

By Senator Mayfield

17-01367B-19

20191454__

1 A bill to be entitled
2 An act relating to instructional materials; amending
3 s. 847.001, F.S.; revising definitions; amending s.
4 847.012, F.S.; prohibiting a public school employee or
5 volunteer from providing certain materials to minors;
6 revising the requirements for a material to be
7 considered harmful to minors; amending s. 1003.42,
8 F.S.; requiring a school principal to notify certain
9 parents of the inclusion of sex education
10 instructional materials in a course; requiring a
11 parent to provide written approval for his or her
12 child to be included in portions of the course
13 containing such instructional materials; prohibiting
14 penalization of students exempt from such portions of
15 the course; amending s. 1006.28, F.S.; revising and
16 providing definitions; requiring the chair of each
17 school district to annually provide a certain
18 certification to the Department of Education;
19 requiring district school boards to make certain
20 information relating to instructional materials
21 available to the public; revising the requirements for
22 a school district policy relating to an objection to
23 the use of a specified instructional material;
24 requiring a school district to evaluate certain
25 materials by a specified date and remove materials
26 meeting certain criteria; providing that certain
27 persons who purchase certain prohibited materials
28 commit a felony of the third degree; providing
29 criminal penalties; revising the district school board
30 process for contesting the adoption of specific
31 instructional materials; providing school district
32 notification requirements; providing requirements for
33 hearing officers; providing that certain persons may
34 attend specified hearings but may not participate;
35 prohibiting an attorney for the school district from
36 designing or establishing the rules of operations for
37 certain hearings; authorizing a petitioner to appeal a
38 school board decision to the State Board of Education;
39 authorizing a petitioner to appeal a state board
40 decision to the circuit court; authorizing the
41 petitioner to recover reasonable attorney fees and
42 costs; revising district school board duties relating
43 to the use of supplemental instructional materials;

44 requiring the district school board to post certain
45 information on its website; requiring the district
46 school superintendent to provide an annual
47 certification relating to instructional materials;
48 amending s. 1006.283, F.S.; revising the requirements
49 for the district school board instructional materials
50 review process; providing requirements for certain
51 hearings and public meetings; requiring instructional
52 materials to comply with department contract
53 provisions; amending s. 1006.31, F.S.; revising duties
54 of the department and school district instructional
55 materials reviewers; requiring instructional materials
56 to comply with certain requirements; amending s.
57 1006.34, F.S.; conforming provisions to changes made
58 by the act; amending s. 1006.40, F.S.; encouraging
59 school districts to purchase certain instructional
60 materials and literature; revising the requirements
61 for materials purchased using the instructional
62 materials allocation; providing an effective date.

63

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

65

66 Section 1. Subsections (3) and (6) of section 847.001,
67 Florida Statutes, are amended to read:

68 847.001 Definitions.—As used in this chapter, the term:

69 (3) “Child pornography” means any image or text depicting a
70 minor engaged in sexual conduct.

71 (6) “Harmful to minors” means any reproduction, imitation,
72 characterization, description, exhibition, presentation, or
73 representation, of whatever kind or form, depicting nudity,
74 sexual conduct, or sexual excitement when it:

75 (a) Predominantly appeals to a prurient, shameful, or
76 morbid interest;

77 (b) Is patently offensive ~~to prevailing standards in the~~
78 ~~adult community as a whole~~ with respect to what is suitable
79 material or conduct for minors; and

80 (c) Depicts an image or text that meets the definition of
81 “deviate sexual intercourse” under subsection (5). ~~Taken as a~~
82 ~~whole, is without serious literary, artistic, political, or~~
83 ~~scientific value for minors.~~

84

85 The term “harmful to minors” does not include materials used in
86 a formal, scheduled sex education course. ~~A mother’s~~
87 ~~breastfeeding of her baby is not under any circumstance “harmful~~
88 ~~to minors.”~~

89 Section 2. Subsections (3) and (5) of section 847.012,
90 Florida Statutes, are amended, and subsection (6) of that
91 section is republished, to read:

