

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Fine offered the following:

2

3 **Amendment (with title amendment)**

4 Remove lines 83-370 and insert:

5 being subjected to gender clinical interventions, as defined in
6 s. 456.52(1).

7 Section 2. Subsection (1) of section 61.534, Florida
8 Statutes, is amended to read:

9 61.534 Warrant to take physical custody of child.—

10 (1) Upon the filing of a petition seeking enforcement of a
11 child custody determination, the petitioner may file a verified
12 application for the issuance of a warrant to take physical
13 custody of the child if the child is likely to imminently suffer

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14 serious physical harm or removal from this state. Serious
15 physical harm includes, but is not limited to, being subjected
16 to gender clinical interventions, as defined in s. 456.52(1).

17 Section 3. Section 381.991, Florida Statutes, is created
18 to read:

19 381.991 Public expenditures for gender clinical
20 interventions; prohibition.—A state agency, political
21 subdivision, public postsecondary institution as defined in
22 1000.04, or person providing services to or on behalf of any
23 such agency, subdivision, or institution by contract or other
24 agreement or relationship, may not expend funds to provide or
25 reimburse for gender clinical interventions as defined in s.
26 456.52(1).

27 Section 4. Paragraph (f) is added subsection (1) of
28 section 382.016, Florida Statutes, read:

29 382.016 Amendment of records.—The department, upon receipt
30 of the fee prescribed in s. 382.0255; documentary evidence, as
31 specified by rule, of any misstatement, error, or omission
32 occurring in any birth, death, or fetal death record; and an
33 affidavit setting forth the changes to be made, shall amend or
34 replace the original certificate as necessary.

35 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

36 (f) The sex recorded on a birth certificate must be the
37 person's biological sex at birth. The sex recorded on the birth
38 certificate may only be changed in the case of a scrivener's

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39 error or in the case of a person born with external biological
40 sex characteristics that were unresolvably ambiguous at the time
41 of birth. The sex recorded on a birth certificate may not be
42 changed for the purpose of affirming a person's perception of
43 his or her sex if that perception is inconsistent with the
44 person's sex at birth. The department may change the sex
45 recorded on a birth certificate under this paragraph upon the
46 written request of a health care practitioner, as defined in s.
47 456.001, stating and providing evidence establishing the basis
48 for the correction. Misrepresenting or providing fraudulent
49 evidence in such a request is grounds for disciplinary action
50 under s. 456.072 and any applicable practice act.

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

55 456.074 Certain health care practitioners; immediate
56 suspension of license.—

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

63 (c) Section 456.52(6), relating to providing gender

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64 clinical interventions to a minor.

65 Section 6. Section 456.52, Florida Statutes, is created to
66 read:

67 456.52 Prohibition on gender clinical interventions for
68 minors; physician requirements.-

69 (1) For the purposes of this section, "gender clinical
70 interventions" means procedures or therapies that alter internal
71 or external physical traits for the purpose of affirming a
72 person's perception of his or her sex if that perception is
73 inconsistent with the person's sex at birth.

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

75 1. Sex reassignment surgeries or any other surgical
76 procedures that alter primary or secondary sexual
77 characteristics.

78 2. Puberty blocking, hormone, and hormone antagonistic
79 therapies.

80 (b) The term does not include:

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

85 a. External biological sex characteristics that are
86 unresolvably ambiguous.

87 b. A disorder of sexual development, in which the
88 physician has determined through genetic or biochemical testing

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89 that the minor does not have normal sex chromosome structure,
90 sex steroid hormone production, or sex steroid hormone action
91 for a male or female.

92 2. Treatment of any infection, injury, disease, or
93 disorder caused or exacerbated by the performance of gender
94 clinical interventions regardless of whether such interventions
95 were performed in accordance with state or federal law.

96 (2)(a) Gender clinical interventions may only be provided
97 by a physician licensed under chapter 458 or chapter 459 or a
98 physician practicing medicine or osteopathic medicine in the
99 employment of the Federal Government.

100 (b) A physician may not provide gender clinical
101 interventions to a minor, except that a minor who was prescribed
102 gender clinical interventions described in (1)(a)2. on or before
103 January 1, 2023, and continuously received such therapies
104 through July 1, 2023, may continue to receive such therapies
105 through December 31, 2023, solely for the purpose of gradual
106 discontinuation of such therapies.

107 (3) Notwithstanding ss. 458.320(5) and 459.0085(5), a
108 physician who provides gender clinical interventions for adults
109 must obtain and maintain professional liability coverage in the
110 amounts established in ss. 458.320(2)(b) and 459.0085(2)(b), as
111 applicable.

112 (4)(a) A physician must, while physically present in the
113 same room as an adult patient, obtain informed written consent

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114 from the patient each time the physician provides gender
115 clinical interventions. The physician must sign the consent and
116 maintain the consent in the medical record. The patient must
117 sign the informed consent acknowledging that the physician has
118 sufficiently explained its content. The physician must use an
119 informed consent form adopted in rule by the Board of Medicine
120 and the Board of Osteopathic Medicine, which must include, at a
121 minimum, information related to the current state of research
122 of:

123 1. The long-term and short-term effects of gender clinical
124 interventions.

