

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Nixon offered the following:

2  
3 **Amendment**

4 Remove lines 81-252 and insert:

5 (9) "Sex" means the division of individuals based upon  
6 reproductive function.

7 Section 2. Section 1000.071, Florida Statutes, is created  
8 to read:

9 1000.071 Personal titles and pronouns.-

10 (1) It shall be the policy of every public K-12  
11 educational institution that is provided or authorized by the  
12 Constitution and laws of Florida that a person's sex is an  
13 immutable biological trait and that it is false to ascribe to a

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14 person a pronoun that does not correspond to such person's sex.  
15 This section does not apply to individuals born with a  
16 genetically or biochemically verifiable disorder of sex  
17 development, including, but not limited to, 46, XX disorder of  
18 sex development; 46, XY disorder of sex development; sex  
19 chromosome disorder of sex development; XX or XY sex reversal;  
20 and ovotesticular disorder.

21 (2) An employee, contractor, or student of a public K-12  
22 educational institution may not be required, as a condition of  
23 employment or enrollment or participation in any program, to  
24 refer to another person using that person's preferred personal  
25 title or pronouns if such personal title or pronouns do not  
26 correspond to that person's sex.

27 (3) An employee or contractor of a public K-12 educational  
28 institution may not provide to a student his or her preferred  
29 personal title or pronouns if such preferred personal title or  
30 pronouns do not correspond to his or her sex.

31 (4) A student may not be asked by an employee or  
32 contractor of a public K-12 educational institution to provide  
33 his or her preferred personal title or pronouns or be penalized  
34 or subjected to adverse or discriminatory treatment for not  
35 providing his or her preferred personal title or pronouns.

36 (5) The State Board of Education may adopt rules to  
37 administer this section.

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38 Section 3. Paragraph (c) of subsection (8) of section  
39 1001.42, Florida Statutes, is amended to read:

40 1001.42 Powers and duties of district school board.—The  
41 district school board, acting as a board, shall exercise all  
42 powers and perform all duties listed below:

43 (8) STUDENT WELFARE.—

44 (c)1. In accordance with the rights of parents enumerated  
45 in ss. 1002.20 and 1014.04, adopt procedures for notifying a  
46 student's parent if there is a change in the student's services  
47 or monitoring related to the student's mental, emotional, or  
48 physical health or well-being and the school's ability to  
49 provide a safe and supportive learning environment for the  
50 student. The procedures must reinforce the fundamental right of  
51 parents to make decisions regarding the upbringing and control  
52 of their children by requiring school district personnel to  
53 encourage a student to discuss issues relating to his or her  
54 well-being with his or her parent or to facilitate discussion of  
55 the issue with the parent. The procedures may not prohibit  
56 parents from accessing any of their student's education and  
57 health records created, maintained, or used by the school  
58 district, as required by s. 1002.22(2).

59 2. A school district may not adopt procedures or student  
60 support forms that prohibit school district personnel from  
61 notifying a parent about his or her student's mental, emotional,  
62 or physical health or well-being, or a change in related

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63 services or monitoring, or that encourage or have the effect of  
64 encouraging a student to withhold from a parent such  
65 information. School district personnel may not discourage or  
66 prohibit parental notification of and involvement in critical  
67 decisions affecting a student's mental, emotional, or physical  
68 health or well-being. This subparagraph does not prohibit a  
69 school district from adopting procedures that permit school  
70 personnel to withhold such information from a parent if a  
71 reasonably prudent person would believe that disclosure would  
72 result in abuse, abandonment, or neglect, as those terms are  
73 defined in s. 39.01.

74 3. Classroom instruction by school personnel or third  
75 parties on sexual orientation or gender identity may not occur  
76 in prekindergarten kindergarten through grade 8, except when  
77 required by ss. 1003.42(2)(n)3. and 1003.46 or sexual education  
78 instruction. If such instruction is provided in grades 9 through  
79 12, the instruction must be 3 or in a manner that is not age-  
80 appropriate or developmentally appropriate for students in  
81 accordance with state standards. This subparagraph applies to  
82 charter schools.

83 4. Student support services training developed or provided  
84 by a school district to school district personnel must adhere to  
85 student services guidelines, standards, and frameworks  
86 established by the Department of Education.