92 847.012 Harmful materials; sale or distribution to minors
93 or using minors in production prohibited; penalty.—

94 (3) A person, including a public school employee or
95 volunteer, may not knowingly sell, rent, or loan ~~for monetary~~
96 ~~consideration~~ to a minor:

97 (a) Any picture, photograph, drawing, sculpture, motion

98 picture film, videocassette, or similar visual representation or
99 image of a person or portion of the human body which depicts
100 nudity or sexual conduct, sexual excitement, sexual battery,
101 bestiality, or sadomasochistic abuse and which is harmful to
102 minors; or

103 (b) Any book, pamphlet, magazine, printed matter however
104 reproduced, or sound recording that contains any matter defined
105 in s. 847.001, explicit and detailed verbal descriptions or
106 narrative accounts of sexual excitement, or sexual conduct ~~and~~
107 ~~that is harmful to minors.~~

108 (5) An adult may not knowingly distribute to a minor on
109 school property, or post on school property, any material
110 described in subsection (3). As used in this subsection, the
111 term "school property" means the grounds or facility of any
112 kindergarten, elementary school, middle school, junior high
113 school, or secondary school, whether public or nonpublic. This
114 subsection does not apply to the distribution or posting of
115 school-approved instructional materials that by design serve as
116 a major tool for assisting in the instruction of a sex education
117 subject or course by school officers, instructional personnel,
118 administrative personnel, school volunteers, educational support
119 employees, or managers as those terms are defined in s. 1012.01.

120 (6) Any person violating any provision of this section
121 commits a felony of the third degree, punishable as provided in
122 s. 775.082, s. 775.083, or s. 775.084.

123 Section 3. Subsection (3) of section 1003.42, Florida
124 Statutes, is amended to read:

125 1003.42 Required instruction.—

126 (3)(a) A school principal must notify each parent of a
127 student enrolled in a course that will include sex education
128 instructional materials of the content and the nature of such
129 materials at least 10 instructional days before such materials
130 are to be used. A parent must provide written approval for his
131 or her child to be included in the portions of the course that
132 include such instructional materials. A student so exempted may
133 not be penalized by reason of that exemption.

134 (b). Any student whose parent makes written request to the
135 school principal shall be exempted from the teaching of
136 reproductive health or any disease, including HIV/AIDS, its
137 symptoms, development, and treatment. A student so exempted may
138 not be penalized by reason of that exemption. Course
139 descriptions for comprehensive health education shall not
140 interfere with the local determination of appropriate curriculum
141 which reflects local values and concerns.

142 Section 4. Subsections (1) and (2) and paragraph (a) of
143 subsection (3) of section 1006.28, Florida Statutes, are amended
144 to read:

145 1006.28 Duties of district school board, district school
146 superintendent; and school principal regarding K-12
147 instructional materials.—

148 (1) DEFINITIONS.—

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

150 1. "Adequate instructional materials" means a sufficient
151 number of student or site licenses or sets of materials that are

152 available in bound, unbound, kit, or package form and may
153 consist of hardbacked or softbacked textbooks, electronic
154 content, consumables, learning laboratories, manipulatives,
155 electronic media, and computer courseware or software that serve
156 as the basis for instruction for each student in the core
157 subject areas of mathematics, language arts, social studies,
158 science, reading, and literature.

159 2. "Instructional materials" means systematically arranged
160 content in text, digital, braille, and large print or audio
161 format which may be used within the state curriculum framework
162 for courses of study by public school students. The term
163 includes textbooks, workbooks, worksheets, handouts, computer
164 software, online and Internet courses, CDs or DVDs, all
165 materials used in the classroom, including supplemental
166 materials and materials available to students in school
167 libraries or media centers, and multiple forms of communication
168 and electronic media. Instructional materials must be designed
169 for student use and may contain or be accompanied by teaching
170 and study guides ~~has the same meaning as in s. 1006.29(2).~~

171 (b) As used in this section, the term "hearing officer"
172 means a general magistrate, a special magistrate, or a hearing
173 officer who is employed by the circuit court of the county or by
174 a state agency.

