

By Senator Yarborough

4-01766B-23

20231320\_\_

1                                   A bill to be entitled  
2       An act relating to child protection in public schools;  
3       amending s. 1000.21, F.S.; defining the term "sex";  
4       creating s. 1001.07, F.S.; defining the term "sex";  
5       prohibiting an employee, contractor, or student of a  
6       public school from being required to refer to a person  
7       using personal titles or pronouns that do not  
8       correspond with that person's sex; prohibiting  
9       employees and contractors from providing a pronoun or  
10      personal title to students which does not correspond  
11      with his or her sex; providing that students may not  
12      be asked for preferred personal titles or pronouns or  
13      penalized for not providing such information;  
14      authorizing the State Board of Education to adopt  
15      rules; amending s. 1001.42, F.S.; prohibiting  
16      classroom instruction by school personnel on sexual  
17      orientation or gender identity until grade 9; deleting  
18      a provision authorizing a parent to bring an action  
19      against a school district for a declaratory judgment;  
20      amending s. 1003.42, F.S.; providing that materials  
21      used to teach reproductive health or any disease as  
22      part of certain courses must be approved by the  
23      Department of Education; amending s. 1003.46, F.S.;  
24      requiring that instruction in acquired immune  
25      deficiency syndrome, sexually transmitted diseases,  
26      and health education identify males and females as  
27      provided in a specified provision and teach that the  
28      male and female reproductive roles are binary, stable,  
29      and unchangeable; requiring that such instructional

4-01766B-23

20231320\_\_

30 materials be approved by the department; amending s.  
31 1006.28, F.S.; providing that district school boards  
32 are responsible for materials used in classroom  
33 libraries; requiring that a specified objection form  
34 and the district school board's process for handling  
35 objections be easy to read and easily accessible on  
36 school districts' website homepages; expanding the  
37 criteria for materials used in the classroom,  
38 available in the school library, or included on a  
39 reading list under which a parent or resident may  
40 bring an objection; requiring that certain materials  
41 be unavailable to students until the resolution of any  
42 objection; providing requirements for certain meetings  
43 of school district committees relating to  
44 instructional materials; revising certain district  
45 school board procedures relating to library media  
46 center collections; revising elementary school  
47 requirements relating to materials in specified  
48 libraries; requiring district school boards to adopt  
49 and publish a specified process relating to student  
50 access to certain materials; revising district school  
51 board reporting requirements relating to materials  
52 that received certain objections; requiring school  
53 principals to communicate to parents the procedures  
54 for contesting the adoption and use of instructional  
55 materials; reenacting ss. 1000.05(2), (3), (4)(a), (5)  
56 and (7)(d), 1001.453(2)(c), 1002.42(3)(a),  
57 1003.27(2)(b) and (c), 1003.42(3)(a), (c), (e), and  
58 (f), 1004.43(2), 1006.205(2)(b) and (3), 1009.23(7),

4-01766B-23

20231320\_\_

59 1009.24(10)(b), 1009.983(6), 1009.986(3)(e), and  
60 1014.05(1)(c), (d), and (f), F.S., relating to  
61 biological sex, to incorporate the amendment made to  
62 s. 1000.21, F.S., in references thereto; providing for  
63 severability; providing an effective date.  
64

65 Be It Enacted by the Legislature of the State of Florida:  
66

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

69 1000.21 Systemwide definitions.—As used in the Florida  
70 Early Learning-20 Education Code:

71 (9) "Sex" means the classification of a human person as  
72 being either male or female based on the organization of the  
73 body of such person for a specific reproductive role, as  
74 indicated by the person's sex chromosomes, naturally occurring  
75 sex hormones, and internal and external genitalia present at  
76 birth.

77 Section 2. Section 1001.07, Florida Statutes, is created to  
78 read:

79 1001.07 Personal titles.—

80 (1) It shall be the policy of every public K-12 educational  
81 institution that is provided or authorized by the Constitution  
82 and laws of Florida that a person's sex is an immutable  
83 biological trait and that it is false to ascribe to a person a  
84 pronoun that does not correspond to such person's sex. For  
85 purposes of this section, "sex" shall have the same meaning as  
86 in s. 1000.21.

87 (2) No employee, contractor, or student of a public K-12

4-01766B-23

20231320\_\_

88 educational institution shall be required, as a condition of  
89 employment, enrollment, or participation in any program, to  
90 refer to another person using a preferred personal title or  
91 pronoun that does not correspond to that person's sex.

