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LEGISLATIVE ACTION

Senate

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House

The Committee on Education Pre-K - 12 (McClain) recommended the following:

Senate Amendment

Delete lines 32 - 146

and insert:

representation, of whatever kind or form, describing or depicting nudity, sexual conduct, or sexual excitement as those terms are defined in s. 847.001 when it:

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

b. Is patently offensive to prevailing standards in the



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11 adult community as a whole with respect to what is suitable
12 material or conduct for minors.

13 ~~3.2.~~ "Instructional materials" has the same meaning as in
14 s. 1006.29(2).

15 ~~4.3.~~ "Library media center" means any collection of books,
16 ebooks, periodicals, or videos maintained and accessible on the
17 site of a school, including in classrooms.

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

23 (c) As used in this section and ss. 1006.283, 1006.32,
24 1006.35, 1006.37, 1006.38, 1006.40, and 1006.42, the term
25 "purchase" includes purchase, lease, license, and acquire.

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

31 (a) *Courses of study; adoption.*—Adopt courses of study,
32 including instructional materials, for use in the schools of the
33 district.

34 1. Each district school board is responsible for the
35 content of all instructional materials and any other materials
36 used in a classroom, made available in a school or classroom
37 library, or included on a reading list, whether adopted and
38 purchased from the state-adopted instructional materials list,
39 adopted and purchased through a district instructional materials



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40 program under s. 1006.283, or otherwise purchased or made
41 available.

42 2. Each district school board must adopt a policy regarding
43 an objection by a parent or a resident of the county to the use
44 of a specific material, which clearly describes a process to
45 handle all objections and provides for resolution. The objection
46 form, as prescribed by State Board of Education rule, and the
47 district school board's process must be easy to read and
48 understand and be easily accessible on the homepage of the
49 school district's website. The objection form must also identify
50 the school district point of contact and contact information for
51 the submission of an objection. The process must provide the
52 parent or resident the opportunity to proffer evidence to the
53 district school board that:

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

60 b. Any material used in a classroom, made available in a
61 school or classroom library, or included on a reading list
62 contains content which:

63 (I) Is pornographic or harmful to minors ~~prohibited under~~
64 ~~s. 847.012;~~

65 (II) Depicts or describes sexual conduct as defined in s.
66 847.001 ~~s. 847.001(19), unless such material is for a course~~
67 ~~required by s. 1003.46 or s. 1003.42(2)(o)1.g. or 3., or~~
68 ~~identified by State Board of Education rule;~~



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69 (III) Is not suited to students' ~~student~~ needs and their
70 ability to comprehend the material presented; or

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

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74 A resident of the county who is not the parent or guardian of a
75 student with access to school district materials may not object
76 to more than one material per month. The State Board of
77 Education may adopt rules to implement this provision. Any
78 material that is subject to an objection on the basis of sub-
79 sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be
80 removed within 5 school days after receipt of the objection and
81 remain unavailable to students of that school until the
82 objection is resolved. The school board may not consider
83 potential literary, artistic, political, or scientific value as
84 a basis for retaining the material objected to on the basis of
85 sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II).

86 Parents shall have the right to read passages from any material
87 that is subject to an objection. If the school board denies a
88 parent the right to read passages due to content that meets the
89 requirements under sub-sub-subparagraph b.(I) or sub-sub-
90 subparagraph b.(II), the school district must ~~shall~~ discontinue
91 the use of the material in the school district. If the district
92 school board finds that any material meets the requirements
93 under sub-subparagraph a. or that any other material contains
94 prohibited content under sub-sub-subparagraph b.(I) or sub-sub-
95 subparagraph b.(II), the school district must ~~shall~~ discontinue
96 use of the material. If the district school board finds that any
97 other material contains prohibited content under sub-sub-



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98 subparagraph b.(III) or sub-sub-subparagraph b. (IV) ~~sub-sub-~~
99 ~~subparagraphs b.(II)-(IV),~~ the school district must ~~shall~~
100 discontinue use of the material for any grade level or age group
101 for which such use is inappropriate or unsuitable.

102 c. Any material that is specifically authorized as part of
103 a health education course required under s. 1003.46; as part of
104 comprehensive health education required under s.
105 1003.42(2)(o)1.g. or 3.; or as approved, or identified as a
106 sample text, through State Board of Education rule for specific
107 educational purposes is not subject to the objection process
108 required in this subparagraph.

109 d. The State Board of Education shall oversee compliance
110 with the requirements of this subparagraph using its oversight
111 and enforcement authority under s. 1008.32.