175 (c) ~~(b)~~ As used in this section and s. 1006.283, the term
176 "resident" means a person who has maintained his or her
177 residence in this state for the preceding year, has purchased a
178 home that is occupied by him or her as his or her residence, or
179 has established a domicile in this state pursuant to s. 222.17.

180 (d) ~~(c)~~ As used in this section and ss. 1006.283, 1006.32,
181 1006.35, 1006.37, 1006.38, 1006.40, and 1006.42, the term
182 "purchase" includes purchase, lease, license, and acquire.

183 (2) DISTRICT SCHOOL BOARD.—The district school board has
184 the constitutional duty and responsibility to select and provide
185 the highest quality ~~adequate~~ instructional materials for all
186 students. Annually, by January 1, the chair of each district
187 school board shall certify in writing to the Department of
188 Education that all school district instructional materials
189 comply with all state laws relating to instructional materials
190 ~~in accordance with the requirements of this part.~~ The district
191 school board also has the following specific duties and
192 responsibilities:

193 (a) *Courses of study; adoption.*—Adopt courses of study,
194 including instructional materials, for use in the schools of the
195 district.

196 1. Each district school board is responsible for the
197 quality and content of all instructional materials ~~and any other~~
198 ~~materials~~ used in a classroom, made available in a school
199 library, or included on a reading list, whether adopted and
200 purchased from the state-adopted instructional materials list,
201 adopted and purchased through a district instructional materials
202 program under s. 1006.283, or otherwise purchased or made
203 available. Each district school board shall maintain on its
204 website a current list of instructional materials, by grade
205 level, purchased by the district and make such materials

206 available to the public. Such list must contain, at a minimum,
207 the title, author, and, if appropriate, ISBN number for all
208 instructional materials.

209 2. Each district school board must adopt a policy regarding
210 an objection by a parent or a resident of the county to the use
211 of a specific instructional material, which clearly describes a
212 process to handle each objection ~~all objections~~ and provide
213 ~~provides~~ for resolution. The process must provide the parent or
214 resident with adequate time and the opportunity to proffer
215 evidence for each objection to the district school board that:

216 a. An instructional material does not meet the criteria of
217 s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in
218 a course or otherwise made available to students in the school
219 district but was not subject to the public notice, review,
220 comment, and hearing procedures under s. 1006.283(2)(b)8., 9.,
221 and 11.

222 b. Any material used in a classroom, made available in a
223 school library, or included on a reading list containing
224 ~~contains~~ content that is pornographic or prohibited under s.
225 847.012 or, is not acceptable suited to student needs and their
226 ~~ability to comprehend the material presented, or is~~
227 ~~inappropriate for the grade level and age group for which the~~
228 ~~material is used.~~

229 3.a. If the district school board finds that an
230 instructional material does not meet the criteria under sub
231 subparagraph 2.a.a or that any other material contains
232 prohibited content under sub-subparagraph 2.b.b, the school
233 district shall proactively remove ~~discontinue use of~~ the
234 material regardless of whether a parent or resident has objected
235 to the material ~~for any grade level or age group for which such~~
236 ~~use is inappropriate or unsuitable.~~

237 b. Each school district must evaluate all such materials no
238 later than October 1, 2019, and remove materials that are
239 pornographic or prohibited under s. 847.012.

240 c. Effective October 1, 2019, any person who purchases a
241 textbook, novel, or material that is pornographic or prohibited
242 under s. 847.012 with the intent to expose students to such
243 material commits a felony of the third degree, punishable as
244 provided in s. 775.082, s. 775.083, or s. 775.084. Every
245 textbook, novel, or material purchased shall constitute a
246 separate offense and is punishable as such.

247 d. After exhausting all local policy remedies and appealing
248 to the State Board of Education, a parent or resident may sue in
249 circuit court for an injunction to remove such materials and may
250 recover reasonable attorney fees and costs.

