

1 A bill to be entitled
 2 An act relating to materials harmful to minors;
 3 amending s. 847.001, F.S.; revising the definition of
 4 the term "harmful to minors" for purposes of
 5 restrictions on such materials; amending s. 1006.28,
 6 F.S.; revising provisions concerning the standards for
 7 instructional materials and challenges to such
 8 materials; requiring the State Board of Education to
 9 monitor district compliance with specified
 10 requirements; providing for sanctions and corrective
 11 action plans for districts that fail to comply with
 12 specified requirements; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 **Section 1. Subsection (7) of section 847.001, Florida**
 17 **Statutes, is amended to read:**

18 847.001 Definitions.—As used in this chapter, the term:

19 (7) "Harmful to minors" means any reproduction, imitation,
 20 characterization, description, exhibition, presentation, or
 21 representation, of whatever kind or form, depicting nudity,
 22 sexual conduct, or sexual excitement which ~~when it~~:

23 (a) Predominantly appeals to a prurient, shameful, or
 24 morbid interest. ‡

25 (b) Is patently offensive to prevailing standards in the

26 adult community as a whole with respect to what is suitable
 27 material or conduct for minors.~~;~~ and

28 (c) Taken as a whole, is without serious literary,
 29 artistic, political, or scientific value for minors. This
 30 paragraph does not apply in an educational setting or to an
 31 employee of any kindergarten, elementary school, middle school,
 32 junior high school, or secondary school, whether public or
 33 nonpublic, if material that is harmful is possessed by a person
 34 with the intent to send, sell, distribute, exhibit, represent,
 35 or display the material to a minor and the material is not part
 36 of an approved instructional or library material.

37
 38 A mother's breastfeeding of her baby is not under any
 39 circumstance "harmful to minors."

40 **Section 2. Paragraph (a) of subsection (2) of section**
 41 **1006.28, Florida Statutes, is amended to read:**

42 1006.28 Duties of district school board, district school
 43 superintendent; and school principal regarding K-12
 44 instructional materials.—

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
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) Depicts or describes sexual conduct as defined in s.
 84 847.001(19), unless such material is specifically authorized by
 85 the school board as follows:

86 (A) Is part of a reproductive health ~~for~~ a course required
 87 by s. 1003.46;

88 (B) Is part of comprehensive health education required
 89 under ~~or~~ s. 1003.42(2)(o)1.g. or 3.;~~7~~ or

90 (C) Has been explicitly approved under a ~~identified by~~
 91 State Board of Education rule ~~for~~ specific educational purposes.

92
 93 Upon receipt of an objection under this sub-sub-subparagraph
 94 regarding material that depicts or describes sexual conduct, the
 95 material shall be removed within 5 school days; the material
 96 shall remain unavailable during the objection review process;
 97 and the school board shall not consider potential literary,
 98 artistic, political, or scientific value as a basis for
 99 retaining the material.

100

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

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

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

118
 119 A resident of the county who is not the parent or guardian of a
 120 student with access to school district materials may not object
 121 to more than one material per month. The State Board of
 122 Education may adopt rules to implement this provision. Any
 123 material that is subject to an objection on the basis of sub-
 124 sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be
 125 removed within 5 school days after receipt of the objection and

126 remain unavailable to students of that school until the
127 objection is resolved. Parents shall have the right to read
128 passages from any material that is subject to an objection. If
129 the school board denies a parent the right to read passages due
130 to content that meets the requirements under sub-sub-
131 subparagraph b.(I), the school district shall discontinue the
132 use of the material in the school district. If the district
133 school board finds that any material meets the requirements
134 under sub-subparagraph a. or that any other material contains
135 prohibited content under sub-sub-subparagraph b.(I), the school
136 district shall discontinue use of the material. If the district
137 school board finds that any other material contains prohibited
138 content under sub-sub-subparagraphs b.(II)-(IV), the school
139 district shall discontinue use of the material for any grade
140 level or age group for which such use is inappropriate or
141 unsuitable.

142 3. Each district school board must establish a process by
143 which the parent of a public school student or a resident of the
144 county may contest the district school board's adoption of a
145 specific instructional material. The parent or resident must
146 file a petition, on a form provided by the school board, within
147 30 calendar days after the adoption of the instructional
148 material by the school board. The school board must make the
149 form available to the public and publish the form on the school
150 district's website. The form must be signed by the parent or

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

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

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

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

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