

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Education Administration  
 2 Subcommittee

3 Representative Bankson offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Subsection (1) and paragraph (a) of subsection**  
 8 **(2) of section 1006.28, Florida Statutes, are amended to read**

9 1006.28 Duties of district school board, district school  
 10 superintendent; and school principal regarding K-12  
 11 instructional materials.—

12 (1) DEFINITIONS.—

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

14 1. "Adequate instructional materials" means a sufficient  
 15 number of student or site licenses or sets of materials that are  
 16 available in bound, unbound, kit, or package form and may

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17 consist of hardbacked or softbacked textbooks, electronic  
18 content, consumables, learning laboratories, manipulatives,  
19 electronic media, and computer courseware or software that serve  
20 as the basis for instruction in the core subject areas of  
21 mathematics, language arts, social studies, science, reading,  
22 and literature.

23 2. "Harmful to minors" means any reproduction, imitation,  
24 characterization, description, exhibition, presentation, or  
25 representation, of whatever kind or form, depicting nudity,  
26 sexual conduct, or sexual excitement when it:

27 a. Predominantly appeals to prurient, shameful, or morbid  
28 interest; and

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

32 ~~3.2.~~ "Instructional materials" has the same meaning as in  
33 s. 1006.29(2).

34 ~~4.3.~~ "Library media center" means any collection of books,  
35 ebooks, periodicals, or videos maintained and accessible on the  
36 site of a school, including in classrooms.

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

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42 (c) As used in this section and ss. 1006.283, 1006.32,  
43 1006.35, 1006.37, 1006.38, 1006.40, and 1006.42, the term  
44 "purchase" includes purchase, lease, license, and acquire.

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

50 (a) *Courses of study; adoption.*—Adopt courses of study,  
51 including instructional materials, for use in the schools of the  
52 district.

53 1. Each district school board is responsible for the  
54 content of all instructional materials and any other materials  
55 used in a classroom, made available in a school or classroom  
56 library, or included on a reading list, whether adopted and  
57 purchased from the state-adopted instructional materials list,  
58 adopted and purchased through a district instructional materials  
59 program under s. 1006.283, or otherwise purchased or made  
60 available.

61 2. Each district school board must adopt a policy  
62 regarding an objection by a parent or a resident of the county  
63 to the use of a specific material, which clearly describes a  
64 process to handle all objections and provides for resolution.  
65 The objection form, as prescribed by State Board of Education  
66 rule, and the district school board's process must be easy to

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67 read and understand and be easily accessible on the homepage of  
68 the school district's website. The objection form must also  
69 identify the school district point of contact and contact  
70 information for the submission of an objection. The process must  
71 provide the parent or resident the opportunity to proffer  
72 evidence to the district school board that:

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

79 b. Any material used in a classroom, made available in a  
80 school or classroom library, or included on a reading list  
81 contains content which:

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

83 (II) Is considered harmful to minors as defined by this  
84 section or depicts or describes sexual conduct as defined in s.  
85 847.001(19), unless such material is specifically authorized as  
86 part of a health education course required under s. 1003.46; as  
87 part of comprehensive health education required under s.  
88 1003.42(2)(o) 1.g. or 3.; or as approved through for a course  
89 required by s. 1003.46 or s. 1003.42(2)(o) 1.g. or 3., or  
90 identified by State Board of Education rule for specific  
91 educational purposes.

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92 (A) Upon receipt of an objection under this sub-sub-  
93 subparagraph regarding material that is harmful to minors, the  
94 material must be removed within 5 school days; the material must  
95 remain unavailable throughout the objection review process; and  
96 the school board may not consider potential literary, artistic,  
97 political, or scientific value as a basis for retaining the  
98 material.

99 (B) The State Board of Education shall monitor district  
100 compliance with the requirements of this sub-sub-subparagraph  
101 through regular audits and reporting. Upon finding that a  
102 district has failed to comply with these requirements, the State  
103 Board of Education must provide written notice of noncompliance  
104 to the district and require the district to submit a corrective  
105 action plan within 30 days after receiving such notice; may  
106 withhold the transfer of state funds, discretionary grant funds,  
107 discretionary lottery funds, or any other funds specified by the  
108 Legislature until the school district complies with the  
109 requirements; and may impose additional sanctions or  
110 requirements as conditions for the continued receipt of state  
111 funds;

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

114 (IV) Is inappropriate for the grade level and age group  
115 for which the material is used.  
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117 A resident of the county who is not the parent or guardian of a  
118 student with access to school district materials may not object  
119 to more than one material per month. The State Board of  
120 Education may adopt rules to implement this provision. Any  
121 material that is subject to an objection on the basis of sub-  
122 sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be  
123 removed within 5 school days after receipt of the objection and  
124 remain unavailable to students of that school until the  
125 objection is resolved. Parents shall have the right to read  
126 passages from any material that is subject to an objection. If  
127 the school board denies a parent the right to read passages due  
128 to content that meets the requirements under sub-sub-  
129 subparagraph b.(I), the school district shall discontinue the  
130 use of the material in the school district. If the district  
131 school board finds that any material meets the requirements  
132 under sub-subparagraph a. or that any other material contains  
133 prohibited content under sub-sub-subparagraph b.(I), the school  
134 district shall discontinue use of the material. If the district  
135 school board finds that any other material contains prohibited  
136 content under sub-sub-subparagraphs b.(II)-(IV), the school  
137 district shall discontinue use of the material for any grade  
138 level or age group for which such use is inappropriate or  
139 unsuitable.

140 3. Each district school board must establish a process by  
141 which the parent of a public school student or a resident of the

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142 county may contest the district school board's adoption of a  
143 specific instructional material. The parent or resident must  
144 file a petition, on a form provided by the school board, within  
145 30 calendar days after the adoption of the instructional  
146 material by the school board. The school board must make the  
147 form available to the public and publish the form on the school  
148 district's website. The form must be signed by the parent or  
149 resident, include the required contact information, and state  
150 the objection to the instructional material based on the  
151 criteria of s. 1006.31(2) or s. 1006.40(3)(c). Within 30 days  
152 after the 30-day period has expired, the school board must, for  
153 all petitions timely received, conduct at least one open public  
154 hearing before an unbiased and qualified hearing officer. The  
155 hearing officer may not be an employee or agent of the school  
156 district. The hearing is not subject to the provisions of  
157 chapter 120; however, the hearing must provide sufficient  
158 procedural protections to allow each petitioner an adequate and  
159 fair opportunity to be heard and present evidence to the hearing  
160 officer. The school board's decision after convening a hearing  
161 is final and not subject to further petition or review.

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

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167 will have access to such materials.

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

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

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

196           1014.05 School district notifications on parental rights.—

197           (1) Each district school board shall, in consultation with  
198 parents, teachers, and administrators, develop and adopt a  
199 policy to promote parental involvement in the public school  
200 system. Such policy must include:

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

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

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

215           Remove everything before the enacting clause and insert:

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216 An act relating to materials harmful to minors;  
217 amending 1006.28, F.S.; defining the term "harmful to  
218 minors"; revising the list of materials used in a  
219 classroom which are subject to the objection process  
220 by parents or residents; reenacting s. 1014.05(1)(c),  
221 F.S., relating to school district notifications on  
222 parental rights, to incorporate the amendments made by  
223 the act; providing an effective date.