251 ~~4.3~~ Each district school board must establish a process by
252 which the parent of a public school student or a resident of the
253 county may contest the district school board's adoption of a
254 specific instructional material. The parent or resident must
255 file a petition, on a form provided by the school board, within
256 30 calendar days after the adoption of the material by the
257 school board. The school board must make the form easy to use,
258 prominently advertise the school board's policy and the form
259 ~~available~~ to the public, and publish the form on the school

260 district's website. The form must be signed by the parent or
261 resident, include the required contact information, and state
262 the objection to the instructional material based on the
263 criteria of s. 1006.31(2) or s. 1006.40(3)(d). A hearing officer
264 must give priority to a parent's or resident's objections based
265 on failure of a material to comply with the criteria of s.
266 1006.31(2) or s. 1006.40(3)(d) in his or her written findings.
267 Within 30 days after the 30-day period has expired, the school
268 board must, for all petitions timely received, commission
269 ~~conduct~~ at least one open public hearing by an independent
270 ~~before an unbiased~~ and qualified hearing officer. A district
271 school board may not appoint its own hearing officer, and the
272 hearing officer may not be an employee or agent of the school
273 district. At least 7 days before the hearing, a school board
274 must provide each petitioner with a written notification of the
275 date and time of the hearing and publish on its website for the
276 public all instructional materials included in a petition. A
277 school board's failure to provide petitioners with the required
278 written notice or publish such instructional materials on its
279 website for the public shall result in the hearing being
280 rescheduled to satisfy these requirements. The hearing is ~~not~~
281 subject to ~~the provisions of~~ chapter 120. ~~however,~~ The hearing
282 must provide sufficient procedural protections to allow each
283 petitioner an adequate and fair opportunity to be heard and
284 present evidence to the hearing officer on all petitions timely
285 received. The hearing officer shall provide written findings on
286 each objection with his or her recommendations to the school
287 board. Failure of the hearing officer to provide written
288 findings on each objection voids the adoption process. Members
289 of the district school board, the district school
290 superintendent, and any attorney for the school district may
291 attend a hearing as part of the audience, but may not
292 participate in the hearing. An attorney for the school district
293 may not have been involved in designing or establishing the
294 rules of operation for the hearing.

295
296 The rationale for the school board's decision for each contested
297 instructional material must be documented and available to the
298 public. Decisions regarding such instructional materials by the
299 school board may be appealed by the petitioner to the State
300 Board of Education. A petitioner may appeal the decision of the
301 state board to a circuit court and may seek damages or
302 injunctive relief, or both. The circuit court has original and
303 exclusive jurisdiction of all proceedings brought under this
304 section. If any proceeding brought under this section is deemed
305 to be frivolous by the court, the petitioner may recover
306 reasonable attorney fees and costs ~~after convening a hearing is~~
307 ~~final and not subject to further petition or review.~~

308 (b) *Instructional materials.*—Provide for proper
309 requisitioning, distribution, accounting, storage, care, and use
310 of all instructional materials and furnish such other
311 instructional materials as may be needed. Instructional
312 materials used must be consistent with the district goals and
313 objectives and the course descriptions established in rule of

314 the State Board of Education, as well as with the applicable
315 Next Generation Sunshine State Standards provided for in s.
316 1003.41.

317 (c) *Other instructional materials.*—Provide such other
318 teaching accessories and aids as are needed for the school
319 district’s educational program, including supplemental
320 instructional materials. Each school district shall create a
321 policy and training program for the use of supplemental
322 instructional materials in the classroom to ensure that the
323 materials used comply with s. 1006.31(2) and any other state
324 laws relating to instructional materials.

325 (d) *School library media services; establishment and*
326 *maintenance.*—Establish and maintain a program of school library
327 media services for all public schools in the district, including
328 school library media centers, or school library media centers
329 open to the public, and, in addition such traveling or
330 circulating libraries as may be needed for the proper operation
331 of the district school system. Each school district shall post
332 on its website a current list of all instructional materials,
333 including library materials. Upon written request, a school
334 district shall provide access to any material or book specified
335 in the request that is maintained in a district school system
336 library and is available for review.

