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LEGISLATIVE ACTION

Senate

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House

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Floor: 2/F/2R

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Senator Berman moved the following:

Senate Amendment (with title amendment)

Delete lines 62 - 301

and insert:

procedures.—Notwithstanding any other provision of this part, a court of this state has jurisdiction to enter, modify, or stay a child custody determination relating to a child who is present in this state to the extent necessary to protect the child from being subjected to sex-reassignment procedures, as defined in s. 456.001, in another state.

Section 2. Section 286.31, Florida Statutes, is created to



12 read:

13 286.31 Prohibited use of state funds.-

14 (1) As used in this section, the term "governmental entity"
15 means the state or any political subdivision thereof, including
16 the executive, legislative, and judicial branches of government;
17 the independent establishments of the state, counties,
18 municipalities, districts, authorities, boards, or commissions;
19 and any agencies that are subject to chapter 286.

20 (2) A governmental entity, the state group health insurance
21 program, a managing entity as defined in s. 394.9082, or a
22 managed care plan providing services under part IV of chapter
23 409 may not expend state funds as described in s. 215.31 for
24 sex-reassignment procedures as defined in s. 456.001.

25 Section 3. Present subsections (6) through (10) of section
26 395.003, Florida Statutes, are redesignated as subsections (7)
27 through (11), respectively, a new subsection (6) is added to
28 that section, and present subsections (9) and (10) of that
29 section are amended, to read:

30 395.003 Licensure; denial, suspension, and revocation.-

31 (6) By July 1, 2023, each licensed facility must provide a
32 signed attestation to the agency stating that the facility does
33 not offer or provide sex-reassignment procedures, as defined in
34 s. 456.001, to patients younger than 18 years of age and does
35 not refer such patients to other providers for such procedures.
36 Beginning July 1, 2023, each licensed facility shall provide the
37 signed attestation to the agency upon initial licensure and as a
38 requirement for each licensure renewal. Under the due process
39 requirements provided in chapter 120, the agency must revoke the
40 license of any licensed facility that fails to provide the



41 attestation required by this subsection.

42 (10)~~(9)~~ A hospital licensed as of June 1, 2004, shall be
43 exempt from subsection (9) ~~(8)~~ as long as the hospital maintains
44 the same ownership, facility street address, and range of
45 services that were in existence on June 1, 2004. Any transfer of
46 beds, or other agreements that result in the establishment of a
47 hospital or hospital services within the intent of this section,
48 shall be subject to subsection (9) ~~(8)~~. Unless the hospital is
49 otherwise exempt under subsection (9) ~~(8)~~, the agency shall deny
50 or revoke the license of a hospital that violates any of the
51 criteria set forth in that subsection.

52 (11)~~(10)~~ The agency may adopt rules implementing the
53 licensure requirements set forth in subsection (9) ~~(8)~~. Within
54 14 days after rendering its decision on a license application or
55 revocation, the agency shall publish its proposed decision in
56 the Florida Administrative Register. Within 21 days after
57 publication of the agency's decision, any authorized person may
58 file a request for an administrative hearing. In administrative
59 proceedings challenging the approval, denial, or revocation of a
60 license pursuant to subsection (9) ~~(8)~~, the hearing must be
61 based on the facts and law existing at the time of the agency's
62 proposed agency action. Existing hospitals may initiate or
63 intervene in an administrative hearing to approve, deny, or
64 revoke licensure under subsection (9) ~~(8)~~ based upon a showing
65 that an established program will be substantially affected by
66 the issuance or renewal of a license to a hospital within the
67 same district or service area.

68 Section 4. Subsections (8) and (9) are added to section
69 456.001, Florida Statutes, to read:



70 456.001 Definitions.—As used in this chapter, the term:
71 (8) "Sex" means the classification of a person as either
72 male or female based on the organization of the human body of
73 such person for a specific reproductive role, as indicated by
74 the person's sex chromosomes, naturally occurring sex hormones,
75 and internal and external genitalia present at birth.
76 (9) (a) "Sex-reassignment procedures" means any medical
77 procedure, including a surgical procedure, to affirm a person's
78 perception of his or her sex if that perception is inconsistent
79 with the person's sex as defined in subsection (8).
80 (b) The term does not include:
81 1. The prescription or administration of puberty blockers
82 for the purpose of attempting to stop or delay normal puberty in
83 order to affirm a person's perception of his or her sex if that
84 perception is inconsistent with the person's sex as defined in
85 subsection (8).
86 2. The prescription or administration of hormones or
87 hormone antagonists to affirm a person's perception of his or
88 her sex if that perception is inconsistent with the person's sex
89 as defined in subsection (8).
90 3. Treatment provided by a physician who, in his or her
91 good faith clinical judgment, performs procedures upon or
92 provides therapies to a minor born with a medically verifiable
93 genetic disorder of sexual development, including any of the
94 following:
95 a. External biological sex characteristics that are
96 unresolvably ambiguous.
97 b. A disorder of sexual development in which the physician
98 has determined through genetic or biochemical testing that the



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99 patient does not have a normal sex chromosome structure, sex
100 steroid hormone production, or sex steroid hormone action for a
101 male or female, as applicable.

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

107 5. Prescriptions or procedures provided to a patient for
108 the treatment of a physical disorder, physical injury, or
109 physical illness that would, as certified by a physician
110 licensed under chapter 458 or chapter 459, place the individual
111 in imminent danger of death or impairment of a major bodily
112 function without the prescription or procedure.

113 Section 5. Section 456.52, Florida Statutes, is created to
114 read:

115 456.52 Sex-reassignment procedures; prohibitions; informed
116 consent.—

117 (1) Sex-reassignment procedures are prohibited for patients
118 younger than 18 years of age.

