

**By** the Committee on Health Policy; and Senators Yarborough,  
Perry, and Broxson

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A bill to be entitled

An act relating to treatments for sex reassignment; creating s. 61.5175, F.S.; granting courts of this state jurisdiction to enter, modify, or stay a child custody determination relating to a child present in this state to the extent necessary to protect the child from being subjected to sex-reassignment prescriptions or procedures in another state; creating s. 286.31, F.S.; defining the term "governmental entity"; prohibiting certain public entities from expending state funds for the provision of sex-reassignment prescriptions or procedures; amending s. 395.003, F.S.; requiring certain licensed facilities, by a specified date and as a condition of licensure thereafter, to provide a signed attestation of specified information to the Agency for Health Care Administration; requiring the agency to revoke a facility's license for failure to provide such attestation, subject to the due process procedures of ch. 120, F.S.; amending s. 456.001, F.S.; defining the terms "sex" and "sex-reassignment prescriptions or procedures"; creating s. 456.52, F.S.; prohibiting sex-reassignment prescriptions and procedures for patients younger than 18 years of age; providing an exception; requiring the Board of Medicine and the Board of Osteopathic Medicine to adopt certain emergency rules; requiring that such prescriptions and procedures for patients older than 18 years of age be prescribed, administered, or performed only with the

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voluntary and informed consent of the patient;  
providing criteria for what constitutes voluntary and  
informed consent; providing that only a physician may  
prescribe, administer, or perform such prescriptions  
and procedures; defining the term "physician";  
providing applicability; providing for disciplinary  
action; providing criminal penalties; requiring the  
Department of Health to adopt certain emergency rules;  
providing that such emergency rules remain in effect  
until they are replaced by nonemergency rules;  
amending s. 456.074, F.S.; requiring the department to  
immediately suspend the license of a health care  
practitioner who is arrested for committing or  
attempting, soliciting, or conspiring to commit  
specified violations related to sex-reassignment  
prescriptions or procedures for a patient younger than  
18 years of age; amending ss. 458.328 and 459.0138,  
F.S.; requiring registered physicians' offices to  
provide a signed attestation of specified information  
to the department by a specified date; beginning on a  
specified date, requiring physicians' offices seeking  
such registration to provide the signed attestation as  
a condition of registration; providing grounds for  
disciplinary action; providing severability; providing  
a directive to the Division of Law Revision; providing  
an effective date.

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

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59       Section 1. Section 61.5175, Florida Statutes, is created to  
60 read:

61       61.5175 Protection of children from sex-reassignment  
62 prescriptions or procedures.—Notwithstanding any other provision  
63 of this part, a court of this state has jurisdiction to enter,  
64 modify, or stay a child custody determination relating to a  
65 child who is present in this state to the extent necessary to  
66 protect the child from being subjected to sex-reassignment  
67 prescriptions or procedures, as defined in s. 456.001, in  
68 another state.

69       Section 2. Section 286.31, Florida Statutes, is created to  
70 read:

71       286.31 Prohibited use of state funds.—

72       (1) As used in this section, the term “governmental entity”  
73 means the state or any political subdivision thereof, including  
74 the executive, legislative, and judicial branches of government;  
75 the independent establishments of the state, counties,  
76 municipalities, districts, authorities, boards, or commissions;  
77 and any agencies that are subject to chapter 286.

78       (2) A governmental entity, the state group health insurance  
79 program, a managing entity as defined in s. 394.9082, or a  
80 managed care plan providing services under part IV of chapter  
81 409 may not expend state funds as described in s. 215.31 for  
82 sex-reassignment prescriptions or procedures as defined in s.  
83 456.001.

84       Section 3. Present subsections (6) through (10) of section  
85 395.003, Florida Statutes, are redesignated as subsections (7)  
86 through (11), respectively, a new subsection (6) is added to  
87 that section, and present subsections (9) and (10) of that

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section are amended, to read:

395.003 Licensure; denial, suspension, and revocation.—

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

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

(11)~~(10)~~ The agency may adopt rules implementing the licensure requirements set forth in subsection (9) ~~(8)~~. Within 14 days after rendering its decision on a license application or revocation, the agency shall publish its proposed decision in the Florida Administrative Register. Within 21 days after

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

Section 4. Subsections (8) and (9) are added to section 456.001, Florida Statutes, to read:

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

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

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

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

2. The prescription or administration of hormones or hormone antagonists to affirm a person's perception of his or her sex if that perception is inconsistent with the person's sex

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as defined in subsection (8).

