

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 1119](#)

**TITLE:** Materials Harmful to Minors

**SPONSOR(S):** Bankson

**COMPANION BILL:** [SB 1692](#) (McClain)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Education Administration](#)

13 Y, 5 N

[Education & Employment](#)



## SUMMARY

### Effect of the Bill:

The bill adds a definition of harmful to minors into the statute governing school district adoption of instructional materials and challenges to such materials. The bill revises the reasons any material used in a classroom, made available in a school or classroom library, or included on a reading list may be challenged, providing that a board may not consider potential literary, artistic, political, or scientific value as a basis for retaining the material if it contains material harmful to minors. The bill requires the State Board of Education to monitor district compliance with material challenges and review requirements and notify a district of any noncompliance and the SBE may withhold funds until the school district complies with the requirements.

### Fiscal or Economic Impact:

None

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill adds a definition of harmful to minors into the statute governing school district adoption of instructional materials and challenges to such materials. Specifically, the bill defines harmful to minors as any reproduction, imitation, characterization, description, exhibition, presentation, or representation, of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:

- Predominantly appeals to prurient, shameful, or morbid interest; and
- Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors. (Section 1).

The bill revises the reasons [any material used in a classroom](#), made available in a school or classroom library, or included on a reading list may be challenged. Under the bill, a parent or resident may object to any such material that is pornographic; is harmful to minors, as defined by the bill; or depicts or describes sexual conduct, unless such material is specifically authorized as part of a health education course, comprehensive health education, or approved through the State Board of Education (SBE) for specific educational purposes. Materials containing material harmful to minors must be removed from use within 5 days of receipt of the objection and must remain unavailable until the resolution of the objection process. The school district may not consider potential literary, artistic, political, or scientific value as a basis for retaining the material if it contains material harmful to minors.

The SBE is required to monitor district compliance with objections to material content through regular audits and reporting and notify a district of any noncompliance. Additionally, the SBE may withhold the transfer of state funds, discretionary grant funds, discretionary lottery funds, or any other funds specified by the Legislature until the school district complies with the requirements. The SBE must require a school district found to be

**STORAGE NAME:** h1119a.EAS

**DATE:** 1/21/2026

noncompliant to submit a corrective action plan within 30 days after receiving a notice of noncompliance. (Section 1)

The effective date of the bill is July 1, 2026. (Section 3)

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### **K-12 Student and Parent Rights**

Parents of public school students are required by law to receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child succeed in school.<sup>1</sup> K-12 students and their parents are afforded numerous statutory rights pertaining to student education, including reproductive health and disease education.<sup>2</sup>

Florida law requires district school boards to provide comprehensive health education that among other issues addresses community health, family life (including awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy), personal health, and the prevention and control of disease. Health education is included in the required instruction to ensure that students meets SBE adopted standards. Standards and instructional materials are subject to specific selection, adoption, and review processes.<sup>3</sup> All materials used to teach reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment, must be approved by the DOE.<sup>4</sup> One right a parent of a public school student has is to make a written request to the school principal to exempt his or her student from reproductive health and disease instruction, including instruction relating to HIV/AIDS. If such a request is made the student must be exempt from such instruction and may not be penalized.<sup>5</sup>

Among other requirements, each school district is required to adopt and publish on its website the process for a parent to limit his or her student's access to materials in the school or classroom library.<sup>6</sup>

#### **Instructional Materials**

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials to each student for core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. School districts may purchase instructional materials from a list of state-reviewed and adopted instructional materials or establish their own review and adoption program.<sup>7</sup>

Each district school board is responsible for the content of all instructional materials and any other materials used in the classroom, made available in a school library, or included on a reading list. Each district school board must maintain on its website a current list of instructional materials, purchased by the district, separated by grade level.<sup>8</sup> Florida law establishes that the parent of a public school student has the right to receive effective communication

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<sup>1</sup> Section [1002.20, F.S.](#)

<sup>2</sup> *Id.*

<sup>3</sup> Florida Department of Education, Healthy Schools, *Comprehensive Health Education*, available at: <https://www.fl DOE.org/schools/healthy-schools/comprehensive-health-edu.shtml> (last visited Jan. 21, 2026).

