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1                   A bill to be entitled  
2           An act relating to treatments for sex reassignment;  
3           amending s. 61.517, F.S.; granting courts of this  
4           state temporary emergency jurisdiction over a child  
5           present in this state if the child has been subjected  
6           to or is threatened with being subjected to sex-  
7           reassignment prescriptions or procedures; amending s.  
8           61.534, F.S.; providing that, for purposes of warrants  
9           to take physical custody of a child in certain child  
10          custody enforcement proceedings, serious physical harm  
11          to the child includes, but is not limited to, being  
12          subjected to sex-reassignment prescriptions or  
13          procedures; creating s. 286.31, F.S.; defining the  
14          term "governmental entity"; prohibiting certain public  
15          entities from expending state funds for the provision  
16          of sex-reassignment prescriptions or procedures;  
17          amending s. 395.003, F.S.; requiring certain licensed  
18          facilities, by a specified date and as a condition of  
19          licensure thereafter, to provide a signed attestation  
20          of specified information to the Agency for Health Care  
21          Administration; requiring the agency to revoke a  
22          facility's license for failure to provide such  
23          attestation, subject to the due process procedures of  
24          ch. 120, F.S.; amending s. 456.001, F.S.; defining the  
25          terms "sex" and "sex-reassignment prescriptions or  
26          procedures"; creating s. 456.52, F.S.; prohibiting  
27          sex-reassignment prescriptions and procedures for  
28          patients younger than 18 years of age; providing an  
29          exception; requiring the Board of Medicine and the

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30 Board of Osteopathic Medicine to adopt certain  
31 emergency rules within a specified timeframe;  
32 requiring that such prescriptions and procedures for  
33 patients older than 18 years of age be prescribed,  
34 administered, or performed only with the voluntary and  
35 informed consent of the patient; providing criteria  
36 for what constitutes voluntary and informed consent;  
37 providing that only a physician may prescribe,  
38 administer, or perform such prescriptions and  
39 procedures; defining the term "physician"; providing  
40 applicability; providing for disciplinary action;  
41 providing criminal penalties; requiring the Board of  
42 Medicine and the Board of Osteopathic Medicine to  
43 adopt certain emergency rules; providing that such  
44 emergency rules remain in effect until they are  
45 replaced by nonemergency rules; amending s. 456.074,  
46 F.S.; requiring the department to immediately suspend  
47 the license of a health care practitioner who is  
48 arrested for committing or attempting, soliciting, or  
49 conspiring to commit specified violations related to  
50 sex-reassignment prescriptions or procedures for a  
51 patient younger than 18 years of age; amending ss.  
52 458.328 and 459.0138, F.S.; requiring registered  
53 physicians' offices to provide a signed attestation of  
54 specified information to the department by a specified  
55 date; beginning on a specified date, requiring  
56 physicians' offices seeking such registration to  
57 provide the signed attestation as a condition of  
58 registration; providing grounds for disciplinary

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59 action; creating s. 766.318, F.S.; creating a cause of  
60 action to recover damages for personal injury or death  
61 resulting from the provision of sex-reassignment  
62 prescriptions or procedures to a minor; providing that  
63 certain limitations on punitive damages do not apply  
64 to such actions; specifying the timeframe within which  
65 such actions may be commenced; providing construction  
66 and applicability; providing severability; providing a  
67 directive to the Division of Law Revision; providing  
68 an effective date.

69  
70 Be It Enacted by the Legislature of the State of Florida:

71  
72 Section 1. Subsection (1) of section 61.517, Florida  
73 Statutes, is amended to read:

74 61.517 Temporary emergency jurisdiction.—

75 (1) A court of this state has temporary emergency  
76 jurisdiction if the child is present in this state and:

77 (a) The child has been abandoned; ~~or~~

78 (b) It is necessary in an emergency to protect the child  
79 because the child, or a sibling or parent of the child, is  
80 subjected to or threatened with mistreatment or abuse; or

81 (c) It is necessary in an emergency to protect the child  
82 because the child has been subjected to or is threatened with  
83 being subjected to sex-reassignment prescriptions or procedures,  
84 as defined in s. 456.001.

85 Section 2. Subsection (1) of section 61.534, Florida  
86 Statutes, is amended to read:

87 61.534 Warrant to take physical custody of child.—

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88 (1) Upon the filing of a petition seeking enforcement of a  
89 child custody determination, the petitioner may file a verified  
90 application for the issuance of a warrant to take physical  
91 custody of the child if the child is likely to imminently suffer  
92 serious physical harm or removal from this state. Serious  
93 physical harm includes, but is not limited to, being subjected  
94 to sex-reassignment prescriptions or procedures as defined in s.  
95 456.001.

