



Protecting Children's Mental Health

Since 2018, many organizations have been fighting against the dangerous mental health crisis caused by children being exposed to material that is harmful to them.

A study showed that prolonged exposure to obscene materials “can lead to exaggerated beliefs of sexual activity among peers, sexually permissible attitudes, and sexual callousness, including more negative attitudes toward sexual partners.”¹

As of the 2022-2023 released challenge list, Hillsborough County has removed only one book for not aligning with state law, Broward has removed three, and Palm Beach has removed none. These three counties alone represent a majority of public school children in Florida. There also are counties, based on this same FLDOE list, such as Brevard, Marion, and St. Johns, which have had several objections, yet with few books being removed.

We know by working with parents and concerned residents on the ground that school districts create difficult processes to determine how many objections someone can file. We also know that school districts use Part C of the Miller Test to argue that even when a book has content that violates educational law (F.S.1006.28), the books still have literary value based on Part C of the Miller Test, which is stated in Florida State Statute 847.001. Therefore, they argue the book should still be kept on the shelves of public schools.

We believe this Part C language has created a loophole in all the work that Governor DeSantis and the state legislative body have done in eliminating these harmful materials from our public schools.

We believe that updating 847.001 to include a Part D would solve this loophole. Based on a legal assessment completed by Citizens Defending Freedom’s top lawyer, this change can legally be done.

It is critically important that the state of Florida protect children from the many effects of being exposed to material that will be harmful to their mental health. By making the necessary changes, Florida can build resilient children by protecting their mental health. We also will preserve the original intent of the Miller test, and reduce the cost of medical expenses.

Requested Part D: The literary, artistic, political, or scientific value for minors justification exception established in subsection (c) [which reads: Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.] does not apply in an educational setting or to an employee of any

¹ Braun-Courville DK, Rojas M. Exposure to sexually explicit Web sites and adolescent sexual attitudes and behaviors. *J Adolesc Health*. 2009 Aug;45(2):156-62. doi: 10.1016/j.jadohealth.2008.12.004. Epub 2009 Feb 20. PMID: 19628142.

kindergarten, elementary school, middle school, junior high school, or secondary school, whether public or nonpublic if material that is harmful is possessed by a person with the intent to send, sell, distribute, exhibit, represent or display the material to a minor and it is not part of an approved instructional or library material.