

By the Committee on Education Pre-K -12; and Senators Yarborough and Perry

581-02783-23

20231320c1

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;
18 providing that such prohibition applies to charter
19 schools; deleting a provision authorizing a parent to
20 bring an action against a school district for a
21 declaratory judgment; amending s. 1003.42, F.S.;
22 providing that materials used to teach reproductive
23 health or any disease as part of certain courses must
24 be approved by the Department of Education; amending
25 s. 1003.46, F.S.; requiring that instruction in
26 acquired immune deficiency syndrome, sexually
27 transmitted diseases, and health education identify
28 males and females as provided in a specified provision
29 and teach that the male and female reproductive roles

581-02783-23

20231320c1

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

581-02783-23

20231320c1

59 1003.27(2)(b) and (c), 1003.42(3)(a), (c), (e), and
60 (f), 1004.43(2), 1006.205(2)(b) and (3), 1009.23(7),
61 1009.24(10)(b), 1009.983(6), 1009.986(3)(e), and
62 1014.05(1)(c), (d), and (f), F.S., relating to
63 biological sex, to incorporate the amendment made to
64 s. 1000.21, F.S., in references thereto; providing for
65 severability; providing an effective date.
66

67 Be It Enacted by the Legislature of the State of Florida:
68

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

71 1000.21 Systemwide definitions.—As used in the Florida
72 Early Learning-20 Education Code:

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

79 Section 2. Section 1001.07, Florida Statutes, is created to
80 read:

81 1001.07 Personal titles.—

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

581-02783-23

20231320c1

88 in s. 1000.21.

89 (2) No employee, contractor, or student of a public K-12
90 educational institution shall be required, as a condition of
91 employment, enrollment, or participation in any program, to
92 refer to another person using a preferred personal title or
93 pronoun that does not correspond to that person's sex.

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

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

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

104 Section 3. Paragraph (c) of subsection (8) of section
105 1001.42, Florida Statutes, is amended to read:

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

109 (8) STUDENT WELFARE.—

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

581-02783-23

20231320c1

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

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

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

581-02783-23

20231320c1

146 charter schools.

147 4. Student support services training developed or provided
148 by a school district to school district personnel must adhere to
149 student services guidelines, standards, and frameworks
150 established by the Department of Education.

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

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

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

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

581-02783-23

20231320c1

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

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

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

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

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

203 Section 4. Paragraph (b) of subsection (1) of section

581-02783-23

20231320c1

204 1003.42, Florida Statutes, is amended to read:

205 1003.42 Required instruction.—

206 (1)

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

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

215 1003.46 Health education; instruction in acquired immune
216 deficiency syndrome.—

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

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

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

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

581-02783-23

20231320c1

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

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

238

239 Materials used for instruction under this section must be
240 approved by the department.

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

244 1006.28 Duties of district school board, district school
245 superintendent; and school principal regarding K-12
246 instructional materials.—

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

252 (a) *Courses of study; adoption.*—Adopt courses of study,
253 including instructional materials, for use in the schools of the
254 district.

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

581-02783-23

20231320c1

262 available.

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

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

279 b. Any material used in a classroom, made available in a
280 school or classroom library, or included on a reading list
281 contains content that:

282 (I) Is pornographic or prohibited under s. 847.012;~~IT~~

283 (II) Depicts or describes sexual conduct as defined in s.
284 847.001, unless such material is for a course required by s.
285 1003.46 or s. 1003.42(2)(n)1.g. or identified by State Board of
286 Education rule;

287 (III) Is not suited to student needs and their ability to
288 comprehend the material presented;~~IT~~ or

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

581-02783-23

20231320c1

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

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

581-02783-23

20231320c1

320 chapter 120; however, the hearing must provide sufficient
321 procedural protections to allow each petitioner an adequate and
322 fair opportunity to be heard and present evidence to the hearing
323 officer. The school board's decision after convening a hearing
324 is final and not subject to further petition or review.

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

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

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

581-02783-23

20231320c1

349 access to any material or book specified in the request that is
350 maintained in a district school system library and is available
351 for review.

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

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

362 a. Require that book selections meet the criteria in s.
363 1006.40(3)(d).

364 b. Require consultation of reputable, professionally
365 recognized reviewing periodicals and school community
366 stakeholders.

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

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

376 3. Each elementary school must publish on its website, in a
377 searchable format prescribed by the department, a list of all

581-02783-23

20231320c1

378 materials maintained and accessible in the school library media
379 center or a classroom library or required as part of a school or
380 grade-level reading list.

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

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

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

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

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

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

581-02783-23

20231320c1

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

409 c. Each material that was not removed or discontinued and
410 the rationale for not removing or discontinuing the material ~~The~~
411 ~~grade level and course for which a removed or discontinued~~
412 ~~material was used, as applicable.~~

413

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

418 (4) SCHOOL PRINCIPAL.—The school principal has the
419 following duties for the management and care of materials at the
420 school:

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

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

581-02783-23

20231320c1

436 Section 7. Sections 1000.05(2), (3), (4)(a), (5), and
437 (7)(d), 1001.453(2)(c), 1002.42(3)(a), 1003.27(2)(b) and (c),
438 1003.42(3)(a), (c), (e), and (f), 1004.43(2), 1006.205(2)(b) and
439 (3), 1009.23(7), 1009.24(10)(b), 1009.983(6), 1009.986(3)(e),
440 and 1014.05(1)(c), (d), and (f), Florida Statutes, are reenacted
441 for the purpose of incorporating the amendment made by this act
442 to s. 1000.21, Florida Statutes, in references thereto.

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

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