92 (3) No employee or contractor at a public K-12 educational  
93 institution may provide to students his or her preferred  
94 personal title or pronouns if such personal title or pronouns do  
95 not correspond to his or her sex.

96 (4) No student may be asked for his or her preferred  
97 personal titles or pronouns, or penalized or subjected to  
98 adverse or discriminatory treatment for not providing preferred  
99 personal titles or pronouns.

100 (5) The State Board of Education may adopt rules consistent  
101 with this section.

102 Section 3. Paragraph (c) of subsection (8) of section  
103 1001.42, Florida Statutes, is amended to read:

104 1001.42 POWERS AND DUTIES OF DISTRICT SCHOOL BOARD.—THE  
105 DISTRICT SCHOOL BOARD, ACTING AS A BOARD, SHALL EXERCISE ALL  
106 POWERS AND PERFORM ALL DUTIES LISTED BELOW:

107 (8) STUDENT WELFARE.—

108 (c)1. In accordance with the rights of parents enumerated  
109 in ss. 1002.20 and 1014.04, adopt procedures for notifying a  
110 student's parent if there is a change in the student's services  
111 or monitoring related to the student's mental, emotional, or  
112 physical health or well-being and the school's ability to  
113 provide a safe and supportive learning environment for the  
114 student. The procedures must reinforce the fundamental right of  
115 parents to make decisions regarding the upbringing and control  
116 of their children by requiring school district personnel to

4-01766B-23

20231320\_\_

117 encourage a student to discuss issues relating to his or her  
118 well-being with his or her parent or to facilitate discussion of  
119 the issue with the parent. The procedures may not prohibit  
120 parents from accessing any of their student's education and  
121 health records created, maintained, or used by the school  
122 district, as required by s. 1002.22(2).

123 2. A school district may not adopt procedures or student  
124 support forms that prohibit school district personnel from  
125 notifying a parent about his or her student's mental, emotional,  
126 or physical health or well-being, or a change in related  
127 services or monitoring, or that encourage or have the effect of  
128 encouraging a student to withhold from a parent such  
129 information. School district personnel may not discourage or  
130 prohibit parental notification of and involvement in critical  
131 decisions affecting a student's mental, emotional, or physical  
132 health or well-being. This subparagraph does not prohibit a  
133 school district from adopting procedures that permit school  
134 personnel to withhold such information from a parent if a  
135 reasonably prudent person would believe that disclosure would  
136 result in abuse, abandonment, or neglect, as those terms are  
137 defined in s. 39.01.

138 3. Classroom instruction by school personnel or third  
139 parties on sexual orientation or gender identity may not occur  
140 in prekindergarten ~~kindergarten~~ through grade 8. If provided in  
141 grades 9-12, such instruction must be 3 or in a manner that is  
142 ~~not~~ age-appropriate or developmentally appropriate for students  
143 in accordance with state standards.

144 4. Student support services training developed or provided  
145 by a school district to school district personnel must adhere to

4-01766B-23

20231320\_\_

146 student services guidelines, standards, and frameworks  
147 established by the Department of Education.

148 5. At the beginning of the school year, each school  
149 district shall notify parents of each health care service  
150 offered at their student's school and the option to withhold  
151 consent or decline any specific service as provided in s.  
152 1014.06. Parental consent to a health care service does not  
153 waive the parent's right to access his or her student's  
154 educational or health records or to be notified about a change  
155 in his or her student's services or monitoring as provided by  
156 this paragraph.

157 6. Before administering a student well-being questionnaire  
158 or health screening form to a student in kindergarten through  
159 grade 3, the school district must provide the questionnaire or  
160 health screening form to the parent and obtain the permission of  
161 the parent.

162 7. Each school district shall adopt procedures for a parent  
163 to notify the principal, or his or her designee, regarding  
164 concerns under this paragraph at his or her student's school and  
165 the process for resolving those concerns within 7 calendar days  
166 after notification by the parent.

167 a. At a minimum, the procedures must require that within 30  
168 days after notification by the parent that the concern remains  
169 unresolved, the school district must either resolve the concern  
170 or provide a statement of the reasons for not resolving the  
171 concern.