119 (2) If sex-reassignment procedures are performed on
120 patients 18 years of age or older, consent must be voluntary,
121 informed, and in writing on forms approved by the department.
122 Consent to sex-reassignment procedures is voluntary and informed
123 only if the physician who is to perform the procedure has, at a
124 minimum, while physically present in the same room:

125 (a) Informed the patient of the nature and risks of the
126 procedure in order for the patient to make a prudent decision;

127 (b) Provided the informed consent form, as approved by the



128 department, to the patient; and
129 (c) Received the patient's written acknowledgment, before
130 the procedure is performed, that the information required to be
131 provided under this subsection has been provided.
132 (3) Sex-reassignment procedures may not be performed except
133 by a physician. For the purposes of this section, the term
134 "physician" is defined as a physician licensed under chapter 458
135 or chapter 459 or a physician practicing medicine or osteopathic
136 medicine in the employment of the Federal Government.
137 (4) (a) Violation of this section constitutes grounds for
138 disciplinary action under this chapter and chapter 458 or
139 chapter 459, as applicable.
140 (b) Any health care practitioner who willfully or actively
141 participates in a violation of subsection (1) commits a felony
142 of the third degree, punishable as provided in s. 775.082, s.
143 775.083, or s. 775.084.
144 (c) Any health care practitioner who violates subsection
145 (2) or subsection (3) commits a misdemeanor of the first degree,
146 punishable as provided in s. 775.082 or s. 775.083.
147 (5) (a) The department shall adopt emergency rules to
148 implement this section.
149 (b) Any emergency rules adopted under this section are
150 exempt from s. 120.54(4) (c) and shall remain in effect until
151 replaced by rules adopted under the nonemergency rulemaking
152 procedures of the Administrative Procedure Act.
153 Section 6. Present paragraphs (c) through (gg) of
154 subsection (5) of section 456.074, Florida Statutes, are
155 redesignated as paragraphs (d) through (hh), respectively, and a
156 new paragraph (c) is added to that subsection, to read:



157 456.074 Certain health care practitioners; immediate
158 suspension of license.-

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

165 (c) Section 456.52(4)(b), relating to performing sex-
166 reassignment procedures for a patient younger than 18 years of
167 age.

168 Section 7. Paragraph (c) of subsection (1) of section
169 458.328, Florida Statutes, is amended to read:

170 458.328 Office surgeries.-

171 (1) REGISTRATION.-

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

174 1. An ~~each~~ office must establish financial responsibility
175 by demonstrating that it has met and continues to maintain, at a
176 minimum, the same requirements applicable to physicians in ss.
177 458.320 and 459.0085.

178 2. Each physician practicing at an office registered under
179 this section or s. 459.0138 must meet the financial
180 responsibility requirements under s. 458.320 or s. 459.0085, as
181 applicable.

182 3. By July 1, 2023, each office registered under this
183 section must provide a signed attestation to the department
184 stating that the office does not offer or provide sex-
185 reassignment procedures, as defined in s. 456.001, to patients



186 younger than 18 years of age and does not refer such patients to
187 other providers for such services. Beginning July 1, 2023, any
188 office seeking registration must provide such signed attestation
189 to the department. An office's failure to provide the signed
190 attestation is grounds for denial of registration or the
191 suspension or revocation of registration under paragraph (f).

192 Section 8. Paragraph (c) of subsection (1) of section
193 459.0138, Florida Statutes, is amended to read:

194 459.0138 Office surgeries.—

195 (1) REGISTRATION.—

196 (c) Each of the following is ~~As~~ a condition of
197 registration:—

198 1. An ~~each~~ office must establish financial responsibility
199 by demonstrating that it has met and continues to maintain, at a
200 minimum, the same requirements applicable to physicians in ss.
201 458.320 and 459.0085.

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

206 3. By July 1, 2023, each office registered under this
207 section must provide a signed attestation to the department
208 stating that the office does not offer or provide sex-
209 reassignment procedures, as defined in s. 456.001, to patients
210 younger than 18 years of age and does not refer such

212 ===== T I T L E A M E N D M E N T =====

213 And the title is amended as follows:

214 Delete lines 8 - 45



215 and insert:
216 procedures in another state; creating s. 286.31, F.S.;
217 defining the term "governmental entity"; prohibiting
218 certain public entities from expending state funds for
219 the provision of sex-reassignment procedures; amending
220 s. 395.003, F.S.; requiring certain licensed
221 facilities, by a specified date and as a condition of
222 licensure thereafter, to provide a signed attestation
223 of specified information to the Agency for Health Care
224 Administration; requiring the agency to revoke a
225 facility's license for failure to provide such
226 attestation, subject to the due process procedures of
227 ch. 120, F.S.; amending s. 456.001, F.S.; defining the
228 terms "sex" and "sex-reassignment procedures";
229 creating s. 456.52, F.S.; prohibiting sex-reassignment
230 procedures for patients younger than 18 years of age;
231 requiring that such procedures for patients older than
232 18 years of age be performed only with voluntary and
233 informed consent of the patient; providing criteria
234 for what constitutes voluntary and informed consent;
235 providing that only a physician may perform such
236 procedures; defining the term "physician"; providing
237 applicability; providing for disciplinary action;
238 providing criminal penalties; requiring the Department
239 of Health to adopt certain emergency rules; providing
240 that such emergency rules remain in effect until they
241 are replaced by nonemergency rules; amending s.
242 456.074, F.S.; requiring the department to immediately
243 suspend the license of a health care practitioner who



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244 is arrested for committing or attempting, soliciting,
245 or conspiring to commit specified violations related
246 to sex-reassignment procedures for a patient younger
247 than