337 (3) DISTRICT SCHOOL SUPERINTENDENT.—

338 (a) The district school superintendent has the duty to
339 annually certify, by March 31, that he or she is following state
340 laws relating to instructional materials. If there is a conflict
341 between state law and the Next Generation Sunshine State
342 Standards, state law prevails. The district school
343 superintendent shall ~~to~~ recommend ~~such~~ plans for improving,
344 providing, distributing, accounting for, and caring for
345 instructional materials and other instructional aids as will
346 result in general improvement of the district school system, as
347 prescribed in this part, in accordance with adopted district
348 school board rules prescribing the duties and responsibilities
349 of the district school superintendent regarding the requisition,
350 purchase, receipt, storage, distribution, use, conservation,
351 records, and reports of, and management practices and property
352 accountability concerning, instructional materials, and
353 providing for an evaluation of any instructional materials to be
354 requisitioned that have not been used previously in the
355 district’s schools. The district school superintendent must keep
356 adequate records and accounts for all financial transactions for
357 funds collected pursuant to subsection (4).

358 Section 5. Subsection (2) of section 1006.283, Florida
359 Statutes, is amended to read:

360 1006.283 District school board instructional materials
361 review process.—

362 (2)(a) If a district school board chooses to implement its
363 own instructional materials program, the school board shall
364 adopt rules implementing the district’s instructional materials
365 program which must include its processes, criteria, and
366 requirements for the following:

367 1. Selection of reviewers, one-third ~~one or more~~ of whom

368 must be parents with children in public schools.

369 2. Review of instructional materials.

370 3. Selection of instructional materials, including a

371 thorough review of curriculum content.

372 4. Reviewer recommendations.

373 5. District school board adoption.

374 6. Purchase of instructional materials.

375 (b) District school board rules must also:

376 1. Identify, by subject area, a review cycle for

377 instructional materials.

378 2. Specify the qualifications for an instructional

379 materials reviewer and the process for selecting reviewers; list

380 a reviewer's duties and responsibilities; provide for training

381 to ensure, ~~including~~ compliance with the requirements of ss.

382 847.012, 1003.42(2)(a)-(f), and 1006.28 s. 1006.31; and provide

383 that all instructional materials recommended by a reviewer be

384 accompanied by the reviewer's statement that the materials align

385 with or exceed the state standards pursuant to s. 1003.41 and

386 the requirements of s. 1006.31.

387 3. State the requirements for an affidavit to be made by

388 each district instructional materials reviewer which

389 substantially meet the requirements of s. 1006.30.

390 4. Comply with s. 1006.32, relating to prohibited acts.

391 5. Establish a process that certifies the accuracy and

392 quality of instructional materials in accordance with the

393 criteria established under s. 1006.28 and other state laws

394 relating to instructional materials.

395 6. Incorporate applicable requirements of s. 1006.31, which

396 relates to the duties of instructional materials reviewers.

397 7. Incorporate applicable requirements of s. 1006.38,

398 relating to the duties, responsibilities, and requirements of

399 publishers of instructional materials.

400 8. Establish the process by which instructional materials

401 are adopted by the district school board, which must include:

402 a. A process to allow student and teacher editions of

403 recommended instructional materials to be accessed and viewed

404 online ~~by the public~~ at least 45 20 calendar days before the

405 district school board's independent board hearing and public

406 meeting as specified in this subparagraph. Failure to meet the

407 45-calendar day deadline shall result in the hearing and public

408 meeting being rescheduled. This process must include reasonable

409 safeguards against the unauthorized use, reproduction, and

410 distribution of instructional materials considered for adoption.

411 b. An open, noticed school board hearing to receive public

412 comment on the recommended instructional materials.

413 c. An open, noticed public meeting to approve an annual

414 instructional materials plan to identify any instructional

415 materials that will be purchased through the district school

416 board instructional materials review process pursuant to this

417 section. This public meeting must be held at least 10 days after

418 the last hearing to address objections to instructional

419 materials as provided in s. 1006.28 to allow the school board

420 adequate time to review the findings of the hearing officer.

