

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Gantt offered the following:

Amendment (with title amendment)

Remove lines 14-213 and insert:

Section 1. 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.—

(2) DISTRICT SCHOOL BOARD.—The district school board has the constitutional duty and responsibility to select and provide 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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T I T L E A M E N D M E N T

Remove lines 2-9 and insert:

An act relating to objections to instructional
materials; amending s. 1006.28, F.S.; requiring
materials subject to an objection to be communicated
through an online database within a specified period;
authorizing parents and guardians to restrict student
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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