

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 such educational institutions;
8 defining the term "sex"; 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 binary division of individuals based
 43 upon reproductive function.

44 Section 2. Section 1000.071, Florida Statutes, is created
 45 to read:

46 1000.071 Personal titles and pronouns.—

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

51 person a pronoun that does not correspond to such person's sex.

52 (2) An employee, contractor, or student of a public K-12
53 educational institution may not be required, as a condition of
54 employment or enrollment or participation in any program, to
55 refer to another person using that person's preferred personal
56 title or pronouns if such personal title or pronouns do not
57 correspond to that person's sex.

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

62 (4) A student may not be asked by an employee or
63 contractor of a public K-12 educational institution to provide
64 his or her preferred personal title or pronouns or be penalized
65 or subjected to adverse or discriminatory treatment for not
66 providing his or her preferred personal title or pronouns.

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

69 Section 3. Paragraph (c) of subsection (8) of section
70 1001.42, Florida Statutes, is amended to read:

71 1001.42 Powers and duties of district school board.—The
72 district school board, acting as a board, shall exercise all
73 powers and perform all duties listed below:

74 (8) STUDENT WELFARE.—

75 (c)1. In accordance with the rights of parents enumerated

76 | in ss. 1002.20 and 1014.04, adopt procedures for notifying a
77 | student's parent if there is a change in the student's services
78 | or monitoring related to the student's mental, emotional, or
79 | physical health or well-being and the school's ability to
80 | provide a safe and supportive learning environment for the
81 | student. The procedures must reinforce the fundamental right of
82 | parents to make decisions regarding the upbringing and control
83 | of their children by requiring school district personnel to
84 | encourage a student to discuss issues relating to his or her
85 | well-being with his or her parent or to facilitate discussion of
86 | the issue with the parent. The procedures may not prohibit
87 | parents from accessing any of their student's education and
88 | health records created, maintained, or used by the school
89 | district, as required by s. 1002.22(2).

90 | 2. A school district may not adopt procedures or student
91 | support forms that prohibit school district personnel from
92 | notifying a parent about his or her student's mental, emotional,
93 | or physical health or well-being, or a change in related
94 | services or monitoring, or that encourage or have the effect of
95 | encouraging a student to withhold from a parent such
96 | information. School district personnel may not discourage or
97 | prohibit parental notification of and involvement in critical
98 | decisions affecting a student's mental, emotional, or physical
99 | health or well-being. This subparagraph does not prohibit a
100 | school district from adopting procedures that permit school

101 personnel to withhold such information from a parent if a
102 reasonably prudent person would believe that disclosure would
103 result in abuse, abandonment, or neglect, as those terms are
104 defined in s. 39.01.

105 3. Classroom instruction by school personnel or third
106 parties on sexual orientation or gender identity may not occur
107 in prekindergarten ~~kindergarten~~ through grade 8. If such
108 instruction is provided in grades 9 through 12, the instruction
109 must be 3 or in a manner that is not age-appropriate or
110 developmentally appropriate for students in accordance with
111 state standards. This subparagraph applies to charter schools.

112 4. Student support services training developed or provided
113 by a school district to school district personnel must adhere to
114 student services guidelines, standards, and frameworks
115 established by the Department of Education.

116 5. At the beginning of the school year, each school
117 district shall notify parents of each health care service
118 offered at their student's school and the option to withhold
119 consent or decline any specific service in accordance with s.
120 1014.06. Parental consent to a health care service does not
121 waive the parent's right to access his or her student's
122 educational or health records or to be notified about a change
123 in his or her student's services or monitoring as provided by
124 this paragraph.

125 6. Before administering a student well-being questionnaire

126 or health screening form to a student in kindergarten through
 127 grade 3, the school district must provide the questionnaire or
 128 health screening form to the parent and obtain the permission of
 129 the parent.

130 7. Each school district shall adopt procedures for a
 131 parent to notify the principal, or his or her designee,
 132 regarding concerns under this paragraph at his or her student's
 133 school and the process for resolving those concerns within 7
 134 calendar days after notification by the parent.

135 a. At a minimum, the procedures must require that within
 136 30 days after notification by the parent that the concern
 137 remains unresolved, the school district must either resolve the
 138 concern or provide a statement of the reasons for not resolving
 139 the concern.

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

142 (I) Request the Commissioner of Education to appoint a
 143 special magistrate who is a member of The Florida Bar in good
 144 standing and who has at least 5 years' experience in
 145 administrative law. The special magistrate shall determine facts
 146 relating to the dispute over the school district procedure or
 147 practice, consider information provided by the school district,
 148 and render a recommended decision for resolution to the State
 149 Board of Education within 30 days after receipt of the request
 150 by the parent. The State Board of Education must approve or

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151 reject the recommended decision at its next regularly scheduled
152 meeting that is more than 7 calendar days and no more than 30
153 days after the date the recommended decision is transmitted. The
154 costs of the special magistrate shall be borne by the school
155 district. The State Board of Education shall adopt rules,
156 including forms, necessary to implement this subparagraph.

157 (II) Bring an action against the school district to obtain
158 a declaratory judgment that the school district procedure or
159 practice violates this paragraph and seek injunctive relief. A
160 court may award damages and shall award reasonable attorney fees
161 and court costs to a parent who receives declaratory or
162 injunctive relief.

163 c. Each school district shall adopt and post on its
164 website policies to notify parents of the procedures required
165 under this subparagraph.

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

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

171 1002.68 Voluntary Prekindergarten Education Program
172 accountability.—

173 (8) Private prekindergarten providers and public schools
174 may not provide instruction on sexual orientation or gender
175 identity.

176 Section 5. Sections 1000.05(2), (3), (4)(a), (5), and
177 (6)(d), 1001.453(2)(c), 1002.42(3)(a), 1003.27(2)(b) and (c),
178 1003.42(3)(a), (c), (e), and (f), 1004.43(2), 1006.205(2)(b) and
179 (3), 1009.23(7), 1009.24(10)(b), 1009.983(6), 1009.986(3)(e),
180 and 1014.05(1)(c), (d), and (f), Florida Statutes, are reenacted
181 for the purpose of incorporating the amendment made by this act
182 to s. 1000.21, Florida Statutes, in references thereto.

183 Section 6. If any provision of this act or the application
184 thereof to any person or circumstance is held invalid, the
185 invalidity does not affect other provisions or applications of
186 this act which can be given effect without the invalid provision
187 or application, and to this end the provisions of this act are
188 severable.

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