

1 A bill to be entitled  
2 An act relating to materials harmful to minors;  
3 amending s. 1006.28, F.S.; defining the term "harmful  
4 to minors"; revising the list of materials used in a  
5 classroom which are subject to the objection process  
6 by parents or residents; reenacting s. 1014.05(1)(c),  
7 F.S., relating to school district notifications on  
8 parental rights, to incorporate the amendment made to  
9 s. 1006.28, F.S., in a reference thereto; providing an  
10 effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 **Section 1. Subsection (1) and paragraph (a) of subsection**  
15 **(2) of section 1006.28, Florida Statutes, are amended to read:**

16 1006.28 Duties of district school board, district school  
17 superintendent; and school principal regarding K-12  
18 instructional materials.—

19 (1) DEFINITIONS.—

20 (a) As used in this section, the term:

21 1. "Adequate instructional materials" means a sufficient  
22 number of student or site licenses or sets of materials that are  
23 available in bound, unbound, kit, or package form and may  
24 consist of hardbacked or softbacked textbooks, electronic  
25 content, consumables, learning laboratories, manipulatives,

26 electronic media, and computer courseware or software that serve  
27 as the basis for instruction in the core subject areas of  
28 mathematics, language arts, social studies, science, reading,  
29 and literature.

30 2. "Harmful to minors" means any reproduction, imitation,  
31 characterization, description, exhibition, presentation, or  
32 representation, of whatever kind or form, depicting nudity,  
33 sexual conduct, or sexual excitement when it:

34 a. Predominantly appeals to prurient, shameful, or morbid  
35 interest; and

36 b. Is patently offensive to prevailing standards in the  
37 adult community as a whole with respect to what is suitable  
38 material or conduct for minors.

39 3.2. "Instructional materials" has the same meaning as in  
40 s. 1006.29(2).

41 4.3. "Library media center" means any collection of books,  
42 ebooks, periodicals, or videos maintained and accessible on the  
43 site of a school, including in classrooms.

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

49 (c) As used in this section and ss. 1006.283, 1006.32,  
50 1006.35, 1006.37, 1006.38, 1006.40, and 1006.42, the term

51 "purchase" includes purchase, lease, license, and acquire.

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

57 (a) Courses of study; adoption.—Adopt courses of study,  
58 including instructional materials, for use in the schools of the  
59 district.

60 1. Each district school board is responsible for the  
61 content of all instructional materials and any other materials  
62 used in a classroom, made available in a school or classroom  
63 library, or included on a reading list, whether adopted and  
64 purchased from the state-adopted instructional materials list,  
65 adopted and purchased through a district instructional materials  
66 program under s. 1006.283, or otherwise purchased or made  
67 available.

68 2. Each district school board must adopt a policy  
69 regarding an objection by a parent or a resident of the county  
70 to the use of a specific material, which clearly describes a  
71 process to handle all objections and provides for resolution.  
72 The objection form, as prescribed by State Board of Education  
73 rule, and the district school board's process must be easy to  
74 read and understand and be easily accessible on the homepage of  
75 the school district's website. The objection form must also

76 identify the school district point of contact and contact  
77 information for the submission of an objection. The process must  
78 provide the parent or resident the opportunity to proffer  
79 evidence to the district school board that:

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

86 b. Any material used in a classroom, made available in a  
87 school or classroom library, or included on a reading list  
88 contains content which:

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

90 (II) Is harmful to minors;

91 (III) ~~(II)~~ Depicts or describes sexual conduct as defined  
92 in s. 847.001(19), unless such material is specifically  
93 authorized as part of a health education course required under  
94 s. 1003.46; as part of comprehensive health education required  
95 under s. 1003.42(2)(o)1.g. or 3.; or as approved through for a  
96 course required by s. 1003.46 or s. 1003.42(2)(o)1.g. or 3., or  
97 identified by State Board of Education rule for specific  
98 educational purposes;

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

101        (V) ~~(IV)~~ Is inappropriate for the grade level and age group  
102 for which the material is used.

103  
104 A resident of the county who is not the parent or guardian of a  
105 student with access to school district materials may not object  
106 to more than one material per month. The State Board of  
107 Education may adopt rules to implement this provision. Any  
108 material that is subject to an objection on the basis of sub-  
109 sub-subparagraphs b.(I)-(III) ~~sub-sub-subparagraph b.(I) or sub-~~  
110 ~~sub-subparagraph b.(II)~~ must be removed within 5 school days  
111 after receipt of the objection and remain unavailable to  
112 students of that school until the objection is resolved. The  
113 school district may not consider potential literary, artistic,  
114 political, or scientific value as a basis for retaining the  
115 material if it contains material harmful to minors. Parents  
116 shall have the right to read passages from any material that is  
117 subject to an objection. If the school board denies a parent the  
118 right to read passages due to content that meets the  
119 requirements under sub-sub-subparagraph b.(I) or sub-sub-  
120 subparagraph b.(II), the school district shall discontinue the  
121 use of the material in the school district. If the district  
122 school board finds that any material meets the requirements  
123 under sub-subparagraph a. or that any other material contains  
124 prohibited content under sub-sub-subparagraph b.(I) or sub-sub-  
125 subparagraph b.(II), the school district shall discontinue use

