

1 A bill to be entitled
2 An act relating to public PreK-12 educational
3 institution and instruction requirements; amending s.
4 1000.21, F.S.; defining the term "sex" for the Florida
5 Early Learning-20 Education Code; creating s.
6 1000.071, F.S.; requiring specified policies relating
7 to a person's sex at certain educational institutions;
8 providing applicability; prohibiting employees,
9 contractors, and students of such educational
10 institutions from being required to use, from
11 providing, and from being asked to provide certain
12 titles and pronouns; prohibiting students from being
13 penalized or subjected to certain treatment for not
14 providing certain titles and pronouns; authorizing the
15 State Board of Education to adopt rules; amending s.
16 1001.42, F.S.; prohibiting classroom instruction on
17 sexual orientation or gender identity from occurring
18 in prekindergarten through grade 8, rather than
19 kindergarten through grade 3; providing requirements
20 if such instruction is provided in grades 9 through
21 12; providing that such prohibition applies to charter
22 schools; requiring school districts to post specified
23 policies on their websites; amending s. 1002.68, F.S.;
24 prohibiting private prekindergarten providers and
25 public schools from providing instruction on sexual

26 orientation or gender identity; reenacting ss.
 27 1000.05(2), (3), (4)(a), (5), and (6)(d),
 28 1001.453(2)(c), 1002.42(3)(a), 1003.27(2)(b) and (c),
 29 1003.42(3)(a), (c), (e), and (f), 1004.43(2),
 30 1006.205(2)(b) and (3), 1009.23(7), 1009.24(10)(b),
 31 1009.983(6), 1009.986(3)(e), and 1014.05(1)(c), (d),
 32 and (f), F.S., to incorporate the amendment made to s.
 33 1000.21, F.S., in references thereto; providing for
 34 severability; providing an effective date.

35

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

37

38 Section 1. Subsection (9) is added to section 1000.21,
 39 Florida Statutes, to read:

40 1000.21 Systemwide definitions.—As used in the Florida
 41 Early Learning-20 Education Code:

42 (9) "Sex" means the classification of a person as either
 43 female or male based on the organization of the body of such
 44 person for a specific reproductive role, as indicated by the
 45 person's sex chromosomes, naturally occurring sex hormones, and
 46 internal and external genitalia present at birth.

47 Section 2. Section 1000.071, Florida Statutes, is created
 48 to read:

49 1000.071 Personal titles and pronouns.—

50 (1) It shall be the policy of every public K-12

51 educational institution that is provided or authorized by the
52 Constitution and laws of Florida that a person's sex is an
53 immutable biological trait and that it is false to ascribe to a
54 person a pronoun that does not correspond to such person's sex.
55 This section does not apply to individuals born with a
56 genetically or biochemically verifiable disorder of sex
57 development, including, but not limited to, 46, XX disorder of
58 sex development; 46, XY disorder of sex development; sex
59 chromosome disorder of sex development; XX or XY sex reversal;
60 and ovotesticular disorder.

61 (2) An employee, contractor, or student of a public K-12
62 educational institution may not be required, as a condition of
63 employment or enrollment or participation in any program, to
64 refer to another person using that person's preferred personal
65 title or pronouns if such personal title or pronouns do not
66 correspond to that person's sex.

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

71 (4) A student may not be asked by an employee or
72 contractor of a public K-12 educational institution to provide
73 his or her preferred personal title or pronouns or be penalized
74 or subjected to adverse or discriminatory treatment for not
75 providing his or her preferred personal title or pronouns.

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

78 Section 3. Paragraph (c) of subsection (8) of section
 79 1001.42, Florida Statutes, is amended to read:

80 1001.42 Powers and duties of district school board.—The
 81 district school board, acting as a board, shall exercise all
 82 powers and perform all duties listed below:

83 (8) STUDENT WELFARE.—

84 (c)1. In accordance with the rights of parents enumerated
 85 in ss. 1002.20 and 1014.04, adopt procedures for notifying a
 86 student's parent if there is a change in the student's services
 87 or monitoring related to the student's mental, emotional, or
 88 physical health or well-being and the school's ability to
 89 provide a safe and supportive learning environment for the
 90 student. The procedures must reinforce the fundamental right of
 91 parents to make decisions regarding the upbringing and control
 92 of their children by requiring school district personnel to
 93 encourage a student to discuss issues relating to his or her
 94 well-being with his or her parent or to facilitate discussion of
 95 the issue with the parent. The procedures may not prohibit
 96 parents from accessing any of their student's education and
 97 health records created, maintained, or used by the school
 98 district, as required by s. 1002.22(2).

