for the hearing.

295  
296 The rationale for the school board's decision for each contested  
297 instructional material must be documented and available to the  
298 public. Decisions regarding such instructional materials by the  
299 school board may be appealed by the petitioner to the State  
300 Board of Education. A petitioner may appeal the decision of the  
301 state board to a circuit court and may seek damages or  
302 injunctive relief, or both. The circuit court has original and  
303 exclusive jurisdiction of all proceedings brought under this  
304 section. If any proceeding brought under this section is deemed  
305 to be frivolous by the court, the petitioner may recover  
306 reasonable attorney fees and costs ~~after convening a hearing is~~  
307 ~~final and not subject to further petition or review.~~

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

317 (c) *Other instructional materials.*—Provide such other  
318 teaching accessories and aids as are needed for the school  
319 district's educational program, including supplemental

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320 instructional materials. Each school district shall create a  
321 policy and training program for the use of supplemental  
322 instructional materials in the classroom to ensure that the  
323 materials used comply with s. 1006.31(2) and any other state  
324 laws relating to instructional materials.

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

337 (3) DISTRICT SCHOOL SUPERINTENDENT.—

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

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

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

360 1006.283 District school board instructional materials  
361 review process.—

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

367 1. Selection of reviewers, one-third ~~one or more~~ of whom  
368 must be parents with children in public schools.

369 2. Review of instructional materials.

370 3. Selection of instructional materials, including a  
371 thorough review of curriculum content.

372 4. Reviewer recommendations.

373 5. District school board adoption.

374 6. Purchase of instructional materials.

375 (b) District school board rules must also:

376 1. Identify, by subject area, a review cycle for  
377 instructional materials.

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378           2. Specify the qualifications for an instructional  
379 materials reviewer and the process for selecting reviewers; list  
380 a reviewer's duties and responsibilities; provide for training  
381 to ensure, ~~including~~ compliance with the requirements of ss.  
382 847.012, 1003.42(2)(a)-(f), and 1006.28 ~~s. 1006.31~~; and provide  
383 that all instructional materials recommended by a reviewer be  
384 accompanied by the reviewer's statement that the materials align  
385 with or exceed the state standards pursuant to s. 1003.41 and  
386 the requirements of s. 1006.31.

387           3. State the requirements for an affidavit to be made by  
388 each district instructional materials reviewer which  
389 substantially meet the requirements of s. 1006.30.

390           4. Comply with s. 1006.32, relating to prohibited acts.

391           5. Establish a process that certifies the accuracy and  
392 quality of instructional materials in accordance with the  
393 criteria established under s. 1006.28 and other state laws  
394 relating to instructional materials.

395           6. Incorporate applicable requirements of s. 1006.31, which  
396 relates to the duties of instructional materials reviewers.

397           7. Incorporate applicable requirements of s. 1006.38,  
398 relating to the duties, responsibilities, and requirements of  
399 publishers of instructional materials.

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

402           a. A process to allow student and teacher editions of  
403 recommended instructional materials to be accessed and viewed  
404 online ~~by the public~~ at least 45 ~~20~~ calendar days before the  
405 district school board's independent ~~board~~ hearing and public  
406 meeting as specified in this subparagraph. Failure to meet the

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407 45-calendar day deadline shall result in the hearing and public  
408 meeting being rescheduled. This process must include reasonable  
409 safeguards against the unauthorized use, reproduction, and  
410 distribution of instructional materials considered for adoption.

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

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

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

435 9. Establish the process by which the district school board

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436 shall receive public comment on and accept or deny each of the  
437 findings of the independent hearing officer, ~~and review, the~~  
438 ~~recommended instructional materials.~~

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

446 11. Establish the process by which the school district will  
447 notify parents of their ability to access their children's  
448 instructional materials through the district's local  
449 instructional improvement system and by which the school  
450 district will encourage parents to access the system. This  
451 notification must be displayed prominently on the school  
452 district's website and provided annually in written format to  
453 all parents of enrolled students.