125 2. The impact of gender clinical interventions on physical
126 and mental health.

127 (b) The Board of Medicine and the Board of Osteopathic
128 Medicine, as applicable, shall adopt emergency rules to
129 implement this section.

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

134 (5) A board, or the department if there is no board, must
135 revoke the license of a health care practitioner if the board,
136 or the department if there is no board, determines that the
137 health care practitioner violated this section.

138 (6) (a) A health care practitioner who willfully or

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139 actively participates in a violation of (2) (b) commits a felony
140 of the third degree, punishable as provided in s. 775.082, s.
141 775.083, or s. 775.084.

142 (b) A health care practitioner who willfully or actively
143 participates in a violation of (4) (a) commits a misdemeanor of
144 the first degree, punishable as provided in s. 775.082 or s.
145 775.083.

146 Section 7. Section 627.6411, Florida Statutes, is created
147 to read:

148 627.6411 Coverage of certain treatment.—A health insurance
149 policy may not provide coverage for gender clinical
150 interventions as defined in s. 456.52(1).

151 Section 8. Subsection (48) is added to section 641.31,
152 Florida Statutes, to read:

153 641.31 Health maintenance contracts.—

154 (48) A health maintenance contract may not include
155 coverage for gender clinical interventions as defined in s.
156 456.52(1).

157 Section 9. Section 766.318, Florida Statutes, is created
158 to read:

159 766.318 Gender clinical interventions; liability.—

160 (1) A physician who provides gender clinical
161 interventions, as defined in s. 456.52, to a person is liable to
162 the person for any physical, psychological, emotional, or
163 physiological injury resulting from the gender clinical

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164 intervention.

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

168 (a) Declaratory or injunctive relief.

169 (b) Economic damages.

170 (c) Noneconomic damages.

171 (d) Punitive damages.

172 (e) Attorney fees and costs.

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

177 (4) The estate of, or a legal guardian on behalf of, a
178 person who received a gender clinical intervention from a
179 physician, when the death of that person was caused by such
180 gender clinical intervention, may bring a civil action against
181 such practitioner in a court of competent jurisdiction for all
182 of the following:

183 (a) All remedies available under subsection (2).

184 (b) All remedies available under s. 766.102.

185 (c) Treble damages.

186 (5) Notwithstanding s. 95.11, an action brought under
187 subsection (2) must be commenced within 20 years after the date
188 of the gender clinical interventions.

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189 (6) An action brought under subsection (4) must be
190 commenced within 5 years after the date of the person's death or
191 the discovery of the person's death, whichever is later.

192 Section 10. If any provision of this act or its
193 application to any person or circumstance is held invalid, the
194 invalidity does not affect other provisions or applications of
195 this act which can be given effect without the invalid provision
196 or application, and to this end the provisions of this act are
197 severable.

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200 **T I T L E A M E N D M E N T**

201 Remove lines 6-67 and insert:
202 to or is threatened with being subjected to gender
203 clinical interventions; amending s. 61.534, F.S.;
204 providing that, for purposes of warrants to take
205 physical custody of a child in certain child custody
206 enforcement proceedings, serious physical harm to the
207 child includes, but is not limited to, being subjected
208 to gender clinical interventions; creating s. 381.991,
209 F.S.; prohibiting certain persons and entities from
210 expending funds for reimbursement for specified
211 clinical interventions; amending s. 382.016, F.S.;
212 prohibiting a person's biological sex from being
213 changed on a birth certificate; providing an

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214 exception; providing for disciplinary actions;
215 amending s. 456.074, F.S.; requiring the department to
216 immediately suspend the license of a health care
217 practitioner who is arrested for committing or
218 attempting, soliciting, or conspiring to commit
219 specified violations related to gender clinical
220 interventions for a minor; creating s. 456.52, F.S.;
221 providing a definition for the term "gender clinical
222 interventions"; prohibiting gender clinical
223 interventions for minors; providing exceptions;
224 requiring a physician to maintain specified
225 professional liability coverage; requiring a physician
226 to obtain informed written consent from a patient
227 under certain circumstances; providing requirements
228 for the informed consent form; authorizing certain
229 persons to refuse to participate in gender clinical
230 interventions; providing liability and penalties;
231 creating s. 627.6411, F.S.; prohibiting a health
232 insurance policy from providing coverage for gender
233 clinical interventions; amending s. 641.31, F.S.;
234 prohibiting a health maintenance contract from
235 including coverage for gender clinical interventions;
236 creating s. 766.318, F.S.; providing for physician
237 liability; providing penalties for injuries and
238 wrongful death caused by gender clinical

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239 | interventions; authorizing the award of specified
240 | damages and attorney fees and costs; providing statute
241 | of limitations periods; providing severability;
242 | providing

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