126 of the material. If the district school board finds that any  
127 other material contains prohibited content under sub-sub-  
128 subparagraphs b.(III)-(V) ~~b.(II)-(IV)~~, the school district shall  
129 discontinue use of the material for any grade level or age group  
130 for which such use is inappropriate or unsuitable. The State  
131 Board of Education shall monitor district compliance with the  
132 requirements of sub-sub-subparagraphs b.(I)-(III) through  
133 regular audits and reporting. Upon finding that a district has  
134 failed to comply with these requirements, the State Board of  
135 Education must provide written notice of noncompliance to the  
136 district and require the district to submit a corrective action  
137 plan within 30 days after receiving such notice; may withhold  
138 the transfer of state funds, discretionary grant funds,  
139 discretionary lottery funds, or any other funds specified by the  
140 Legislature until the district complies with the requirements;  
141 and may impose additional sanctions or requirements as  
142 conditions for the continued receipt of state funds.

143 3. Each district school board must establish a process by  
144 which the parent of a public school student or a resident of the  
145 county may contest the district school board's adoption of a  
146 specific instructional material. The parent or resident must  
147 file a petition, on a form provided by the school board, within  
148 30 calendar days after the adoption of the instructional  
149 material by the school board. The school board must make the  
150 form available to the public and publish the form on the school

151 district's website. The form must be signed by the parent or  
152 resident, include the required contact information, and state  
153 the objection to the instructional material based on the  
154 criteria of s. 1006.31(2) or s. 1006.40(3)(c). Within 30 days  
155 after the 30-day period has expired, the school board must, for  
156 all petitions timely received, conduct at least one open public  
157 hearing before an unbiased and qualified hearing officer. The  
158 hearing officer may not be an employee or agent of the school  
159 district. The hearing is not subject to the provisions of  
160 chapter 120; however, the hearing must provide sufficient  
161 procedural protections to allow each petitioner an adequate and  
162 fair opportunity to be heard and present evidence to the hearing  
163 officer. The school board's decision after convening a hearing  
164 is final and not subject to further petition or review.

165       4. Meetings of committees convened for the purpose of  
166 ranking, eliminating, or selecting instructional materials for  
167 recommendation to the district school board must be noticed and  
168 open to the public in accordance with s. 286.011. Any committees  
169 convened for such purposes must include parents of students who  
170 will have access to such materials.

171       5. Meetings of committees convened for the purpose of  
172 resolving an objection by a parent or resident to specific  
173 materials must be noticed and open to the public in accordance  
174 with s. 286.011. Any committees convened for such purposes must  
175 include parents of students who will have access to such

176 materials.

177       6. If a parent disagrees with the determination made by  
178 the district school board on the objection to the use of a  
179 specific material, a parent may request the Commissioner of  
180 Education to appoint a special magistrate who is a member of The  
181 Florida Bar in good standing and who has at least 5 years'  
182 experience in administrative law. The special magistrate shall  
183 determine facts relating to the school district's determination,  
184 consider information provided by the parent and the school  
185 district, and render a recommended decision for resolution to  
186 the State Board of Education within 30 days after receipt of the  
187 request by the parent. The State Board of Education must approve  
188 or reject the recommended decision at its next regularly  
189 scheduled meeting that is more than 7 calendar days and no more  
190 than 30 days after the date the recommended decision is  
191 transmitted. The costs of the special magistrate shall be borne  
192 by the school district. The State Board of Education shall adopt  
193 rules, including forms, necessary to implement this  
194 subparagraph.

195       **Section 2. For the purpose of incorporating the amendment**  
196 **made by this act to section 1006.28, Florida Statutes, in a**  
197 **reference thereto, paragraph (c) of subsection (1) of section**  
198 **1014.05, Florida Statutes, is reenacted to read:**

199       1014.05 School district notifications on parental rights.—

200       (1) Each district school board shall, in consultation with



201 parents, teachers, and administrators, develop and adopt a  
202 policy to promote parental involvement in the public school  
203 system. Such policy must include:

204       (c) Procedures, pursuant to s. 1006.28(2)(a)2., for a  
205 parent to object to instructional materials and other materials  
206 used in the classroom. Such objections may be based on beliefs  
207 regarding morality, sex, and religion or the belief that such  
208 materials are harmful. For purposes of this section, the term  
209 "instructional materials" has the same meaning as in s.  
210 1006.29(2) and may include other materials used in the  
211 classroom, including workbooks and worksheets, handouts,  
212 software, applications, and any digital media made available to  
213 students.

214       **Section 3.** This act shall take effect July 1, 2026.