172 b. If a concern is not resolved by the school district, a  
173 parent may÷

174 ~~(I)~~ request the Commissioner of Education to appoint a

4-01766B-23

20231320\_\_

175 special magistrate who is a member of The Florida Bar in good  
176 standing and who has at least 5 years' experience in  
177 administrative law. The special magistrate shall determine facts  
178 relating to the dispute over the school district procedure or  
179 practice, consider information provided by the school district,  
180 and render a recommended decision for resolution to the State  
181 Board of Education within 30 days after receipt of the request  
182 by the parent. The State Board of Education must approve or  
183 reject the recommended decision at its next regularly scheduled  
184 meeting that is more than 7 calendar days and no more than 30  
185 days after the date the recommended decision is transmitted. The  
186 costs of the special magistrate shall be borne by the school  
187 district. The State Board of Education shall adopt rules,  
188 including forms, necessary to implement this subparagraph.

189 ~~(II) Bring an action against the school district to obtain~~  
190 ~~a declaratory judgment that the school district procedure or~~  
191 ~~practice violates this paragraph and seek injunctive relief. A~~  
192 ~~court may award damages and shall award reasonable attorney fees~~  
193 ~~and court costs to a parent who receives declaratory or~~  
194 ~~injunctive relief.~~

195 c. Each school district shall adopt policies to notify  
196 parents of the procedures required under this subparagraph.

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

200 Section 4. Paragraph (b) of subsection (1) of section  
201 1003.42, Florida Statutes, is amended to read:

202 1003.42 Required instruction.—

203 (1)

4-01766B-23

20231320\_\_

204 (b) All ~~instructional materials, as defined in s.~~  
205 ~~1006.29(2),~~ used to teach reproductive health or any disease,  
206 including HIV/AIDS, its symptoms, development, and treatment, as  
207 part of the courses referenced in subsection (5), must be  
208 ~~annually~~ approved by the department ~~a district school board in~~  
209 ~~an open, noticed public meeting.~~

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

212 1003.46 Health education; instruction in acquired immune  
213 deficiency syndrome.—

214 (2) Throughout instruction in acquired immune deficiency  
215 syndrome, sexually transmitted diseases, or health education,  
216 when such instruction and course material contains instruction  
217 in human sexuality, a school shall:

218 (a) Classify males and females as provided in s.  
219 1000.21(9); teach that biological males impregnate biological  
220 females by fertilizing the female's egg with the male's sperm;  
221 that the female then gestates the offspring; and that these  
222 reproductive roles are binary, stable, and unchangeable.

223 (b) Teach abstinence from sexual activity outside of  
224 marriage as the expected standard for all school-age students  
225 while teaching the benefits of monogamous heterosexual marriage.

226 (c) ~~(b)~~ Emphasize that abstinence from sexual activity is a  
227 certain way to avoid out-of-wedlock pregnancy, sexually  
228 transmitted diseases, including acquired immune deficiency  
229 syndrome, and other associated health problems.

230 (d) ~~(e)~~ Teach that each student has the power to control  
231 personal behavior and encourage students to base actions on  
232 reasoning, self-esteem, and respect for others.



4-01766B-23

20231320\_\_

233        (e) ~~(d)~~ Provide instruction and material that is appropriate  
234 for the grade and age of the student.

235  
236 Materials used for instruction under this section must be  
237 approved by the department.

238        Section 6. Paragraphs (a), (d), and (e) of subsection (2)  
239 and paragraphs (a) and (f) of subsection (4) of section 1006.28,  
240 Florida Statutes, are amended to read:

241        1006.28 Duties of district school board, district school  
242 superintendent; and school principal regarding K-12  
243 instructional materials.—

244        (2) DISTRICT SCHOOL BOARD.—The district school board has  
245 the constitutional duty and responsibility to select and provide  
246 adequate instructional materials for all students in accordance  
247 with the requirements of this part. The district school board  
248 also has the following specific duties and responsibilities:

249        (a) *Courses of study; adoption.*—Adopt courses of study,  
250 including instructional materials, for use in the schools of the  
251 district.

252        1. Each district school board is responsible for the  
253 content of all instructional materials and any other materials  
254 used in a classroom, made available in a school or classroom  
255 library, or included on a reading list, whether adopted and  
256 purchased from the state-adopted instructional materials list,  
257 adopted and purchased through a district instructional materials  
258 program under s. 1006.283, or otherwise purchased or made  
259 available.