421 Failure to adhere to this timeline will render the school

422 board's adoption of materials void ~~on a different date than the~~
423 ~~school board hearing.~~

424 d. Notice requirements for the school board hearing and the
425 public meeting that must specifically state which instructional
426 materials are being reviewed and the manner in which the
427 instructional materials can be accessed for public review. The
428 hearing officer must allow the parent of a public school student
429 or a resident of the county a minimum of 10 minutes per
430 objection to proffer evidence that a recommended instructional
431 material does not meet the criteria provided in s. 1006.31(2)~~7~~
432 ~~taking into consideration course expectations based on the~~
433 ~~district's comprehensive plan for student progression under s.~~
434 ~~1008.25(2) and course descriptions in the course code directory.~~

435 9. Establish the process by which the district school board
436 shall receive public comment on and accept or deny each of the
437 findings of the independent hearing officer~~7~~~~and review, the~~
438 ~~recommended instructional materials.~~

439 10. Establish the process by which instructional materials
440 will be purchased, including advertising, bidding, and
441 purchasing requirements. Purchased instructional materials must
442 comply with Department of Education contract provisions. All bid
443 contract terms, whether acquired from department-approved lists
444 or under this section, are subject to public records requests
445 during and after the acquisition process.

446 11. Establish the process by which the school district will
447 notify parents of their ability to access their children's
448 instructional materials through the district's local
449 instructional improvement system and by which the school
450 district will encourage parents to access the system. This
451 notification must be displayed prominently on the school
452 district's website and provided annually in written format to
453 all parents of enrolled students.

454 Section 6. Subsection (2) of section 1006.31, Florida
455 Statutes, is amended to read:

456 1006.31 Duties of the Department of Education and school
457 district instructional materials reviewer.—The duties of the
458 instructional materials reviewer are:

459 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
460 selection criteria listed in s. 1006.34(2)(b) and recommend for
461 adoption only those instructional materials aligned with or
462 exceeding the Next Generation Sunshine State Standards provided
463 for in s. 1003.41. Instructional materials recommended by each
464 reviewer shall comply with all quality and content criteria
465 established in state law, including an assurance that such
466 materials are researched-based and proven to be effective in
467 supporting student learning; are ~~be, to the satisfaction of each~~
468 ~~reviewer~~~~7~~ accurate and factual; provide~~7~~ objective, balanced,
469 and noninflammatory viewpoints on controversial issues; are~~7~~
470 ~~current~~~~7~~ free of pornography and material prohibited under s.
471 847.012; are of acceptable quality; are in full compliance with
472 s. 847.012, s. 1003.42, and all other state laws relating to
473 instructional materials;~~7~~ and are suited to student needs and
474 their ability to comprehend the material presented. Reviewers
475 shall consider for recommendation materials developed for

476 academically talented students, such as students enrolled in
477 advanced placement courses. When recommending instructional
478 materials, each reviewer shall:

479 (a) Include only instructional materials that accurately
480 portray the ethnic, socioeconomic, cultural, religious,
481 physical, and racial diversity of our society, including men and
482 women in professional, career, and executive roles, and the role
483 and contributions of the entrepreneur and labor in the total
484 development of this state and the United States. Instructional
485 materials that are recommended must comply with s. 1002.206
486 relating to religious expression in public schools.

487 (b) Include only materials that accurately portray,
488 whenever appropriate, humankind's place in ecological systems,
489 including the necessity for the protection of our environment
490 and conservation of our natural resources and the effects on the
491 human system of the use of tobacco, alcohol, controlled
492 substances, and other dangerous substances.

493 (c) Include materials that encourage thrift, fire
494 prevention, and humane treatment of people and animals.

495 (d) Require, when appropriate to the comprehension of
496 students, that materials for social science, history, or civics
497 classes contain the Declaration of Independence and the
498 Constitution of the United States. A reviewer may not recommend
499 any instructional materials that contain any matter that
500 contradicts s. 1003.42(2)(a)-(f) or that reflects reflecting
501 unfairly upon persons because of their race, color, creed,
502 national origin, ancestry, gender, religion, disability,
503 socioeconomic status, or occupation.