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

(b) The term does not include:

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

a. External biological sex characteristics that are unresolvably ambiguous.

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

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

3. Prescriptions or procedures provided to a patient for the treatment of a physical disorder, physical injury, or physical illness that would, as certified by a physician licensed under chapter 458 or chapter 459, place the individual in imminent danger of death or impairment of a major bodily

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175 function without the prescription or procedure.

176 Section 5. Section 456.52, Florida Statutes, is created to  
177 read:

178 456.52 Sex-reassignment prescriptions and procedures;  
179 prohibitions; informed consent.—

180 (1) Sex-reassignment prescriptions and procedures are  
181 prohibited for patients younger than 18 years of age, except  
182 that:

183 (a) The Board of Medicine and the Board of Osteopathic  
184 Medicine shall adopt emergency rules pertaining to standards of  
185 practice under which a patient younger than 18 years of age may  
186 continue to be treated with a prescription consistent with those  
187 referenced under s. 456.001(9)(a)1. or 2. if such treatment for  
188 sex reassignment was commenced before, and is still active on,  
189 the effective date of this act.

190 (b) A patient meeting the criteria of paragraph (a) may  
191 continue to be treated by a physician with such prescriptions  
192 according to rules adopted under paragraph (a) or nonemergency  
193 rules adopted under paragraph (6)(b).

194 (2) If sex-reassignment prescriptions or procedures are  
195 prescribed for or administered or performed on patients 18 years  
196 of age or older, consent must be voluntary, informed, and in  
197 writing on forms approved by the department. Consent to sex-  
198 reassignment prescriptions or procedures is voluntary and  
199 informed only if the physician who is to prescribe or administer  
200 the pharmaceutical product or perform the procedure has, at a  
201 minimum, while physically present in the same room:

202 (a) Informed the patient of the nature and risks of the  
203 prescription or procedure in order for the patient to make a

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prudent decision;

(b) Provided the informed consent form, as approved by the department, to the patient; and

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

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

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

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

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

(c) Any health care practitioner who violates subsection (2), subsection (3), or subsection (4) commits a misdemeanor of



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the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6)(a) The department shall adopt emergency rules to implement this section.

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

Section 6. Present paragraphs (c) through (gg) of subsection (5) of section 456.074, Florida Statutes, are redesignated as paragraphs (d) through (hh), respectively, and a new paragraph (c) is added to that subsection, to read:

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

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

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

Section 7. Paragraph (c) of subsection (1) of section 458.328, Florida Statutes, is amended to read:

458.328 Office surgeries.—

(1) REGISTRATION.—

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

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262       1. An ~~each~~ office must establish financial responsibility  
263 by demonstrating that it has met and continues to maintain, at a  
264 minimum, the same requirements applicable to physicians in ss.  
265 458.320 and 459.0085.

266       2. Each physician practicing at an office registered under  
267 this section or s. 459.0138 must meet the financial  
268 responsibility requirements under s. 458.320 or s. 459.0085, as  
269 applicable.

270       3. By July 1, 2023, each office registered under this  
271 section must provide a signed attestation to the department  
272 stating that the office does not offer or provide sex-  
273 reassignment prescriptions or procedures, as defined in s.  
274 456.001, to patients younger than 18 years of age, unless  
275 authorized under s. 456.52(1)(b), and does not refer such  
276 patients to other providers for such services. Beginning July 1,  
277 2023, any office seeking registration must provide such signed  
278 attestation to the department. An office's failure to provide  
279 the signed attestation is grounds for denial of registration or  
280 the suspension or revocation of registration under paragraph  
281 (f).

282       Section 8. Paragraph (c) of subsection (1) of section  
283 459.0138, Florida Statutes, is amended to read:

284       459.0138 Office surgeries.—

285       (1) REGISTRATION.—

286       (c) Each of the following is ~~As~~ a condition of  
287 registration:—

288       1. An ~~each~~ office must establish financial responsibility  
289 by demonstrating that it has met and continues to maintain, at a  
290 minimum, the same requirements applicable to physicians in ss.

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458.320 and 459.0085.

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

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

Section 9. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 10. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

Section 11. This act shall take effect upon becoming a law.