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87           5. At the beginning of the school year, each school  
88 district shall notify parents of each health care service  
89 offered at their student's school and the option to withhold  
90 consent or decline any specific service in accordance with s.  
91 1014.06. Parental consent to a health care service does not  
92 waive the parent's right to access his or her student's  
93 educational or health records or to be notified about a change  
94 in his or her student's services or monitoring as provided by  
95 this paragraph.

96           6. Before administering a student well-being questionnaire  
97 or health screening form to a student in kindergarten through  
98 grade 3, the school district must provide the questionnaire or  
99 health screening form to the parent and obtain the permission of  
100 the parent.

101           7. Each school district shall adopt procedures for a  
102 parent to notify the principal, or his or her designee,  
103 regarding concerns under this paragraph at his or her student's  
104 school and the process for resolving those concerns within 7  
105 calendar days after notification by the parent.

106           a. At a minimum, the procedures must require that within  
107 30 days after notification by the parent that the concern  
108 remains unresolved, the school district must either resolve the  
109 concern or provide a statement of the reasons for not resolving  
110 the concern.

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111 b. If a concern is not resolved by the school district, a  
112 parent may:

113 (I) Request the Commissioner of Education to appoint a  
114 special magistrate who is a member of The Florida Bar in good  
115 standing and who has at least 5 years' experience in  
116 administrative law. The special magistrate shall determine facts  
117 relating to the dispute over the school district procedure or  
118 practice, consider information provided by the school district,  
119 and render a recommended decision for resolution to the State  
120 Board of Education within 30 days after receipt of the request  
121 by the parent. The State Board of Education must approve or  
122 reject the recommended decision at its next regularly scheduled  
123 meeting that is more than 7 calendar days and no more than 30  
124 days after the date the recommended decision is transmitted. The  
125 costs of the special magistrate shall be borne by the school  
126 district. The State Board of Education shall adopt rules,  
127 including forms, necessary to implement this subparagraph.

128 (II) Bring an action against the school district to obtain  
129 a declaratory judgment that the school district procedure or  
130 practice violates this paragraph and seek injunctive relief. A  
131 court may award damages and shall award reasonable attorney fees  
132 and court costs to a parent who receives declaratory or  
133 injunctive relief.

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134 c. Each school district shall adopt and post on its  
135 website policies to notify parents of the procedures required  
136 under this subparagraph.

137 d. Nothing contained in this subparagraph shall be  
138 construed to abridge or alter rights of action or remedies in  
139 equity already existing under the common law or general law.

140 Section 4. Paragraph (b) of subsection (1) of section  
141 1003.42, Florida Statutes, is amended to read:

142 1003.42 Required instruction.—

143 (1)

144 (b) All ~~instructional~~ materials, ~~as defined in s.~~  
145 ~~1006.29(2)~~, used to teach reproductive health or any disease,  
146 including HIV/AIDS, its symptoms, development, and treatment, as  
147 part of the courses referenced in subsection (5), must be  
148 annually approved by the department ~~a district school board in~~  
149 ~~an open, noticed public meeting.~~

150 Section 5. Subsection (2) of section 1003.46, Florida  
151 Statutes, is amended to read:

152 1003.46 Health education; instruction in acquired immune  
153 deficiency syndrome.—

154 (2) Throughout instruction in acquired immune deficiency  
155 syndrome, sexually transmitted diseases, or health education,  
156 when such instruction and course material contains instruction  
157 in human sexuality, a school shall:

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158        (a) Teach that sex is determined by biology and  
159 reproductive function at birth; that biological males impregnate  
160 biological females by fertilizing the female egg with male  
161 sperm; and that the female then gestates the offspring.

162        (b) Offer a curriculum that includes instruction that  
163 accurately represents the differences between sex, gender,  
164 gender identity, and sexual orientation, including, but not  
165 limited to, intersex people, transgender people, same-sex  
166 attraction, opposite-sex attraction, and alternative  
167 reproductive technologies.

168        (c)-(a) Teach abstinence from sexual activity outside of  
169 marriage as the expected standard for all school-age students  
170 while teaching the benefits of monogamous heterosexual marriage.

171        (d)-(b) Emphasize that abstinence from sexual activity is a  
172 certain way to avoid out-of-wedlock pregnancy, sexually  
173 transmitted diseases, including acquired immune deficiency  
174 syndrome, and other associated health problems.

175        (e)-(c) Teach that each student has the power to control  
176 personal behavior and encourage students to base actions on  
177 reasoning, self-esteem, and respect for others.

178        (f)-(d) Provide instruction and material that is  
179 appropriate for the grade and age of the student.

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