

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Gantt offered the following:

3 **Amendment (with title amendment)**

4 Remove lines 14-213 and insert:

5 **Section 1. Paragraph (a) of subsection (2) of section**  
6 **1006.28, Florida Statutes, is amended to read:**

7 1006.28 Duties of district school board, district school  
8 superintendent; and school principal regarding K-12  
9 instructional materials.—

10 (2) DISTRICT SCHOOL BOARD.—The district school board has  
11 the constitutional duty and responsibility to select and provide  
12 adequate instructional materials for all students in accordance

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13 with the requirements of this part. The district school board  
14 also has the following specific duties and responsibilities:

15 (a) Courses of study; adoption.—Adopt courses of study,  
16 including instructional materials, for use in the schools of the  
17 district.

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

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

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

44        b. Any material used in a classroom, made available in a  
45        school or classroom library, or included on a reading list  
46        contains content which:

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

48            (II) Depicts or describes sexual conduct as defined in s.  
49        847.001(19), unless such material is for a course required by s.  
50        1003.46 or s. 1003.42(2)(o)1.g. or 3., or identified by State  
51        Board of Education rule;

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

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

56  
57        A resident of the county who is not the parent or guardian of a  
58        student with access to school district materials may not object  
59        to more than one material per month. The State Board of  
60        Education may adopt rules to implement this provision. Any  
61        material that is subject to an objection must be communicated to  
62        the public through an online database within 5 school days after

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63 receipt of the objection. A parent or guardian shall have the  
64 right to restrict his or her student from accessing such  
65 materials during the review process on the basis of sub-sub-  
66 subparagraph b.(I) or sub-sub-subparagraph b.(II) must be  
67 removed within 5 school days after receipt of the objection and  
68 remain unavailable to students of that school until the  
69 objection is resolved. Parents shall have the right to read  
70 passages from any material that is subject to an objection. If  
71 the school board denies a parent the right to read passages due  
72 to content that meets the requirements under sub-sub-  
73 subparagraph b.(I), the school district shall discontinue the  
74 use of the material in the school district. If the district  
75 school board finds that any material meets the requirements  
76 under sub-subparagraph a. or that any other material contains  
77 prohibited content under sub-sub-subparagraph b.(I), the school  
78 district shall discontinue use of the material. If the district  
79 school board finds that any other material contains prohibited  
80 content under sub-sub-subparagraphs b.(II)-(IV), the school  
81 district shall discontinue use of the material for any grade  
82 level or age group for which such use is inappropriate or  
83 unsuitable.

84       3. Each district school board must establish a process by  
85 which the parent of a public school student or a resident of the  
86 county may contest the district school board's adoption of a  
87 specific instructional material. The parent or resident must

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88 file a petition, on a form provided by the school board, within  
89 30 calendar days after the adoption of the instructional  
90 material by the school board. The school board must make the  
91 form available to the public and publish the form on the school  
92 district's website. The form must be signed by the parent or  
93 resident, include the required contact information, and state  
94 the objection to the instructional material based on the  
95 criteria of s. 1006.31(2) or s. 1006.40(3)(c). Within 30 days  
96 after the 30-day period has expired, the school board must, for  
97 all petitions timely received, conduct at least one open public  
98 hearing before an unbiased and qualified hearing officer. The  
99 hearing officer may not be an employee or agent of the school  
100 district. The hearing is not subject to the provisions of  
101 chapter 120; however, the hearing must provide sufficient  
102 procedural protections to allow each petitioner an adequate and  
103 fair opportunity to be heard and present evidence to the hearing  
104 officer. The school board's decision after convening a hearing  
105 is final and not subject to further petition or review.

106 4. Meetings of committees convened for the purpose of  
107 ranking, eliminating, or selecting instructional materials for  
108 recommendation to the district school board must be noticed and  
109 open to the public in accordance with s. 286.011. Any committees  
110 convened for such purposes must include parents of students who  
111 will have access to such materials.

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112        5. Meetings of committees convened for the purpose of  
113 resolving an objection by a parent or resident to specific  
114 materials must be noticed and open to the public in accordance  
115 with s. 286.011. Any committees convened for such purposes must  
116 include parents of students who will have access to such  
117 materials.

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

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138 **T I T L E A M E N D M E N T**  
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140 Remove lines 2-9 and insert:  
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142 An act relating to objections to instructional  
143 materials; amending s. 1006.28, F.S.; requiring  
144 materials subject to an objection to be communicated  
145 through an online database within a specified period;  
146 authorizing parents and guardians to restrict student  
147 access to such materials during the review process;  
removing a requirement that certain materials be  
removed until the objection is resolved; providing an

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