<sup>4</sup> Section [1003.42\(1\)\(b\), F.S.](#)

<sup>5</sup> Section [1003.42\(5\), F.S.](#)

<sup>6</sup> Section [1006.28\(2\)\(d\)4., F.S.](#)

<sup>7</sup> See s. [1006.40\(2\), F.S.](#) "Adequate instructional materials" means a "sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction in the core courses of mathematics, language arts, social studies, science, reading, and literature." Section [1006.28\(1\)\(a\), F.S.](#)

<sup>8</sup> Section [1006.28\(2\)\(a\)1., F.S.](#)

from the school principal about the manner in which instructional materials are used to implement curricular objectives.<sup>9</sup>

District school boards are required to adopt a policy for objections by a parent or resident of the county to the use of a specific instructional material.<sup>10</sup> The policy must clearly describe a process, in which the objector has the opportunity to provide specific evidence to the district school board, and provide for resolution. The process must provide the parent or resident the opportunity to proffer evidence to the district school board that:<sup>11</sup>

- An instructional material does not meet the criteria for instructional materials established in law or adopted by the DOE,<sup>12</sup> if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures during the school district adoption process.
- Any material used in a classroom, made available in a school or classroom library, or included in a reading list contains content which:
  - Is pornographic or prohibited as harmful to minors under Florida's obscenity statutes;
  - Depicts or describes sexual conduct,<sup>13</sup> unless such material is for a course relating to health education and the instruction in acquired immune deficiency syndrome (AIDS),<sup>14</sup> the prevention of child sexual abuse, exploitation, and human trafficking,<sup>15</sup> the awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy for grades 6 through 12,<sup>16</sup> or is identified by SBE rule;
  - Is not suited to student needs and their ability to comprehend the material presented; or,
  - Is inappropriate for the grade level and age group for which the material is used.

The policy must allow for a resident of the county who is not a parent or guardian to file one objection per month.<sup>17</sup> The DOE is required to publish and regularly update a list of materials that were removed or discontinued, sorted by grade level, as a result of an objection and disseminate the list to school districts for consideration in their selection procedures.<sup>18</sup>

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<sup>9</sup> Section [1006.28\(4\)\(a\), F.S.](#)

<sup>10</sup> Section [1006.28\(2\)\(a\)2., F.S.](#)

<sup>11</sup> Section [1006.28\(2\), F.S.](#)

<sup>12</sup> See s. [1006.31\(2\), F.S.](#), provides, along with additional requirements, instructional materials recommended by a reviewer must be, accurate, objective, balanced, noninflammatory, current, free of pornography and prohibited material, and suited to student needs and their ability to comprehend the material presented. See also s. [1006.40\(3\)\(c\), F.S.](#) requires any instructional materials purchased must be free of pornography or prohibited material, suited to student needs and their ability to comprehend the material presented, and appropriate for the grade level and age group for which the materials are used or made available.

<sup>13</sup> "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulated that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct". Section [847.001\(19\), F.S.](#)

<sup>14</sup> Section [1003.46, F.S.](#)

<sup>15</sup> Section [1003.42\(2\)\(o\)1.g., F.S.](#)

<sup>16</sup> Section [1003.42\(2\)\(o\)3., F.S.](#)

<sup>17</sup> Section [1006.28\(2\)\(a\)2., F.S.](#) (flush left provision at the end of the subparagraph).

<sup>18</sup> Section [1006.28\(2\), F.S.](#) (flush left provision at the end of the subsection). See Florida Department of Education, 2024-2025 *School District Reporting Pursuant to Section 1006.28(2), Florida Statutes*, available at <https://www.fl DOE.org/file/5574/2425-SDRPS-100628-2.pdf>.

**RECENT LEGISLATION:**

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	<a href="#">CS/CS/HB 1539</a> - Materials Harmful to Minors	Bankson/ <i>Leek</i>	The bill passed the House, but died in the Senate.
2024	<a href="#">CS/CS/HB 1285</a> - Education	Canady/ <i>Burgess</i>	Became law on July 1, 2024.
2023	<a href="#">CS/CS/HB 1069</a> - Education	McClain, Anderson/ <i>Yarborough</i>	Became law on July 1, 2023.

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Education Administration Subcommittee</a>	13 Y, 5 N	1/21/2026	Sleap	Wolff
<a href="#">Education &amp; Employment Committee</a>				