

26 persons to refuse to participate in gender clinical
 27 interventions; providing liability and penalties;
 28 creating s. 627.6411, F.S.; prohibiting a health
 29 insurance policy from providing coverage for gender
 30 clinical interventions; amending s. 641.31, F.S.;
 31 prohibiting a health maintenance contract from
 32 including coverage for gender clinical interventions;
 33 creating s. 766.318, F.S.; providing for physician
 34 liability; providing penalties for injuries and
 35 wrongful death caused by gender clinical
 36 interventions; authorizing the award of specified
 37 damages and attorney fees and costs; providing statute
 38 of limitations periods; providing an effective date.

39
 40 Be It Enacted by the Legislature of the State of Florida:

41
 42 Section 1. Section 61.5175, Florida Statutes, is created
 43 to read:

44 61.5175 Protection of children from gender clinical
 45 interventions.—Notwithstanding any other provision of this part,
 46 a court of this state has jurisdiction to enter, modify, or stay
 47 a child custody determination relating to a child who is present
 48 in this state to the extent necessary to protect the child from
 49 being subjected to gender clinical interventions, as defined in
 50 s. 456.52(1), in another state.

51 Section 2. Section 381.991, Florida Statutes, is created
52 to read:

53 381.991 Public expenditures for gender clinical
54 interventions; prohibition.—A state agency, political
55 subdivision, public postsecondary institution as defined in
56 1000.04, or person providing services to or on behalf of any
57 such agency, subdivision, or institution by contract or other
58 agreement or relationship, may not expend funds to provide or
59 reimburse for gender clinical interventions as defined in s.
60 456.52(1).

61 Section 3. Paragraph (f) of subsection (1) of section
62 382.016, Florida Statutes, is created to read:

63 382.016 Amendment of records.—The department, upon receipt
64 of the fee prescribed in s. 382.0255; documentary evidence, as
65 specified by rule, of any misstatement, error, or omission
66 occurring in any birth, death, or fetal death record; and an
67 affidavit setting forth the changes to be made, shall amend or
68 replace the original certificate as necessary.

69 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

70 (f) The sex recorded on a birth certificate must be the
71 person's biological sex at birth. The sex recorded on the birth
72 certificate may only be changed in the case of a scrivener's
73 error or in the case of a person born with external biological
74 sex characteristics that were unresolvably ambiguous at the time
75 of birth. The sex recorded on a birth certificate may not be

76 | changed for the purpose of affirming a person's perception of
 77 | his or her sex if that perception is inconsistent with the
 78 | person's sex at birth. The department may change the sex
 79 | recorded on a birth certificate under this paragraph upon the
 80 | written request of a health care practitioner, as defined in s.
 81 | 456.001, stating and providing evidence establishing the basis
 82 | for the correction. Misrepresenting or providing fraudulent
 83 | evidence in such a request is grounds for disciplinary action
 84 | under s. 456.072 and any applicable practice act.

85 | Section 4. Paragraphs (c) through (gg) of subsection (5)
 86 | of section 456.074, Florida Statutes, are redesignated as
 87 | paragraphs (d) through (hh), respectively, and a new paragraph
 88 | (c) is added to that subsection, to read:

89 | 456.074 Certain health care practitioners; immediate
 90 | suspension of license.—

91 | (5) The department shall issue an emergency order
 92 | suspending the license of any health care practitioner who is
 93 | arrested for committing or attempting, soliciting, or conspiring
 94 | to commit any act that would constitute a violation of any of
 95 | the following criminal offenses in this state or similar
 96 | offenses in another jurisdiction:

97 | (c) Section 456.52(7), relating to providing gender
 98 | clinical interventions to a minor.

99 | Section 5. Section 456.52, Florida Statutes, is created to
 100 | read:

101 456.52 Prohibition on gender clinical interventions for
 102 minors; physician requirements.-

103 (1) For the purposes of this section, "gender clinical
 104 interventions" means procedures or therapies that alter internal
 105 or external physical traits for the purpose of affirming a
 106 person's perception of his or her sex if that perception is
 107 inconsistent with the person's sex at birth.

108 (a) The term includes, but is not limited to:

109 1. Sex reassignment surgeries or any other surgical
 110 procedures that alter primary or secondary sexual
 111 characteristics.

112 2. Puberty blocking, hormone, and hormone antagonistic
 113 therapies.

114 (b) The term does not include:

115 1. Treatment provided by a physician who, in his or her
 116 good faith clinical judgment, performs procedures upon, or
 117 provides therapies to, a minor born with a medically verifiable
 118 genetic disorder of sexual development, including the following:

119 a. External biological sex characteristics that are
 120 unresolvably ambiguous.

121 b. A disorder of sexual development, in which the
 122 physician has determined through genetic or biochemical testing
 123 that the minor does not have normal sex chromosome structure,
 124 sex steroid hormone production, or sex steroid hormone action
 125 for a male or female.

