

1 A bill to be entitled
2 An act relating to gender clinical interventions;
3 creating s. 61.5175, F.S.; authorizing a court of this
4 state to enter, modify, or stay a child custody
5 determination under specified circumstances; creating
6 s. 381.991, F.S.; prohibiting certain persons and
7 entities from expending funds for reimbursement for
8 specified clinical interventions; amending s. 382.016,
9 F.S.; prohibiting a person's biological sex from being
10 changed on a birth certificate; providing an
11 exception; amending s. 456.074, F.S.; requiring the
12 department to immediately suspend the license of a
13 health care practitioner who is arrested for
14 committing or attempting, soliciting, or conspiring to
15 commit specified violations related to gender clinical
16 interventions for a minor; creating s. 456.52, F.S.;
17 providing a definition for the term "gender clinical
18 interventions"; prohibiting gender clinical
19 interventions for minors; providing exceptions;
20 requiring a physician to maintain specified
21 professional liability coverage; requiring a physician
22 to obtain informed written consent from a patient
23 under certain circumstances; providing requirements
24 for the informed consent form; authorizing certain
25 persons to refuse to participate in gender clinical

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

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

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

43 61.5175 Protection of children from gender clinical
 44 interventions.—Notwithstanding any other provision of this part,
 45 a court of this state has jurisdiction to enter, modify, or stay
 46 a child custody determination relating to a child who is present
 47 in this state to the extent necessary to protect the child from
 48 being subjected to gender clinical interventions, as defined in
 49 s. 456.52(1), in another state.

50 Section 2. Section 381.991, Florida Statutes, is created

51 to read:

52 381.991 Public expenditures for gender clinical
 53 interventions; prohibition.—A state agency, political
 54 subdivision, public postsecondary institution as defined in
 55 1000.04, or person providing services to or on behalf of any
 56 such agency, subdivision, or institution by contract or other
 57 agreement or relationship, may not expend funds to provide or
 58 reimburse for gender clinical interventions as defined in s.
 59 456.52(1).

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

62 382.016 Amendment of records.—The department, upon receipt
 63 of the fee prescribed in s. 382.0255; documentary evidence, as
 64 specified by rule, of any misstatement, error, or omission
 65 occurring in any birth, death, or fetal death record; and an
 66 affidavit setting forth the changes to be made, shall amend or
 67 replace the original certificate as necessary.

68 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

69 (f) The sex recorded on a birth certificate must be the
 70 person's biological sex at birth and may only be changed in the
 71 case of a scrivener's error. Upon request, the department may
 72 change the sex on a birth certificate of person born with
 73 external biological sex characteristics that were unresolvably
 74 ambiguous at the time of birth.

75 Section 4. Paragraphs (c) through (gg) of subsection (5)

76 of section 456.074, Florida Statutes, are redesignated as
 77 paragraphs (d) through (hh), respectively, and a new paragraph
 78 (c) is added to that subsection, to read:

79 456.074 Certain health care practitioners; immediate
 80 suspension of license.—

81 (5) The department shall issue an emergency order
 82 suspending the license of any health care practitioner who is
 83 arrested for committing or attempting, soliciting, or conspiring
 84 to commit any act that would constitute a violation of any of
 85 the following criminal offenses in this state or similar
 86 offenses in another jurisdiction:

87 (c) Section 456.52(8), relating to providing gender
 88 clinical interventions to a minor.

89 Section 5. Section 456.52, Florida Statutes, is created to
 90 read:

91 456.52 Prohibition on gender clinical interventions for
 92 minors; physician requirements.—

93 (1) For the purposes of this section, "gender clinical
 94 interventions" means procedures or therapies that alter internal
 95 or external physical traits.

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

97 1. Sex reassignment surgeries or any other surgical
 98 procedures that alter primary or secondary sexual
 99 characteristics.

100 2. Puberty blocking, hormone, and hormone antagonistic

101 therapies.

102 (b) The term does not include:

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

107 a. External biological sex characteristics that are
108 unresolvably ambiguous.

109 b. A disorder of sexual development, in which the
110 physician has determined through genetic or biochemical testing
111 that the minor does not have normal sex chromosome structure,
112 sex steroid hormone production, or sex steroid hormone action
113 for a male or female.

114 2. Treatment of any infection, injury, disease, or
115 disorder caused or exacerbated by the performance of gender
116 clinical interventions regardless of whether such interventions
117 were performed in accordance with state or federal law.