260        2. Each district school board must adopt a policy regarding  
261 an objection by a parent or a resident of the county to the use

4-01766B-23

20231320\_\_

262 of a specific material, which clearly describes a process to  
263 handle all objections and provides for resolution. The objection  
264 form, as prescribed by State Board of Education rule, and the  
265 district school board's process must be easy to read and  
266 understand and be easily accessible on the homepage of the  
267 school district's website. The process must provide the parent  
268 or resident the opportunity to proffer evidence to the district  
269 school board that:

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

276 b. Any material used in a classroom, made available in a  
277 school or classroom library, or included on a reading list  
278 contains content that:

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

280 (II) Depicts or describes sexual conduct as defined in s.  
281 847.001, unless such material is for a course required by s.  
282 1003.46 or s. 1003.42(2)(n)1.g. or identified by State Board of  
283 Education rule;

284 (III) Is not suited to student needs and their ability to  
285 comprehend the material presented; or

286 (IV) Is inappropriate for the grade level and age group for  
287 which the material is used.

288

289 Any material that is subject to an objection on the basis of  
290 sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must

4-01766B-23

20231320\_\_

291 be made unavailable to students until the objection is resolved.  
292 Parents have the right to read aloud at public meetings passages  
293 from material that is subject to an objection. If the district  
294 school board finds that an instructional material does not meet  
295 the criteria under sub-subparagraph a. or that any other  
296 material contains prohibited content under sub-subparagraph b.,  
297 the school district shall discontinue use of the material for  
298 any grade level or age group for which such use is inappropriate  
299 or unsuitable.

300 3. Each district school board must establish a process by  
301 which the parent of a public school student or a resident of the  
302 county may contest the district school board's adoption of a  
303 specific instructional material. The parent or resident must  
304 file a petition, on a form provided by the school board, within  
305 30 calendar days after the adoption of the instructional  
306 material by the school board. The school board must make the  
307 form available to the public and publish the form on the school  
308 district's website. The form must be signed by the parent or  
309 resident, include the required contact information, and state  
310 the objection to the instructional material based on the  
311 criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days  
312 after the 30-day period has expired, the school board must, for  
313 all petitions timely received, conduct at least one open public  
314 hearing before an unbiased and qualified hearing officer. The  
315 hearing officer may not be an employee or agent of the school  
316 district. The hearing is not subject to the provisions of  
317 chapter 120; however, the hearing must provide sufficient  
318 procedural protections to allow each petitioner an adequate and  
319 fair opportunity to be heard and present evidence to the hearing

4-01766B-23

20231320\_\_

320 officer. The school board's decision after convening a hearing  
321 is final and not subject to further petition or review.

322 4. Meetings of committees convened for the purpose of  
323 ranking, eliminating, or selecting instructional materials for  
324 recommendation to the district school board must be noticed and  
325 open to the public in accordance with s. 286.011. Any committees  
326 convened for such purposes must include parents of ~~district~~  
327 students who will have access to such materials.

328 5. Meetings of committees convened for the purpose of  
329 resolving an objection by a parent or resident to specific  
330 materials must be noticed and open to the public in accordance  
331 with s. 286.011. Any committees convened for such purpose must  
332 include parents of students who will have access to such  
333 materials.

334 (d) *School library media services; establishment and*  
335 *maintenance.*—Establish and maintain a program of school library  
336 media services for all public schools in the district, including  
337 school library media centers, or school library media centers  
338 open to the public, and, in addition such traveling or  
339 circulating libraries as may be needed for the proper operation  
340 of the district school system. Beginning January 1, 2023, school  
341 librarians, media specialists, and other personnel involved in  
342 the selection of school district library materials must complete  
343 the training program developed pursuant to s. 1006.29(6) before  
344 reviewing and selecting age-appropriate materials and library  
345 resources. Upon written request, a school district shall provide  
346 access to any material or book specified in the request that is  
347 maintained in a district school system library and is available  
348 for review.

4-01766B-23

20231320\_\_

349           1. Each book made available to students through a school  
350 district library media center or included in a recommended or  
351 assigned school or grade-level reading list must be selected by  
352 a school district employee who holds a valid educational media  
353 specialist certificate, regardless of whether the book is  
354 purchased, donated, or otherwise made available to students.

355           2. Each district school board shall adopt procedures for  
356 developing library media center collections and post the  
357 procedures on the website for each school within the district.  
358 The procedures must:

359           a. Require that book selections meet the criteria in s.  
360 1006.40(3)(d).