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

456 1006.31 Duties of the Department of Education and school  
457 district instructional materials reviewer.—The duties of the  
458 instructional materials reviewer are:

459 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the  
460 selection criteria listed in s. 1006.34(2)(b) and recommend for  
461 adoption only those instructional materials aligned with or  
462 exceeding the Next Generation Sunshine State Standards provided  
463 for in s. 1003.41. Instructional materials recommended by each  
464 reviewer shall comply with all quality and content criteria



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465 established in state law, including an assurance that such  
466 materials are researched-based and proven to be effective in  
467 supporting student learning; are ~~be, to the satisfaction of each~~  
468 ~~reviewer,~~ accurate and factual; provide, objective, balanced,  
469 and noninflammatory viewpoints on controversial issues; are,  
470 ~~current,~~ free of pornography and material prohibited under s.  
471 847.012; are of acceptable quality; are in full compliance with  
472 s. 847.012, s. 1003.42, and all other state laws relating to  
473 instructional materials; and are suited to student needs and  
474 their ability to comprehend the material presented. Reviewers  
475 shall consider for recommendation materials developed for  
476 academically talented students, such as students enrolled in  
477 advanced placement courses. When recommending instructional  
478 materials, each reviewer shall:

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

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

493 (c) Include materials that encourage thrift, fire

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494 prevention, and humane treatment of people and animals.

495 (d) Require, when appropriate to the comprehension of  
496 students, that materials for social science, history, or civics  
497 classes contain the Declaration of Independence and the  
498 Constitution of the United States. A reviewer may not recommend  
499 any instructional materials that contain any matter that  
500 contradicts s. 1003.42(2)(a)-(f) or that reflects ~~reflecting~~  
501 unfairly upon persons because of their race, color, creed,  
502 national origin, ancestry, gender, religion, disability,  
503 socioeconomic status, or occupation.

504 Section 7. Paragraph (b) of subsection (2) of section  
505 1006.34, Florida Statutes, is amended to read:

506 1006.34 Powers and duties of the commissioner and the  
507 department in selecting and adopting instructional materials.—

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

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

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

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

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

526           4. The consideration of the broad racial, ethnic,  
527 socioeconomic, and cultural diversity of the students of this  
528 state.

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

530

531 Any instructional material containing pornography or otherwise  
532 prohibited by s. 847.012 may not be used or made available  
533 within any public school.

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

537           1006.40 Use of instructional materials allocation;  
538 instructional materials, library books, and reference books;  
539 repair of books.-

540           (2) Each district school board must purchase current  
541 instructional materials to provide each student in kindergarten  
542 through grade 12 with a major tool of instruction in core  
543 courses of the subject areas of mathematics, language arts,  
544 science, social studies, reading, and literature. Such purchase  
545 must be made within the first 3 years after the effective date  
546 of the adoption cycle unless a district school board or a  
547 consortium of school districts has implemented an instructional  
548 materials program pursuant to s. 1006.283. Each district school  
549 board is encouraged to purchase originally sourced instructional  
550 materials and classical literature.

551           (3) (a) Except for a school district or a consortium of

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

558 (d) All ~~Any~~ materials purchased pursuant to this section  
559 must be:

560 ~~1. free of pornography and material prohibited under s.~~  
561 ~~847.012.~~

562 ~~2. Suited to student needs and their ability to comprehend~~  
563 ~~the material presented.~~

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

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

570 Each district school board shall adopt rules, and each district  
571 school superintendent shall implement procedures, that:

572 (a) Maximize student use of the district-approved  
573 instructional materials.

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

578 (7) A district school board or a consortium of school  
579 districts that implements an instructional materials program  
580 pursuant to s. 1006.283 may use the annual allocation to

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581 purchase instructional materials not on the state-adopted list.  
582 However, instructional materials purchased pursuant to this  
583 section which are not included on the state-adopted list must  
584 meet the criteria of s. 1006.31(2), align with or exceed state  
585 standards adopted by the State Board of Education pursuant to s.  
586 1003.41, and be consistent with course expectations based on the  
587 district's comprehensive plan for student progression and course  
588 descriptions adopted in state board rule.

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