99 2. A school district may not adopt procedures or student
 100 support forms that prohibit school district personnel from

101 notifying a parent about his or her student's mental, emotional,
 102 or physical health or well-being, or a change in related
 103 services or monitoring, or that encourage or have the effect of
 104 encouraging a student to withhold from a parent such
 105 information. School district personnel may not discourage or
 106 prohibit parental notification of and involvement in critical
 107 decisions affecting a student's mental, emotional, or physical
 108 health or well-being. This subparagraph does not prohibit a
 109 school district from adopting procedures that permit school
 110 personnel to withhold such information from a parent if a
 111 reasonably prudent person would believe that disclosure would
 112 result in abuse, abandonment, or neglect, as those terms are
 113 defined in s. 39.01.

114 3. Classroom instruction by school personnel or third
 115 parties on sexual orientation or gender identity may not occur
 116 in prekindergarten ~~kindergarten~~ through grade 8. If such
 117 instruction is provided in grades 9 through 12, the instruction
 118 must be 3 or in a manner that is not age-appropriate or
 119 developmentally appropriate for students in accordance with
 120 state standards. This subparagraph applies to charter schools.

121 4. Student support services training developed or provided
 122 by a school district to school district personnel must adhere to
 123 student services guidelines, standards, and frameworks
 124 established by the Department of Education.

125 5. At the beginning of the school year, each school

126 district shall notify parents of each health care service
127 offered at their student's school and the option to withhold
128 consent or decline any specific service in accordance with s.
129 1014.06. Parental consent to a health care service does not
130 waive the parent's right to access his or her student's
131 educational or health records or to be notified about a change
132 in his or her student's services or monitoring as provided by
133 this paragraph.

134 6. Before administering a student well-being questionnaire
135 or health screening form to a student in kindergarten through
136 grade 3, the school district must provide the questionnaire or
137 health screening form to the parent and obtain the permission of
138 the parent.

139 7. Each school district shall adopt procedures for a
140 parent to notify the principal, or his or her designee,
141 regarding concerns under this paragraph at his or her student's
142 school and the process for resolving those concerns within 7
143 calendar days after notification by the parent.

144 a. At a minimum, the procedures must require that within
145 30 days after notification by the parent that the concern
146 remains unresolved, the school district must either resolve the
147 concern or provide a statement of the reasons for not resolving
148 the concern.

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

151 (I) Request the Commissioner of Education to appoint a
 152 special magistrate who is a member of The Florida Bar in good
 153 standing and who has at least 5 years' experience in
 154 administrative law. The special magistrate shall determine facts
 155 relating to the dispute over the school district procedure or
 156 practice, consider information provided by the school district,
 157 and render a recommended decision for resolution to the State
 158 Board of Education within 30 days after receipt of the request
 159 by the parent. The State Board of Education must approve or
 160 reject the recommended decision at its next regularly scheduled
 161 meeting that is more than 7 calendar days and no more than 30
 162 days after the date the recommended decision is transmitted. The
 163 costs of the special magistrate shall be borne by the school
 164 district. The State Board of Education shall adopt rules,
 165 including forms, necessary to implement this subparagraph.

166 (II) Bring an action against the school district to obtain
 167 a declaratory judgment that the school district procedure or
 168 practice violates this paragraph and seek injunctive relief. A
 169 court may award damages and shall award reasonable attorney fees
 170 and court costs to a parent who receives declaratory or
 171 injunctive relief.

172 c. Each school district shall adopt and post on its
 173 website policies to notify parents of the procedures required
 174 under this subparagraph.

175 d. Nothing contained in this subparagraph shall be

176 construed to abridge or alter rights of action or remedies in
 177 equity already existing under the common law or general law.

178 Section 4. Subsection (8) is added to section 1002.68,
 179 Florida Statutes, to read:

180 1002.68 Voluntary Prekindergarten Education Program
 181 accountability.—

182 (8) Private prekindergarten providers and public schools
 183 may not provide instruction on sexual orientation or gender
 184 identity.

185 Section 5. Sections 1000.05(2), (3), (4)(a), (5), and
 186 (6)(d), 1001.453(2)(c), 1002.42(3)(a), 1003.27(2)(b) and (c),
 187 1003.42(3)(a), (c), (e), and (f), 1004.43(2), 1006.205(2)(b) and
 188 (3), 1009.23(7), 1009.24(10)(b), 1009.983(6), 1009.986(3)(e),
 189 and 1014.05(1)(c), (d), and (f), Florida Statutes, are reenacted
 190 for the purpose of incorporating the amendment made by this act
 191 to s. 1000.21, Florida Statutes, in references thereto.

192 Section 6. If any provision of this act or the application
 193 thereof to any person or circumstance is held invalid, the
 194 invalidity does not affect other provisions or applications of
 195 this act which can be given effect without the invalid provision
 196 or application, and to this end the provisions of this act are
 197 severable.

198 Section 7. This act shall take effect July 1, 2023.