

By Senator McClain

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

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.

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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. "Instructional materials" has the same meaning as in s.
40 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

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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 regarding
69 an objection by a parent or a resident of the county to the use
70 of a specific material, which clearly describes a process to
71 handle all objections and provides for resolution. The objection
72 form, as prescribed by State Board of Education rule, and the
73 district school board's process must be easy to read and
74 understand and be easily accessible on the homepage of the
75 school district's website. The objection form must also identify
76 the school district point of contact and contact information for
77 the submission of an objection. The process must provide the
78 parent or resident the opportunity to proffer evidence to the
79 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

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88 contains content which:

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

90 (II) Is harmful to minors;

91 (III) Depicts or describes sexual conduct as defined in s.

92 847.001(19), unless such material is specifically authorized as
93 part of a health education course required under s. 1003.46; as
94 part of comprehensive health education required under s.

95 1003.42(2)(o)1.g. or 3.; or by for a course required by s.

96 1003.46 or s. 1003.42(2)(e)1.g. or 3., or identified by State
97 Board of Education rule for specific educational purposes;

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

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

102

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

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

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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

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175 include parents of students who will have access to such
176 materials.

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

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

198 1014.05 School district notifications on parental rights.—
199 (1) Each district school board shall, in consultation with
200 parents, teachers, and administrators, develop and adopt a
201 policy to promote parental involvement in the public school
202 system. Such policy must include:

203 (c) Procedures, pursuant to s. 1006.28(2)(a)2., for a

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

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