

1 A bill to be entitled
 2 An act relating to objections to instructional
 3 materials; amending s. 1006.28, F.S.; removing
 4 provisions authorizing parents and residents to object
 5 to instructional materials; removing requirements for
 6 certain meetings of committees related to such
 7 objections; removing provisions authorizing the
 8 Commissioner of Education to appoint a special
 9 magistrate under certain circumstances; removing
 10 district school board reporting requirements relating
 11 to such objections; amending s. 1014.05, F.S.;
 12 conforming provisions to changes made by the act;
 13 providing an effective date.

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

16
 17 **Section 1. Paragraphs (a), (d), and (e) of subsection (2)**
 18 **of section 1006.28, Florida Statutes, are amended to read:**

19 1006.28 Duties of district school board, district school
 20 superintendent; and school principal regarding K-12
 21 instructional materials.—

22 (2) DISTRICT SCHOOL BOARD.—The district school board has
 23 the constitutional duty and responsibility to select and provide
 24 adequate instructional materials for all students in accordance
 25 with the requirements of this part. The district school board

26 | also has the following specific duties and responsibilities:

27 | (a) Courses of study; adoption.—Adopt courses of study,
28 | including instructional materials, for use in the schools of the
29 | district.

30 | 1. Each district school board is responsible for the
31 | content of all instructional materials and any other materials
32 | used in a classroom, made available in a school or classroom
33 | library, or included on a reading list, whether adopted and
34 | purchased from the state-adopted instructional materials list,
35 | adopted and purchased through a district instructional materials
36 | program under s. 1006.283, or otherwise purchased or made
37 | available.

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

50 | ~~a. An instructional material does not meet the criteria of~~

51 ~~s. 1006.31(2) or s. 1006.40(3)(c) if it was selected for use in~~
52 ~~a course or otherwise made available to students in the school~~
53 ~~district but was not subject to the public notice, review,~~
54 ~~comment, and hearing procedures under s. 1006.283(2)(b) 8., 9.,~~
55 ~~and 11.~~

56 ~~b. Any material used in a classroom, made available in a~~
57 ~~school or classroom library, or included on a reading list~~
58 ~~contains content which:~~

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

60 ~~(II) Depicts or describes sexual conduct as defined in s.~~
61 ~~847.001(19), unless such material is for a course required by s.~~
62 ~~1003.46 or s. 1003.42(2)(o) 1.g. or 3., or identified by State~~
63 ~~Board of Education rule;~~

64 ~~(III) Is not suited to student needs and their ability to~~
65 ~~comprehend the material presented; or~~

66 ~~(IV) Is inappropriate for the grade level and age group~~
67 ~~for which the material is used.~~

68
69 ~~A resident of the county who is not the parent or guardian of a~~
70 ~~student with access to school district materials may not object~~
71 ~~to more than one material per month. The State Board of~~
72 ~~Education may adopt rules to implement this provision. Any~~
73 ~~material that is subject to an objection on the basis of sub-~~
74 ~~sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be~~
75 ~~removed within 5 school days after receipt of the objection and~~

76 ~~remain unavailable to students of that school until the~~
77 ~~objection is resolved. Parents shall have the right to read~~
78 ~~passages from any material that is subject to an objection. If~~
79 ~~the school board denies a parent the right to read passages due~~
80 ~~to content that meets the requirements under sub-sub-~~
81 ~~subparagraph b. (I), the school district shall discontinue the~~
82 ~~use of the material in the school district. If the district~~
83 ~~school board finds that any material meets the requirements~~
84 ~~under sub-subparagraph a. or that any other material contains~~
85 ~~prohibited content under sub-sub-subparagraph b. (I), the school~~
86 ~~district shall discontinue use of the material. If the district~~
87 ~~school board finds that any other material contains prohibited~~
88 ~~content under sub-sub-subparagraphs b. (II)-(IV), the school~~
89 ~~district shall discontinue use of the material for any grade~~
90 ~~level or age group for which such use is inappropriate or~~
91 ~~unsuitable.~~

92 2.3. Each district school board must establish a process
93 by which the parent of a public school student or a resident of
94 the county may contest the district school board's adoption of a
95 specific instructional material. The parent or resident must
96 file a petition, on a form provided by the school board, within
97 30 calendar days after the adoption of the instructional
98 material by the school board. The school board must make the
99 form available to the public and publish the form on the school
100 district's website. The form must be signed by the parent or

101 resident, include the required contact information, and state
102 the objection to the instructional material based on the
103 criteria of s. 1006.31(2) or s. 1006.40(3)(c). Within 30 days
104 after the 30-day period has expired, the school board must, for
105 all petitions timely received, conduct at least one open public
106 hearing before an unbiased and qualified hearing officer. The
107 hearing officer may not be an employee or agent of the school
108 district. The hearing is not subject to the provisions of
109 chapter 120; however, the hearing must provide sufficient
110 procedural protections to allow each petitioner an adequate and
111 fair opportunity to be heard and present evidence to the hearing
112 officer. The school board's decision after convening a hearing
113 is final and not subject to further petition or review.

