

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Canady offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 552 and 553, insert:

5 Section 11. Paragraphs (a) of subsection (2) of section
6 1006.28, Florida Statutes, is amended to read:

7 1006.28 Duties of district school board, district school
8 superintendent; and school principal regarding K-12
9 instructional materials.-

10 (2) DISTRICT SCHOOL BOARD.-The district school board has
11 the constitutional duty and responsibility to select and provide
12 adequate instructional materials for all students in accordance

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13 with the requirements of this part. The district school board
14 also has the following specific duties and responsibilities:

15 (a) Courses of study; adoption.—Adopt courses of study,
16 including instructional materials, for use in the schools of the
17 district.

18 1. Each district school board is responsible for the
19 content of all instructional materials and any other materials
20 used in a classroom, made available in a school or classroom
21 library, or included on a reading list, whether adopted and
22 purchased from the state-adopted instructional materials list,
23 adopted and purchased through a district instructional materials
24 program under s. 1006.283, or otherwise purchased or made
25 available.

26 2. Each district school board must adopt a policy
27 regarding an objection by a parent or a resident of the county
28 to the use of a specific material, which clearly describes a
29 process to handle all objections and provides for resolution.
30 The objection form, as prescribed by State Board of Education
31 rule, and the district school board's process must be easy to
32 read and understand and be easily accessible on the homepage of
33 the school district's website. The objection form must also
34 identify the school district point of contact and contact
35 information for the submission of an objection. The process must
36 provide the parent or resident the opportunity to proffer
37 evidence to the district school board that:

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

44 b. Any material used in a classroom, made available in a
45 school or classroom library, or included on a reading list
46 contains content which:

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

48 (II) Depicts or describes sexual conduct as defined in s.
49 847.001(19), unless such material is for a course required by s.
50 1003.46, s. 1003.42(2)(n) 1.g., or s. 1003.42(2)(n) 3., or
51 identified by State Board of Education rule;

52 (III) Is not suited to student needs and their ability to
53 comprehend the material presented; or

54 (IV) Is inappropriate for the grade level and age group
55 for which the material is used.

56
57 A school district may assess a \$100 processing fee for each
58 objection submitted by a parent or resident who does not have a
59 student enrolled in the school where the material is located if
60 the parent or resident has unsuccessfully objected to five
61 materials during the calendar year. The school district must
62 return to the parent or resident the processing fee for each

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63 objection that is upheld. Any material that is subject to an
64 objection on the basis of sub-sub-subparagraph b.(I) or sub-sub-
65 subparagraph b.(II) must be removed within 5 school days after
66 ~~of~~ receipt of the objection and remain unavailable to students
67 of that school until the objection is resolved. Parents shall
68 have the right to read passages from any material that is
69 subject to an objection. If the school board denies a parent the
70 right to read passages due to content that meets the
71 requirements under sub-sub-subparagraph b.(I), the school
72 district shall discontinue the use of the material in the school
73 district. If the district school board finds that any material
74 meets the requirements under sub-subparagraph a. or that any
75 other material contains prohibited content under sub-sub-
76 subparagraph b.(I), the school district shall discontinue use of
77 the material. If the district school board finds that any other
78 material contains prohibited content under sub-sub-subparagraphs
79 b.(II)-(IV), the school district shall discontinue use of the
80 material for any grade level or age group for which such use is
81 inappropriate or unsuitable.

82 3. Each district school board must establish a process by
83 which the parent of a public school student or a resident of the
84 county may contest the district school board's adoption of a
85 specific instructional material. The parent or resident must
86 file a petition, on a form provided by the school board, within
87 30 calendar days after the adoption of the instructional

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88 material by the school board. The school board must make the
89 form available to the public and publish the form on the school
90 district's website. The form must be signed by the parent or
91 resident, include the required contact information, and state
92 the objection to the instructional material based on the
93 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days
94 after the 30-day period has expired, the school board must, for
95 all petitions timely received, conduct at least one open public
96 hearing before an unbiased and qualified hearing officer. The
97 hearing officer may not be an employee or agent of the school
98 district. The hearing is not subject to the provisions of
99 chapter 120; however, the hearing must provide sufficient
100 procedural protections to allow each petitioner an adequate and
101 fair opportunity to be heard and present evidence to the hearing
102 officer. The school board's decision after convening a hearing
103 is final and not subject to further petition or review.

104 4. Meetings of committees convened for the purpose of
105 ranking, eliminating, or selecting instructional materials for
106 recommendation to the district school board must be noticed and
107 open to the public in accordance with s. 286.011. Any committees
108 convened for such purposes must include parents of students who
109 will have access to such materials.

110 5. Meetings of committees convened for the purpose of
111 resolving an objection by a parent or resident to specific
112 materials must be noticed and open to the public in accordance

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113 with s. 286.011. Any committees convened for such purposes must
114 include parents of students who will have access to such
115 materials.

116 6. If a parent disagrees with the determination made by
117 the district school board on the objection to the use of a
118 specific material, a parent may request the Commissioner of
119 Education to appoint a special magistrate who is a member of The
120 Florida Bar in good standing and who has at least 5 years'
121 experience in administrative law. The special magistrate shall
122 determine facts relating to the school district's determination,
123 consider information provided by the parent and the school
124 district, and render a recommended decision for resolution to
125 the State Board of Education within 30 days after receipt of the
126 request by the parent. The State Board of Education must approve
127 or reject the recommended decision at its next regularly
128 scheduled meeting that is more than 7 calendar days and no more
129 than 30 days after the date the recommended decision is
130 transmitted. The costs of the special magistrate shall be borne
131 by the school district. The State Board of Education shall adopt
132 rules, including forms, necessary to implement this
133 subparagraph.

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T I T L E A M E N D M E N T

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Remove line 44 and insert:

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138 nonapplicability; amending s. 1006.28, F.S.;

139 authorizing school districts to assess a processing

140 fee for certain objections to materials; requiring

141 school districts to discontinue use of certain

142 instructional materials in the school district;

143 amending s. 1006.38, F.S.; requiring

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