



945504

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
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The Committee on Criminal Justice (McClain) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) and paragraph (a) of subsection  
(2) of section 1006.28, Florida Statutes, is amended to read  
1006.28 Duties of district school board, district school  
superintendent; and school principal regarding K-12  
instructional materials.—

(1) DEFINITIONS.—

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



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11           1. "Adequate instructional materials" means a sufficient  
12 number of student or site licenses or sets of materials that are  
13 available in bound, unbound, kit, or package form and may  
14 consist of hardbacked or softbacked textbooks, electronic  
15 content, consumables, learning laboratories, manipulatives,  
16 electronic media, and computer courseware or software that serve  
17 as the basis for instruction in the core subject areas of  
18 mathematics, language arts, social studies, science, reading,  
19 and literature.

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

24           (a) Predominantly appeals to prurient, shameful, or morbid  
25 interest; and

26           (b) Is patently offensive to prevailing standards in the  
27 adult community as a whole with respect to what is suitable  
28 material or conduct for minors.

29           ~~3.2.~~ "Instructional materials" has the same meaning as in  
30 s. 1006.29(2).

31           ~~4.3.~~ "Library media center" means any collection of books,  
32 ebooks, periodicals, or videos maintained and accessible on the  
33 site of a school, including in classrooms.

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

39           (c) As used in this section and ss. 1006.283, 1006.32,



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40 1006.35, 1006.37, 1006.38, 1006.40, and 1006.42, the term  
41 "purchase" includes purchase, lease, license, and acquire.

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

47 (a) *Courses of study; adoption.*—Adopt courses of study,  
48 including instructional materials, for use in the schools of the  
49 district.

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

58 2. Each district school board must adopt a policy regarding  
59 an objection by a parent or a resident of the county to the use  
60 of a specific material, which clearly describes a process to  
61 handle all objections and provides for resolution. The objection  
62 form, as prescribed by State Board of Education rule, and the  
63 district school board's process must be easy to read and  
64 understand and be easily accessible on the homepage of the  
65 school district's website. The objection form must also identify  
66 the school district point of contact and contact information for  
67 the submission of an objection. The process must provide the  
68 parent or resident the opportunity to proffer evidence to the



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69 district school board that:

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

76 b. Any material used in a classroom, made available in a  
77 school or classroom library, or included on a reading list  
78 contains content which:

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

80 (II) Is considered harmful to minors as defined by this  
81 section or depicts or describes sexual conduct as defined in s.  
82 847.001(19), unless such material is specifically authorized as  
83 part of a health education course required under s. 1003.46; as  
84 part of comprehensive health education required under s.  
85 1003.42(2)(o)1.g. or 3.; or as approved through ~~for a course~~  
86 ~~required by s. 1003.46 or s. 1003.42(2)(o)1.g. or 3., or~~  
87 ~~identified by State Board of Education rule for specific~~  
88 educational purposes.

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

96 (B) The State Board of Education shall monitor district  
97 compliance with the requirements of this sub-sub-subparagraph



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

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

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

113  
114 A resident of the county who is not the parent or guardian  
115 of a student with access to school district materials may not  
116 object to more than one material per month. The State Board of  
117 Education may adopt rules to implement this provision. Any  
118 material that is subject to an objection on the basis of sub-  
119 sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be  
120 removed within 5 school days after receipt of the objection and  
121 remain unavailable to students of that school until the  
122 objection is resolved. Parents shall have the right to read  
123 passages from any material that is subject to an objection. If  
124 the school board denies a parent the right to read passages due  
125 to content that meets the requirements under sub-sub-  
126 subparagraph b.(I), the school district shall discontinue the



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127 use of the material in the school district. If the district  
128 school board finds that any material meets the requirements  
129 under sub-subparagraph a. or that any other material contains  
130 prohibited content under sub-sub-subparagraph b.(I), the school  
131 district shall discontinue use of the material. If the district  
132 school board finds that any other material contains prohibited  
133 content under sub-sub-subparagraphs b.(II)-(IV), the school  
134 district shall discontinue use of the material for any grade  
135 level or age group for which such use is inappropriate or  
136 unsuitable.

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



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156 fair opportunity to be heard and present evidence to the hearing  
157 officer. The school board's decision after convening a hearing  
158 is final and not subject to further petition or review.

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

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

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



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185 the special magistrate shall be borne by the school district.  
186 The State Board of Education shall adopt rules, including forms,  
187 necessary to implement this subparagraph.

188 Section 2. For the purpose of incorporating the amendment  
189 made by this act to section 1006.28, Florida Statutes, in a  
190 reference thereto, paragraph (c) of subsection (1) of section  
191 1014.05, Florida Statutes, is reenacted to read:

192 1014.05 School district notifications on parental rights.—

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

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

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

208

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

210 And the title is amended as follows:

211 Delete everything before the enacting clause  
212 and insert:

213 A bill to be entitled





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