361           b. Require consultation of reputable, professionally  
362 recognized reviewing periodicals and school community  
363 stakeholders.

364           c. Provide for library media center collections, including  
365 classroom libraries, based on reader interest, support of state  
366 academic standards and aligned curriculum, and the academic  
367 needs of students and faculty.

368           d. Provide for the regular removal or discontinuance of  
369 books based on, at a minimum, physical condition, rate of recent  
370 circulation, alignment to state academic standards and relevancy  
371 to curriculum, out-of-date content, and required removal  
372 pursuant to subparagraph (a)2.

373           3. Each elementary school must publish on its website, in a  
374 searchable format prescribed by the department, a list of all  
375 materials maintained and accessible in the school library media  
376 center or a classroom library or required as part of a school or  
377 grade-level reading list.

4-01766B-23

20231320\_\_

378       4. Each district school board shall adopt and publish on  
379 its website the process for a parent to limit the books and  
380 media materials his or her student can access in the school's  
381 library.

382       (e) *Public participation.*—Publish on its website, in a  
383 searchable format prescribed by the department, a list of all  
384 instructional materials, including those used to provide  
385 instruction required by s. 1003.42. Each district school board  
386 must:

387       1. Provide access to all materials, excluding teacher  
388 editions, in accordance with s. 1006.283(2)(b)8.a. before the  
389 district school board takes any official action on such  
390 materials. This process must include reasonable safeguards  
391 against the unauthorized use, reproduction, and distribution of  
392 instructional materials considered for adoption.

393       2. Select, approve, adopt, or purchase all materials as a  
394 separate line item on the agenda and provide a reasonable  
395 opportunity for public comment. The use of materials described  
396 in this paragraph may not be selected, approved, or adopted as  
397 part of a consent agenda.

398       3. Annually, beginning June 30, 2023, submit to the  
399 Commissioner of Education a report that identifies:

400       a. Each material for which the school district received an  
401 objection pursuant to subparagraph (a)2., including the grade  
402 level and course the material was used in, for the school year  
403 and the specific objections thereto.

404       b. Each material that was removed or discontinued ~~as a~~  
405 ~~result of an objection.~~

406       c. Each material that was not removed or discontinued and

4-01766B-23

20231320\_\_

407 the rationale for not removing or discontinuing the material ~~The~~  
408 ~~grade level and course for which a removed or discontinued~~  
409 ~~material was used, as applicable.~~

410

411 The department shall publish and regularly update a list of  
412 materials that were removed or discontinued as a result of an  
413 objection and disseminate the list to school districts for  
414 consideration in their selection procedures.

415 (4) SCHOOL PRINCIPAL.—The school principal has the  
416 following duties for the management and care of materials at the  
417 school:

418 (a) *Proper use of instructional materials.*—The principal  
419 shall assure that instructional materials are used to provide  
420 instruction to students enrolled at the grade level or levels  
421 for which the materials are designed, pursuant to adopted  
422 district school board rule. The school principal shall  
423 communicate to parents the manner in which instructional  
424 materials are used to implement the curricular objectives of the  
425 school and the procedures for contesting the adoption and use of  
426 instructional materials.

427 (f) *Selection of library media center materials.*—School  
428 principals are responsible for overseeing compliance with school  
429 district procedures for selecting school library media center  
430 materials at the school to which they are assigned and notifying  
431 parents of the process for objecting to the use of specific  
432 materials.

433 Section 7. Sections 1000.05(2), (3), (4)(a), (5), and  
434 (7)(d), 1001.453(2)(c), 1002.42(3)(a), 1003.27(2)(b) and (c),  
435 1003.42(3)(a), (c), (e), and (f), 1004.43(2), 1006.205(2)(b) and

4-01766B-23

20231320\_\_

436 (3), 1009.23(7), 1009.24(10)(b), 1009.983(6), 1009.986(3)(e),  
437 and 1014.05(1)(c), (d), and (f), Florida Statutes, are reenacted  
438 for the purpose of incorporating the amendment made by this act  
439 to s. 1000.21, Florida Statutes, in references thereto.

440 Section 8. If any provision of this act or its application  
441 to any person or circumstance is held invalid, the invalidity  
442 does not affect other provisions or applications of the act  
443 which can be given effect without the invalid provision or  
444 application, and to this end the provisions of this act are  
445 severable.

446 Section 9. This act shall take effect July 1, 2023.