96 Section 3. Section 286.31, Florida Statutes, is created to  
97 read:

98 286.31 Prohibited use of state funds.-

99 (1) As used in this section, the term "governmental entity"  
100 means the state or any political subdivision thereof, including  
101 the executive, legislative, and judicial branches of government;  
102 the independent establishments of the state, counties,  
103 municipalities, districts, authorities, boards, or commissions;  
104 and any agencies that are subject to chapter 286.

105 (2) A governmental entity, a public postsecondary  
106 educational institution as described in s. 1000.04, the state  
107 group health insurance program, a managing entity as defined in  
108 s. 394.9082, or a managed care plan providing services under  
109 part IV of chapter 409 may not expend state funds as described  
110 in s. 215.31 for sex-reassignment prescriptions or procedures as  
111 defined in s. 456.001.

112 Section 4. Present subsections (6) through (10) of section  
113 395.003, Florida Statutes, are redesignated as subsections (7)  
114 through (11), respectively, a new subsection (6) is added to  
115 that section, and present subsections (9) and (10) of that  
116 section are amended, to read:

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117 395.003 Licensure; denial, suspension, and revocation.—

118 (6) By July 1, 2023, each licensed facility must provide a  
119 signed attestation to the agency stating that the facility does  
120 not offer or provide sex-reassignment prescriptions or  
121 procedures, as defined in s. 456.001, to patients younger than  
122 18 years of age, unless authorized under s. 456.52(1)(b), and  
123 does not refer such patients to other providers for such  
124 services. Beginning July 1, 2023, each licensed facility shall  
125 provide the signed attestation to the agency upon initial  
126 licensure and as a requirement for each licensure renewal. Under  
127 the due process requirements provided in chapter 120, the agency  
128 must revoke the license of any licensed facility that fails to  
129 provide the attestation required by this subsection.

130 (10)~~(9)~~ A hospital licensed as of June 1, 2004, shall be  
131 exempt from subsection (9) ~~(8)~~ as long as the hospital maintains  
132 the same ownership, facility street address, and range of  
133 services that were in existence on June 1, 2004. Any transfer of  
134 beds, or other agreements that result in the establishment of a  
135 hospital or hospital services within the intent of this section,  
136 shall be subject to subsection (9) ~~(8)~~. Unless the hospital is  
137 otherwise exempt under subsection (9) ~~(8)~~, the agency shall deny  
138 or revoke the license of a hospital that violates any of the  
139 criteria set forth in that subsection.

140 (11)~~(10)~~ The agency may adopt rules implementing the  
141 licensure requirements set forth in subsection (9) ~~(8)~~. Within  
142 14 days after rendering its decision on a license application or  
143 revocation, the agency shall publish its proposed decision in  
144 the Florida Administrative Register. Within 21 days after  
145 publication of the agency's decision, any authorized person may

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146 file a request for an administrative hearing. In administrative  
147 proceedings challenging the approval, denial, or revocation of a  
148 license pursuant to subsection (9) ~~(8)~~, the hearing must be  
149 based on the facts and law existing at the time of the agency's  
150 proposed agency action. Existing hospitals may initiate or  
151 intervene in an administrative hearing to approve, deny, or  
152 revoke licensure under subsection (9) ~~(8)~~ based upon a showing  
153 that an established program will be substantially affected by  
154 the issuance or renewal of a license to a hospital within the  
155 same district or service area.

156 Section 5. Subsections (8) and (9) are added to section  
157 456.001, Florida Statutes, to read:

158 456.001 Definitions.—As used in this chapter, the term:

159 (8) "Sex" means the classification of a person as either  
160 male or female based on the organization of the human body of  
161 such person for a specific reproductive role, as indicated by  
162 the person's sex chromosomes, naturally occurring sex hormones,  
163 and internal and external genitalia present at birth.

164 (9) (a) "Sex-reassignment prescriptions or procedures"  
165 means:

166 1. The prescription or administration of puberty blockers  
167 for the purpose of attempting to stop or delay normal puberty in  
168 order to affirm a person's perception of his or her sex if that  
169 perception is inconsistent with the person's sex as defined in  
170 subsection (8).

171 2. The prescription or administration of hormones or  
172 hormone antagonists to affirm a person's perception of his or  
173 her sex if that perception is inconsistent with the person's sex  
174 as defined in subsection (8).

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175 3. Any medical procedure, including a surgical procedure,  
176 to affirm a person's perception of his or her sex if that  
177 perception is inconsistent with the person's sex as defined in  
178 subsection (8).

179 (b) The term does not include:

180 1. Treatment provided by a physician who, in his or her  
181 good faith clinical judgment, performs procedures upon or  
182 provides therapies to a minor born with a medically verifiable  
183 genetic disorder of sexual development, including any of the  
184 following:

185 a. External biological sex characteristics that are  
186 unresolvably ambiguous.

