

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Bartleman offered the following:

2

3 **Amendment (with title amendment)**

4 Remove lines 44-194 and insert:

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

10 (b) (e) As used in this section and ss. 1006.283, 1006.32,
11 1006.35, 1006.37, 1006.38, 1006.40, and 1006.42, the term
12 "purchase" includes purchase, lease, license, and acquire.

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

18 (a) Courses of study; adoption.—Adopt courses of study,
19 including instructional materials, for use in the schools of the
20 district.

21 1. Each district school board is responsible for the
22 content of all instructional materials and any other materials
23 used in a classroom, made available in a school or classroom
24 library, or included on a reading list, whether adopted and
25 purchased from the state-adopted instructional materials list,
26 adopted and purchased through a district instructional materials
27 program under s. 1006.283, or otherwise purchased or made
28 available.

29 2. Each district school board must adopt a policy
30 regarding an objection by a parent ~~or a resident of the county~~
31 to the use of a specific material, which clearly describes a
32 process to handle all objections and provides for resolution.
33 The objection form, as prescribed by State Board of Education
34 rule, and the district school board's process must be easy to
35 read and understand and be easily accessible on the homepage of
36 the school district's website. The objection form must also
37 identify the school district point of contact and contact

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38 information for the submission of an objection. The process must
39 provide the parent ~~or resident~~ the opportunity to proffer
40 evidence to the district school board that:

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

47 b. Any material used in a classroom, made available in a
48 school or classroom library, or included on a reading list
49 contains content which:

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

51 (II) Is harmful to minors;

52 (III) ~~(III)~~ Depicts or describes sexual conduct as defined
53 in s. 847.001(19), unless such material is specifically
54 authorized as part of a health education course required under
55 s. 1003.46; as part of comprehensive health education required
56 under s. 1003.42(2)(o)1.g. or 3.; or as approved through ~~for~~ a
57 ~~course required by s. 1003.46 or s. 1003.42(2)(o)1.g. or 3., or~~
58 ~~identified by State Board of Education rule for specific~~
59 ~~educational purposes;~~

60 (IV) ~~(III)~~ Is not suited to student needs and their ability
61 to comprehend the material presented; or

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62 (V)-(IV) Is inappropriate for the grade level and age group
63 for which the material is used.

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65 A ~~resident of the county who is not the~~ parent or guardian of a
66 student ~~with access to school district materials~~ may not object
67 to more than one material per month. The State Board of
68 Education may adopt rules to implement this provision. Any
69 material that is subject to an objection on the basis of sub-
70 sub-subparagraphs b.(I)-(III) ~~sub-sub-subparagraph b.(I) or sub-~~
71 ~~sub-subparagraph b.(II)~~ must be removed within 5 school days
72 after receipt of the objection and remain unavailable to
73 students of that school until the objection is resolved. The
74 school district may not consider potential literary, artistic,
75 political, or scientific value as a basis for retaining the
76 material if it contains material harmful to minors. Parents
77 shall have the right to read passages from any material that is
78 subject to an objection. If the school board denies a parent the
79 right to read passages due to content that meets the
80 requirements under sub-sub-subparagraph b.(I) or sub-sub-
81 subparagraph b.(II), 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) or sub-sub-
86 subparagraph b.(II), the school district shall discontinue use

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87 of the material. If the district school board finds that any
88 other material contains prohibited content under sub-sub-
89 subparagraphs b.(III)-(V) ~~b.(II)-(IV)~~, the school district shall
90 discontinue use of the material for any grade level or age group
91 for which such use is inappropriate or unsuitable. The State
92 Board of Education shall monitor district compliance with the
93 requirements of sub-sub-subparagraphs b.(I)-(III) through
94 regular audits and reporting. Upon finding that a district has
95 failed to comply with these requirements, the State Board of
96 Education must provide written notice of noncompliance to the
97 district and require the district to submit a corrective action
98 plan within 30 days after receiving such notice; may withhold
99 the transfer of state funds, discretionary grant funds,
100 discretionary lottery funds, or any other funds specified by the
101 Legislature until the district complies with the requirements;
102 and may impose additional sanctions or requirements as
103 conditions for the continued receipt of state funds.

104 3. Each district school board must establish a process by
105 which the parent of a public school student ~~or a resident of the~~
106 ~~county~~ may contest the district school board's adoption of a
107 specific instructional material. The parent ~~or resident~~ must
108 file a petition, on a form provided by the school board, within
109 30 calendar days after the adoption of the instructional
110 material by the school board. The school board must make the
111 form available to the public and publish the form on the school

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112 district's website. The form must be signed by the parent ~~or~~
113 ~~resident~~, include the required contact information, and state
114 the objection to the instructional material based on the
115 criteria of s. 1006.31(2) or s. 1006.40(3)(c). Within 30 days
116 after the 30-day period has expired, the school board must, for
117 all petitions timely received, conduct at least one open public
118 hearing before an unbiased and qualified hearing officer. The
119 hearing officer may not be an employee or agent of the school
120 district. The hearing is not subject to the provisions of
121 chapter 120; however, the hearing must provide sufficient
122 procedural protections to allow each petitioner an adequate and
123 fair opportunity to be heard and present evidence to the hearing
124 officer. The school board's decision after convening a hearing
125 is final and not subject to further petition or review.

126 4. Meetings of committees convened for the purpose of
127 ranking, eliminating, or selecting instructional materials for
128 recommendation to the district school board must be noticed and
129 open to the public in accordance with s. 286.011. Any committees
130 convened for such purposes must include parents of students who
131 will have access to such materials.

132 5. Meetings of committees convened for the purpose of
133 resolving an objection by a parent ~~or~~ ~~resident~~ to specific
134 materials must be noticed and open to the public in accordance
135 with s. 286.011. Any committees convened for such purposes must

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136 include parents of students who will have access to such
137 materials.

138 6. Any material subject to objection under this paragraph
139 which the district school board chooses to retain may not be
140 subject to an objection on the same grounds for 5 academic years
141 thereafter. If a parent disagrees with the determination made by
142 the district school board on the objection to the use of a
143 specific material, a parent may request the Commissioner of
144 Education to appoint a special magistrate who is a member of The
145 Florida Bar in good standing and who has at least 5 years'
146 experience in administrative law. The special magistrate shall
147 determine facts relating to the school district's determination,
148 consider information provided by the parent and the school
149 district, and render a recommended decision for resolution to
150 the State Board of Education within 30 days after receipt of the
151 request by the parent. The State Board of Education must approve
152 or reject the recommended decision at its next regularly
153 scheduled meeting that is more than 7 calendar days and no more
154 than 30 days after the date the recommended decision is
155 transmitted. The costs of the special magistrate shall be borne
156 by the school district. The State Board of Education shall adopt
157 rules, including forms, necessary to implement this
158 subparagraph.

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

Remove lines 4-6 and insert:

to minors"; removing the definition of the term "resident"; removing provisions authorizing residents of the county to object to school district materials; providing a limitation for the number of objections to such materials a parent or guardian of a student may make; providing a limitation on the frequency of specified objections to materials retained by a school district after an objection; deleting the process for objections to district school board determinations relating to such materials; revising the list of materials used in a classroom which are subject to the objection process by parents; reenacting s.

1014.05(1)(c),

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