



442004

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

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



442004

read:

286.31 Prohibited use of state funds.—

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

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

Section 3. Present subsections (6) through (10) of section 395.003, Florida Statutes, are redesignated as subsections (7) through (11), respectively, a new subsection (6) is added to that section, and present subsections (9) and (10) of that 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 procedures, as defined in s. 456.001, to patients younger than 18 years of age and does not refer such patients to other providers for such procedures. 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



442004

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 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:



442004

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 procedures" means 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. 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 as defined in subsection (8).

3. 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



442004

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.

4. 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 procedure, regardless of whether such procedure was performed in accordance with state or federal law.

5. 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 function without the prescription or procedure.

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

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

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

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

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

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



442004

department, to the patient; and

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

(3) Sex-reassignment procedures may not be 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) (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) or subsection (3) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) (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:



442004

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(4)(b), relating to performing sex-reassignment 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:—

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

2. Each physician practicing at an office registered under this section or s. 459.0138 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 procedures, as defined in s. 456.001, to patients



442004

younger than 18 years of age 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 8. Paragraph (c) of subsection (1) of section
459.0138, Florida Statutes, is amended to read:

459.0138 Office surgeries.—

(1) REGISTRATION.—

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

1. An ~~each~~ office must establish financial responsibility
by demonstrating that it has met and continues to maintain, at a
minimum, the same requirements applicable to physicians in ss.
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 procedures, as defined in s. 456.001, to patients
younger than 18 years of age and does not refer such

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

And the title is amended as follows:

Delete lines 8 - 45



442004

and insert:

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 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 procedures";
creating s. 456.52, F.S.; prohibiting sex-reassignment
procedures for patients younger than 18 years of age;
requiring that such procedures for patients older than
18 years of age be performed only with voluntary and
informed consent of the patient; providing criteria
for what constitutes voluntary and informed consent;
providing that only a physician may perform such
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



442004

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