187 b. A disorder of sexual development in which the physician  
188 has determined through genetic or biochemical testing that the  
189 patient does not have a normal sex chromosome structure, sex  
190 steroid hormone production, or sex steroid hormone action for a  
191 male or female, as applicable.

192 2. Prescriptions or procedures to treat an infection, an  
193 injury, a disease, or a disorder that has been caused or  
194 exacerbated by the performance of any sex-reassignment  
195 prescription or procedure, regardless of whether such  
196 prescription or procedure was performed in accordance with state  
197 or federal law.

198 3. Prescriptions or procedures provided to a patient for  
199 the treatment of a physical disorder, physical injury, or  
200 physical illness that would, as certified by a physician  
201 licensed under chapter 458 or chapter 459, place the individual  
202 in imminent danger of death or impairment of a major bodily  
203 function without the prescription or procedure.

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204 Section 6. Section 456.52, Florida Statutes, is created to  
205 read:

206 456.52 Sex-reassignment prescriptions and procedures;  
207 prohibitions; informed consent.-

208 (1) Sex-reassignment prescriptions and procedures are  
209 prohibited for patients younger than 18 years of age, except  
210 that:

211 (a) The Board of Medicine and the Board of Osteopathic  
212 Medicine shall, within 60 days after the effective date of this  
213 act, adopt emergency rules pertaining to standards of practice  
214 under which a patient younger than 18 years of age may continue  
215 to be treated with a prescription consistent with those  
216 referenced under s. 456.001(9)(a)1. or 2. if such treatment for  
217 sex reassignment was commenced before, and is still active on,  
218 the effective date of this act.

219 (b) A patient meeting the criteria of paragraph (a) may  
220 continue to be treated by a physician with such prescriptions  
221 according to rules adopted under paragraph (a) or nonemergency  
222 rules adopted under paragraph (6)(b).

223 (2) If sex-reassignment prescriptions or procedures are  
224 prescribed for or administered or performed on patients 18 years  
225 of age or older, consent must be voluntary, informed, and in  
226 writing on forms adopted in rule by the Board of Medicine and  
227 the Board of Osteopathic Medicine. Consent to sex-reassignment  
228 prescriptions or procedures is voluntary and informed only if  
229 the physician who is to prescribe or administer the  
230 pharmaceutical product or perform the procedure has, at a  
231 minimum, while physically present in the same room:

232 (a) Informed the patient of the nature and risks of the

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233 prescription or procedure in order for the patient to make a  
234 prudent decision;

235 (b) Provided the informed consent form, as adopted in rule  
236 by the Board of Medicine and the Board of Osteopathic Medicine,  
237 to the patient; and

238 (c) Received the patient's written acknowledgment, before  
239 the prescription or procedure is prescribed, administered, or  
240 performed, that the information required to be provided under  
241 this subsection has been provided.

242 (3) Sex-reassignment prescriptions or procedures may not be  
243 prescribed, administered, or performed except by a physician.  
244 For the purposes of this section, the term "physician" is  
245 defined as a physician licensed under chapter 458 or chapter 459  
246 or a physician practicing medicine or osteopathic medicine in  
247 the employment of the Federal Government.

248 (4) Consent required under subsection (2) does not apply to  
249 renewals of prescriptions consistent with those referenced under  
250 s. 456.001(9) (a)1. and 2. if a physician and his or her patient  
251 have met the requirements for consent for the initial  
252 prescription or renewal. However, separate consent is required  
253 for any new prescription for a pharmaceutical product not  
254 previously prescribed to the patient.

255 (5) (a) Violation of this section constitutes grounds for  
256 disciplinary action under this chapter and chapter 458 or  
257 chapter 459, as applicable.

258 (b) Any health care practitioner who willfully or actively  
259 participates in a violation of subsection (1) commits a felony  
260 of the third degree, punishable as provided in s. 775.082, s.  
261 775.083, or s. 775.084.

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262 (c) Any health care practitioner who violates subsection  
263 (2), subsection (3), or subsection (4) commits a misdemeanor of  
264 the first degree, punishable as provided in s. 775.082 or s.  
265 775.083.

266 (6) (a) The Board of Medicine and the Board of Osteopathic  
267 Medicine shall adopt emergency rules to implement this section.

268 (b) Any emergency rules adopted under this section are  
269 exempt from s. 120.54(4) (c) and shall remain in effect until  
270 replaced by rules adopted under the nonemergency rulemaking  
271 procedures of the Administrative Procedure Act.

