

1 A bill to be entitled
2 An act relating to employer coverage of gender
3 dysphoria treatment; providing a short title; creating
4 s. 448.085, F.S.; defining terms; requiring employers
5 that provide coverage of gender dysphoria treatment to
6 also cover the full costs associated with treatment
7 that reverses such gender dysphoria treatment,
8 regardless of the rate of coverage provided for the
9 initial treatment; providing that employees who
10 receive gender dysphoria treatment through coverage
11 provided by an employer are entitled to full coverage
12 of total costs associated with treatment that reverses
13 such gender dysphoria treatment under certain
14 circumstances, regardless of whether they are still
15 employed by that employer; providing construction;
16 prohibiting employers from making coverage of
17 subsequent treatment contingent upon whether the
18 employee receives such treatment in this state;
19 creating a right of action for aggrieved persons to
20 recover actual total costs and damages from an
21 employer or former employer, as applicable, under
22 certain circumstances; providing an effective date.

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24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. This act may be referred to as the "Reverse
 27 Woke Act."

28 Section 2. Section 448.085, Florida Statutes, is created
 29 to read:

30 448.085 Coverage of gender dysphoria treatment.-

31 (1) As used in this section, the term:

32 (a) "Employee" means any individual who performs services
 33 for and under the direction and control of an employer for wages
 34 or other remuneration.

35 (b) "Employer" means any individual, firm, partnership,
 36 institution, corporation, or association that employs two or
 37 more employees. The term includes a governmental entity as
 38 defined in s. 768.38(2).

39 (c) "Gender dysphoria treatment" means surgery, hormone
 40 replacement therapy, or any other procedure or treatment that
 41 assists persons with gender dysphoria in transitioning to their
 42 self-identified gender.

43 (2) An employer that covers the cost, directly or through
 44 benefits, of gender dysphoria treatment for employees must also
 45 cover the total costs associated with treatment that reverses
 46 the gender dysphoria treatment, regardless of the rate of
 47 coverage provided for the initial treatment.

48 (3) An employee who received gender dysphoria treatment
 49 through coverage provided by an employer is entitled to full
 50 coverage by that employer of the total costs associated with

51 treatment that reverses gender dysphoria treatment if the
52 employee later determines that the gender dysphoria treatment
53 was not appropriate for him or her and wants to reverse the
54 treatment, regardless of whether the person is currently
55 employed by that same employer at the time of such
56 determination.

57 (4) An employer's obligations under this section are not
58 affected by whether the initial treatment is provided in this
59 state, and an employer may not make coverage of subsequent
60 treatment contingent upon whether the employee receives such
61 subsequent treatment in this state.

62 (5) If an employer or former employer, as applicable,
63 refuses to cover the total costs associated with treatment to
64 reverse gender dysphoria treatment it initially covered for an
65 employee, the employee entitled to such coverage under
66 subsection (3) may file a civil action in a court of competent
67 jurisdiction to recover from the employer or former employer, as
68 applicable, the actual total costs associated with such
69 treatment as well as any damages incurred by the person as a
70 result of the employer's noncompliance with this section.

71 Section 3. This act shall take effect July 1, 2023.