118 (2)(a) Gender clinical interventions may only be provided
119 by a physician licensed under chapter 458 or chapter 459 or a
120 physician practicing medicine or osteopathic medicine in the
121 employment of the Federal Government.

122 (b) A physician may not provide gender clinical
123 interventions to a minor, except that a minor who was prescribed
124 gender clinical interventions described in (1)(a)2. on or before
125 January 1, 2023, and continuously received such therapies

126 through July 1, 2023, may continue to receive such therapies
127 through December 31, 2023, solely for the purpose of gradual
128 discontinuation of such therapies.

129 (3) Notwithstanding ss. 458.320(5) and 459.0085(5), a
130 physician who provides gender clinical interventions for adults
131 must obtain and maintain professional liability coverage in the
132 amounts established in ss. 458.320(2)(b) and 459.0085(2)(b), as
133 applicable.

134 (4)(a) A physician must, while physically present in the
135 same room as an adult patient, obtain informed written consent
136 from the patient each time the physician provides gender
137 clinical interventions. The physician must sign the consent and
138 maintain the consent in the medical record. The patient must
139 sign the informed consent acknowledging that the physician has
140 sufficiently explained its content. The physician must use an
141 informed consent form adopted in rule by the Board of Medicine
142 and the Board of Osteopathic Medicine, which must include, at a
143 minimum, information related to the current state of research
144 of:

145 1. The long-term and short-term effects of gender clinical
146 interventions.

147 2. The impact of gender clinical interventions on physical
148 and mental health.

149 (b) The Board of Medicine and the Board of Osteopathic
150 Medicine, as applicable, shall adopt emergency rules to

151 implement this section.

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

156 (5) This section does not require a person to participate
157 in a gender clinical intervention. A person is not liable for
158 the refusal to participate in a gender clinical intervention. A
159 person who is a member of or associated with the staff of a
160 hospital, or an employee of a hospital or physician in which or
161 by whom gender clinical interventions are authorized, performed,
162 or provided, and states an objection to such intervention on
163 clinical, moral, or religious grounds is not required to
164 participate in such intervention. The refusal of any such person
165 may not form the basis for any disciplinary or other
166 recriminatory action against such person.

167 (6) An action for recovery of damages based on death or
168 personal injury in which it is alleged that such death or injury
169 resulted from the negligence of a physician related to gender
170 clinical interventions is not a claim for medical malpractice
171 and chapter 766 does not apply. Notwithstanding s. 95.11, any
172 such action must be commenced within 30 years after the incident
173 giving rise to the action.

174 (7) A board, or the department if there is no board, must
175 revoke the license of a health care practitioner if the board,

176 or the department if there is no board, determines that the
 177 health care practitioner violated this section.

178 (8) A health care practitioner who willfully or actively
 179 participates in a violation of (2)(b) commits a felony of the
 180 third degree, punishable as provided in s. 775.082, s. 775.083,
 181 or s. 775.084.

182 Section 6. Section 627.6411, Florida Statutes, is created
 183 to read:

184 627.6411 Coverage of certain treatment.—A health insurance
 185 policy may not provide coverage for gender clinical
 186 interventions as defined in s. 456.52(1).

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

189 641.31 Health maintenance contracts.—

190 (48) A health maintenance contract may not include
 191 coverage for gender clinical interventions as defined in s.
 192 456.52(1).

193 Section 8. Section 766.318, Florida Statutes, is created
 194 to read:

195 766.318 Gender clinical interventions; liability.—

196 (1) A physician who provides gender clinical
 197 interventions, as defined in s. 456.52, to a person is liable to
 198 the person for any physical, psychological, emotional, or
 199 physiological injury resulting from the gender clinical
 200 intervention.

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

- 204 (a) Declaratory or injunctive relief.
- 205 (b) Economic damages.
- 206 (c) Noneconomic damages.
- 207 (d) Punitive damages.
- 208 (e) Attorney fees and costs.

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

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

- 219 (a) All remedies available under subsection (2).
- 220 (b) All remedies available under s. 766.102.
- 221 (c) Treble damages.

222 (5) Notwithstanding s. 95.11, an action brought under
 223 subsection (2) must be commenced within 30 years after the date
 224 of the gender clinical interventions.

225 (6) An action brought under subsection (4) must be

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226 | commenced within 5 years after the date of the person's death or
227 | the discovery of the person's death, whichever is later.

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