114 3.4. Meetings of committees convened for the purpose of
115 ranking, eliminating, or selecting instructional materials for
116 recommendation to the district school board must be noticed and
117 open to the public in accordance with s. 286.011. Any committees
118 convened for such purposes must include parents of students who
119 will have access to such materials.

120 ~~5. Meetings of committees convened for the purpose of~~
121 ~~resolving an objection by a parent or resident to specific~~
122 ~~materials must be noticed and open to the public in accordance~~
123 ~~with s. 286.011. Any committees convened for such purposes must~~
124 ~~include parents of students who will have access to such~~
125 ~~materials.~~

126 ~~6. If a parent disagrees with the determination made by~~
127 ~~the district school board on the objection to the use of a~~
128 ~~specific material, a parent may request the Commissioner of~~
129 ~~Education to appoint a special magistrate who is a member of The~~
130 ~~Florida Bar in good standing and who has at least 5 years'~~
131 ~~experience in administrative law. The special magistrate shall~~
132 ~~determine facts relating to the school district's determination,~~
133 ~~consider information provided by the parent and the school~~
134 ~~district, and render a recommended decision for resolution to~~
135 ~~the State Board of Education within 30 days after receipt of the~~
136 ~~request by the parent. The State Board of Education must approve~~
137 ~~or reject the recommended decision at its next regularly~~
138 ~~scheduled meeting that is more than 7 calendar days and no more~~
139 ~~than 30 days after the date the recommended decision is~~
140 ~~transmitted. The costs of the special magistrate shall be borne~~
141 ~~by the school district. The State Board of Education shall adopt~~
142 ~~rules, including forms, necessary to implement this~~
143 ~~subparagraph.~~

144 (d) School library media services; establishment and
145 maintenance.—Establish and maintain a program of school library
146 media services for all public schools in the district, including
147 school library media centers, or school library media centers
148 open to the public, and, in addition such traveling or
149 circulating libraries as may be needed for the proper operation
150 of the district school system. Beginning January 1, 2023, school

151 librarians, media specialists, and other personnel involved in
152 the selection of school district library materials must complete
153 the training program developed pursuant to s. 1006.29(6) before
154 reviewing and selecting age-appropriate materials and library
155 resources. Upon written request, a school district shall provide
156 access to any material or book specified in the request that is
157 maintained in a district school system library and is available
158 for review.

159 1. Each book made available to students through a school
160 district library media center or included in a recommended or
161 assigned school or grade-level reading list must be selected by
162 a school district employee who holds a valid educational media
163 specialist certificate, regardless of whether the book is
164 purchased, donated, or otherwise made available to students.

165 2. Each district school board shall adopt procedures for
166 developing library media center collections and post the
167 procedures on the website for each school within the district.
168 The procedures must:

169 a. Require that book selections meet the criteria in s.
170 1006.40(3)(c).

171 b. Require consultation of reputable, professionally
172 recognized reviewing periodicals and school community
173 stakeholders.

174 c. Provide for library media center collections, including
175 classroom libraries, based on reader interest, support of state

176 academic standards and aligned curriculum, and the academic
177 needs of students and faculty.

178 d. Provide for the regular removal or discontinuance of
179 books based on, at a minimum, physical condition, rate of recent
180 circulation, alignment to state academic standards and relevancy
181 to curriculum, and out-of-date content, ~~and required removal~~
182 ~~pursuant to subparagraph (a)2.~~

183 3. Each elementary school must publish on its website, in
184 a searchable format prescribed by the department, a list of all
185 materials maintained and accessible in the school library media
186 center or a classroom library or required as part of a school or
187 grade-level reading list.

188 4. Each district school board shall adopt and publish on
189 its website the process for a parent to limit his or her
190 student's access to materials in the school or classroom
191 library.

