

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 considered harmful to minors or depicts or  
 91 describes sexual conduct as defined in s. 847.001(19), unless  
 92 such material is specifically authorized as part of a health  
 93 education course required under s. 1003.46; as part of  
 94 comprehensive health education required under s.  
 95 1003.42(2)(o)1.g. or 3.; or as approved through for a course  
 96 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 (A) Upon receipt of an objection under this sub-sub-  
 100 subparagraph regarding material that is harmful to minors, the

101 material must be removed within 5 school days; the material must  
102 remain unavailable throughout the objection review process; and  
103 the school board may not consider potential literary, artistic,  
104 political, or scientific value as a basis for retaining the  
105 material.

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

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

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

122

123 A resident of the county who is not the parent or guardian of a  
124 student with access to school district materials may not object  
125 to more than one material per month. The State Board of

126 Education may adopt rules to implement this provision. Any  
127 material that is subject to an objection on the basis of sub-  
128 sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be  
129 removed within 5 school days after receipt of the objection and  
130 remain unavailable to students of that school until the  
131 objection is resolved. Parents shall have the right to read  
132 passages from any material that is subject to an objection. If  
133 the school board denies a parent the right to read passages due  
134 to content that meets the requirements under sub-sub-  
135 subparagraph b.(I), the school district shall discontinue the  
136 use of the material in the school district. If the district  
137 school board finds that any material meets the requirements  
138 under sub-subparagraph a. or that any other material contains  
139 prohibited content under sub-sub-subparagraph b.(I), the school  
140 district shall discontinue use of the material. If the district  
141 school board finds that any other material contains prohibited  
142 content under sub-sub-subparagraphs b.(II)-(IV), the school  
143 district shall discontinue use of the material for any grade  
144 level or age group for which such use is inappropriate or  
145 unsuitable.

146 3. Each district school board must establish a process by  
147 which the parent of a public school student or a resident of the  
148 county may contest the district school board's adoption of a  
149 specific instructional material. The parent or resident must  
150 file a petition, on a form provided by the school board, within

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

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

174 5. Meetings of committees convened for the purpose of  
175 resolving an objection by a parent or resident to specific

176 materials must be noticed and open to the public in accordance  
177 with s. 286.011. Any committees convened for such purposes must  
178 include parents of students who will have access to such  
179 materials.

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

198         **Section 2. For the purpose of incorporating the amendment**  
199 **made by this act to section 1006.28, Florida Statutes, in a**  
200 **reference thereto, paragraph (c) of subsection (1) of section**

201 **1014.05, Florida Statutes, is reenacted to read:**

202 1014.05 School district notifications on parental rights.—

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

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

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