126 2. Treatment of any infection, injury, disease, or
127 disorder caused or exacerbated by the performance of gender
128 clinical interventions regardless of whether such interventions
129 were performed in accordance with state or federal law.

130 (2)(a) Gender clinical interventions may only be provided
131 by a physician licensed under chapter 458 or chapter 459 or a
132 physician practicing medicine or osteopathic medicine in the
133 employment of the Federal Government.

134 (b) A physician may not provide gender clinical
135 interventions to a minor, except that a minor who was prescribed
136 gender clinical interventions described in (1)(a)2. on or before
137 January 1, 2023, and continuously received such therapies
138 through July 1, 2023, may continue to receive such therapies
139 through December 31, 2023, solely for the purpose of gradual
140 discontinuation of such therapies.

141 (3) Notwithstanding ss. 458.320(5) and 459.0085(5), a
142 physician who provides gender clinical interventions for adults
143 must obtain and maintain professional liability coverage in the
144 amounts established in ss. 458.320(2)(b) and 459.0085(2)(b), as
145 applicable.

146 (4)(a) A physician must, while physically present in the
147 same room as an adult patient, obtain informed written consent
148 from the patient each time the physician provides gender
149 clinical interventions. The physician must sign the consent and
150 maintain the consent in the medical record. The patient must

151 sign the informed consent acknowledging that the physician has
152 sufficiently explained its content. The physician must use an
153 informed consent form adopted in rule by the Board of Medicine
154 and the Board of Osteopathic Medicine, which must include, at a
155 minimum, information related to the current state of research
156 of:

157 1. The long-term and short-term effects of gender clinical
158 interventions.

159 2. The impact of gender clinical interventions on physical
160 and mental health.

161 (b) The Board of Medicine and the Board of Osteopathic
162 Medicine, as applicable, shall adopt emergency rules to
163 implement this section.

164 (c) Any emergency rules adopted under this section are
165 exempt from s. 120.54(4)(c) and shall remain in effect until
166 replaced by rules adopted under the nonemergency rulemaking
167 procedures of the Administrative Procedure Act.

168 (5) This section does not require a person to participate
169 in a gender clinical intervention. A person is not liable for
170 the refusal to participate in a gender clinical intervention. A
171 person who is a member of or associated with the staff of a
172 hospital, or an employee of a hospital or physician in which or
173 by whom gender clinical interventions are authorized, performed,
174 or provided, and states an objection to such intervention on
175 clinical, moral, or religious grounds is not required to

176 participate in such intervention. The refusal of any such person
177 may not form the basis for any disciplinary or other
178 recriminatory action against such person.

179 (6) A board, or the department if there is no board, must
180 revoke the license of a health care practitioner if the board,
181 or the department if there is no board, determines that the
182 health care practitioner violated this section.

183 (7) A health care practitioner who willfully or actively
184 participates in a violation of (2)(b) commits a felony of the
185 third degree, punishable as provided in s. 775.082, s. 775.083,
186 or s. 775.084.

187 Section 6. Section 627.6411, Florida Statutes, is created
188 to read:

189 627.6411 Coverage of certain treatment.—A health insurance
190 policy may not provide coverage for gender clinical
191 interventions as defined in s. 456.52(1).

192 Section 7. Subsection (48) is added to section 641.31,
193 Florida Statutes, to read:

194 641.31 Health maintenance contracts.—

195 (48) A health maintenance contract may not include
196 coverage for gender clinical interventions as defined in s.
197 456.52(1).

198 Section 8. Section 766.318, Florida Statutes, is created
199 to read:

200 766.318 Gender clinical interventions; liability.—

201 (1) A physician who provides gender clinical
202 interventions, as defined in s. 456.52, to a person is liable to
203 the person for any physical, psychological, emotional, or
204 physiological injury resulting from the gender clinical
205 intervention.

206 (2) A person who receives a gender clinical intervention
207 from a physician may bring a civil action against such
208 practitioner in a court of competent jurisdiction for:

209 (a) Declaratory or injunctive relief.

210 (b) Economic damages.

211 (c) Noneconomic damages.

212 (d) Punitive damages.

213 (e) Attorney fees and costs.

214 (3) In an action brought under this section, the
215 limitations on punitive damages in s. 768.73, or any other
216 provision of law that seeks to limit punitive damages, do not
217 apply.

218 (4) The estate of, or a legal guardian on behalf of, a
219 person who received a gender clinical intervention from a
220 physician, when the death of that person was caused by such
221 gender clinical intervention, may bring a civil action against
222 such practitioner in a court of competent jurisdiction for all
223 of the following:

224 (a) All remedies available under subsection (2).

225 (b) All remedies available under s. 766.102.

CS/CS/HB 1421

2023

226 | (c) Treble damages.

227 | (5) Notwithstanding s. 95.11, an action brought under
228 | subsection (2) must be commenced within 30 years after the date
229 | of the gender clinical interventions.

230 | (6) An action brought under subsection (4) must be
231 | commenced within 5 years after the date of the person's death or
232 | the discovery of the person's death, whichever is later.

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