272 Section 7. Present paragraphs (c) through (gg) of  
273 subsection (5) of section 456.074, Florida Statutes, are  
274 redesignated as paragraphs (d) through (hh), respectively, and a  
275 new paragraph (c) is added to that subsection, to read:

276 456.074 Certain health care practitioners; immediate  
277 suspension of license.—

278 (5) The department shall issue an emergency order  
279 suspending the license of any health care practitioner who is  
280 arrested for committing or attempting, soliciting, or conspiring  
281 to commit any act that would constitute a violation of any of  
282 the following criminal offenses in this state or similar  
283 offenses in another jurisdiction:

284 (c) Section 456.52(5) (b), relating to prescribing,  
285 administering, or performing sex-reassignment prescriptions or  
286 procedures for a patient younger than 18 years of age.

287 Section 8. Paragraph (c) of subsection (1) of section  
288 458.328, Florida Statutes, is amended to read:

289 458.328 Office surgeries.—

290 (1) REGISTRATION.—

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291           (c) Each of the following is ~~As~~ a condition of  
292 registration:7

293           1. An each office must establish financial responsibility  
294 by demonstrating that it has met and continues to maintain, at a  
295 minimum, the same requirements applicable to physicians in ss.  
296 458.320 and 459.0085.

297           2. Each physician practicing at an office registered under  
298 this section or s. 459.0138 must meet the financial  
299 responsibility requirements under s. 458.320 or s. 459.0085, as  
300 applicable.

301           3. By July 1, 2023, each office registered under this  
302 section must provide a signed attestation to the department  
303 stating that the office does not offer or provide sex-  
304 reassignment prescriptions or procedures, as defined in s.  
305 456.001, to patients younger than 18 years of age, unless  
306 authorized under s. 456.52(1)(b), and does not refer such  
307 patients to other providers for such services. Beginning July 1,  
308 2023, any office seeking registration must provide such signed  
309 attestation to the department. An office's failure to provide  
310 the signed attestation is grounds for denial of registration or  
311 the suspension or revocation of registration under paragraph  
312 (f).

313           Section 9. Paragraph (c) of subsection (1) of section  
314 459.0138, Florida Statutes, is amended to read:

315           459.0138 Office surgeries.—

316           (1) REGISTRATION.—

317           (c) Each of the following is ~~As~~ a condition of  
318 registration:7

319           1. An each office must establish financial responsibility

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320 by demonstrating that it has met and continues to maintain, at a  
321 minimum, the same requirements applicable to physicians in ss.  
322 458.320 and 459.0085.

323 2. Each physician practicing at an office registered under  
324 this section or s. 458.328 must meet the financial  
325 responsibility requirements under s. 458.320 or s. 459.0085, as  
326 applicable.

327 3. By July 1, 2023, each office registered under this  
328 section must provide a signed attestation to the department  
329 stating that the office does not offer or provide sex-  
330 reassignment prescriptions or procedures, as defined in s.  
331 456.001, to patients younger than 18 years of age, unless  
332 authorized under s. 456.52(1)(b), and does not refer such  
333 patients to other providers for such services. Beginning July 1,  
334 2023, any office seeking registration must provide such signed  
335 attestation to the department. An office's failure to provide  
336 the signed attestation is grounds for denial of registration or  
337 the suspension or revocation of registration under paragraph  
338 (f).

339 Section 10. Section 766.318, Florida Statutes, is created  
340 to read:

341 766.318 Civil liability for provision of sex-reassignment  
342 prescriptions or procedures to minors.-

343 (1) A cause of action exists to recover damages for  
344 personal injury or death resulting from the provision of sex-  
345 reassignment prescriptions or procedures, as defined in s.  
346 456.001, to a person younger than 18 years of age which are  
347 prohibited by s. 456.52(1).

348 (2) The limitations on punitive damages in s. 768.73(1) do

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349 not apply to actions brought under this section.

350 (3) An action brought under this section:

351 (a) May be commenced within 20 years after the cessation or  
352 completion of the sex-reassignment prescription or procedure.

353 (b) Is in addition to any other remedy authorized by law.

354 (4) The cause of action created by this section does not  
355 apply to:

356 (a) Treatment with sex-reassignment prescriptions if such  
357 treatment is consistent with s. 456.001(9) (a)1. or 2. and was  
358 commenced on or before, and is still active on, the effective  
359 date of this act.

360 (b) Sex-reassignment prescriptions or procedures that were  
361 ceased or completed on or before the effective date of this act.

362 Section 11. If any provision of this act or its application  
363 to any person or circumstance is held invalid, the invalidity  
364 does not affect other provisions or applications of this act  
365 which can be given effect without the invalid provision or  
366 application, and to this end the provisions of this act are  
367 severable.

368 Section 12. The Division of Law Revision is directed to  
369 replace the phrase "the effective date of this act" wherever it  
370 occurs in this act with the date this act becomes a law.

371 Section 13. This act shall take effect upon becoming a law.