192 (e) Public participation.—Publish on its website, in a
193 searchable format prescribed by the department, a list of all
194 instructional materials, including those used to provide
195 instruction required by s. 1003.42. Each district school board
196 must:

197 1. Provide access to all materials, excluding teacher
198 editions, in accordance with s. 1006.283(2)(b)8.a. before the
199 district school board takes any official action on such
200 materials. This process must include reasonable safeguards

201 against the unauthorized use, reproduction, and distribution of
202 instructional materials considered for adoption.

203 2. Select, approve, adopt, or purchase all materials as a
204 separate line item on the agenda and provide a reasonable
205 opportunity for public comment. The use of materials described
206 in this paragraph may not be selected, approved, or adopted as
207 part of a consent agenda.

208 ~~3. Annually, beginning June 30, 2023, submit to the~~
209 ~~Commissioner of Education a report that identifies:~~

210 ~~a. Each material for which the school district received an~~
211 ~~objection pursuant to subparagraph (a)2., including the grade~~
212 ~~level and course the material was used in, for the school year~~
213 ~~and the specific objections thereto.~~

214 ~~b. Each material that was removed or discontinued.~~

215 ~~c. Each material that was not removed or discontinued and~~
216 ~~the rationale for not removing or discontinuing the material.~~

217
218 ~~The department shall publish and regularly update a list of~~
219 ~~materials that were removed or discontinued, sorted by grade~~
220 ~~level, as a result of an objection and disseminate the list to~~
221 ~~school districts for consideration in their selection~~
222 ~~procedures.~~

223 **Section 2. Paragraphs (d) through (f) of subsection (1) of**
224 **section 1014.05, Florida Statutes, are renumbered as paragraphs**
225 **(c) through (e), and present paragraphs (c) and (f) of that**

226 **subsection are amended to read:**

227 1014.05 School district notifications on parental rights.—

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

232 ~~(c) Procedures, pursuant to s. 1006.28(2)(a)2., for a~~
233 ~~parent to object to instructional materials and other materials~~
234 ~~used in the classroom. Such objections may be based on beliefs~~
235 ~~regarding morality, sex, and religion or the belief that such~~
236 ~~materials are harmful. For purposes of this section, the term~~
237 ~~"instructional materials" has the same meaning as in s.~~
238 ~~1006.29(2) and may include other materials used in the~~
239 ~~classroom, including workbooks and worksheets, handouts,~~
240 ~~software, applications, and any digital media made available to~~
241 ~~students.~~

242 (e) ~~(f)~~ Procedures for a parent to learn about parental
243 rights and responsibilities under general law, including all of
244 the following:

245 1. Pursuant to s. 1002.20(3)(d), the right to opt his or
246 her minor child out of any portion of the school district's
247 comprehensive health education required under s. 1003.42(2)(o)
248 that relates to sex education instruction in acquired immune
249 deficiency syndrome education or any instruction regarding
250 sexuality.

251 2. A plan to disseminate information, pursuant to s.
252 1002.20(6), about school choice options, including open
253 enrollment.

254 3. In accordance with s. 1002.20(3)(b), the right of a
255 parent to exempt his or her minor child from immunizations.

256 4. In accordance with s. 1008.22, the right of a parent to
257 review statewide, standardized assessment results.

258 5. In accordance with s. 1003.57, the right of a parent to
259 enroll his or her minor child in gifted or special education
260 programs.

261 ~~6. In accordance with s. 1006.28(2)(a)1., the right of a~~
262 ~~parent to inspect school district instructional materials.~~

263 6.7. In accordance with s. 1008.25, the right of a parent
264 to access information relating to the school district's policies
265 for promotion or retention, including high school graduation
266 requirements.

267 ~~7.8.~~ In accordance with s. 1002.20(14), the right of a
268 parent to receive a school report card and be informed of his or
269 her minor child's attendance requirements.

270 ~~8.9.~~ In accordance with s. 1002.23, the right of a parent
271 to access information relating to the state public education
272 system, state standards, report card requirements, attendance
273 requirements, and instructional materials requirements.

274 ~~9.10.~~ In accordance with s. 1002.23(4), the right of a
275 parent to participate in parent-teacher associations and

276 organizations that are sanctioned by a district school board or
277 the Department of Education.

278 ~~10.11.~~ In accordance with s. 1002.222(1)(a), the right of
279 a parent to opt out of any district-level data collection
280 relating to his or her minor child not required by law.

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