504 Section 7. Paragraph (b) of subsection (2) of section
505 1006.34, Florida Statutes, is amended to read:

506 1006.34 Powers and duties of the commissioner and the
507 department in selecting and adopting instructional materials.—

508 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

509 (b) In the selection of instructional materials, library
510 media, and other reading material used in the public school
511 system, the standards used to determine the propriety of the
512 material shall include:

513 1. The age of the students who normally could be expected
514 to have access to the material.

515 2. The educational purpose to be served by the material.
516 Priority shall be given to the selection of materials that align
517 with or exceed the Next Generation Sunshine State Standards as
518 provided for in s. 1003.41 and include the instructional
519 objectives contained within the curriculum frameworks for career
520 and technical education and adult and adult general education
521 adopted by rule of the State Board of Education under s.
522 1004.92.

523 3. The degree to which the material would be supplemented
524 and explained by mature classroom instruction as part of a
525 normal classroom instructional program.

526 4. The consideration of the broad racial, ethnic,
527 socioeconomic, and cultural diversity of the students of this
528 state.

529 5. The requirements established in s. 1006.31(2).

530

531 Any instructional material containing pornography or otherwise
532 prohibited by s. 847.012 may not be used or made available
533 within any public school.

534 Section 8. Subsection (2), paragraphs (a) and (d) of
535 subsection (3), and subsections (4) and (7) of section 1006.40,
536 Florida Statutes, are amended to read:

537 1006.40 Use of instructional materials allocation;
538 instructional materials, library books, and reference books;
539 repair of books.—

540 (2) Each district school board must purchase current
541 instructional materials to provide each student in kindergarten
542 through grade 12 with a major tool of instruction in core
543 courses of the subject areas of mathematics, language arts,
544 science, social studies, reading, and literature. Such purchase
545 must be made within the first 3 years after the effective date
546 of the adoption cycle unless a district school board or a
547 consortium of school districts has implemented an instructional
548 materials program pursuant to s. 1006.283. Each district school
549 board is encouraged to purchase originally sourced instructional
550 materials and classical literature.

551 (3)(a) Except for a school district or a consortium of
552 school districts that implements an instructional materials
553 program pursuant to s. 1006.283, each district school board
554 shall use the annual allocation only for the purchase of
555 instructional materials that align with or exceed state
556 standards and are included on the state-adopted list, except as
557 otherwise authorized in paragraphs (b) and (c).

558 (d) ~~All Any~~ materials purchased pursuant to this section
559 must be ~~+~~

560 ~~+~~ free of pornography and material prohibited under s.
561 847.012.

562 ~~2. Suited to student needs and their ability to comprehend~~
563 ~~the material presented.~~

564 ~~3. Appropriate for the grade level and age group for which~~
565 ~~the materials are used or made available.~~

566 (4) Each district school board is responsible for the
567 content and quality of all materials used in a classroom or
568 otherwise made available to students and the compliance of such
569 materials with state laws relating to instructional materials.

570 Each district school board shall adopt rules, and each district
571 school superintendent shall implement procedures, that:

572 (a) Maximize student use of the district-approved
573 instructional materials.

574 (b) Provide a process for public review of, public comment
575 on, formal objections to, appropriate hearings on, and the
576 adoption of instructional materials that satisfies the
577 requirements of s. 1006.283(2)(b)8., 9., and 11.

578 (7) A district school board or a consortium of school
579 districts that implements an instructional materials program
580 pursuant to s. 1006.283 may use the annual allocation to
581 purchase instructional materials not on the state-adopted list.
582 However, instructional materials purchased pursuant to this
583 section which are not included on the state-adopted list must

584 meet the criteria of s. 1006.31(2), align with or exceed state
585 standards adopted by the State Board of Education pursuant to s.
586 1003.41, and be consistent with course expectations based on the
587 district's comprehensive plan for student progression and course
588 descriptions adopted in state board rule.

589 Section 9. This act shall take effect July 1, 2019.