

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Harris offered the following:

2

3 **Amendment (with title amendment)**

4 Remove lines 83-333 and insert:

5 being subjected to sex-reassignment procedures, as defined in s.  
6 456.001.

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

311545

Approved For Filing: 4/14/2023 12:27:25 PM

Amendment No.

14 serious physical harm or removal from this state. Serious  
15 physical harm includes, but is not limited to, being subjected  
16 to sex-reassignment procedures as defined in s. 456.001.

17 Section 3. Section 286.31, Florida Statutes, is created to  
18 read:

19 286.31 Prohibited use of state funds.—

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

26 (2) A governmental entity, the state group health  
27 insurance program, a managing entity as defined in s.  
28 394.9082(2), or a managed care plan providing services under  
29 part IV of chapter 409 may not expend state funds as described  
30 in s. 215.31 for sex-reassignment procedures as defined in s.  
31 456.001.

32 Section 4. Subsections (6) through (10) of section  
33 395.003, Florida Statutes, are renumbered as subsections (7)  
34 through (11), respectively, present subsections (9) and (10) are  
35 amended, and a new subsection (6) is added to that section, to  
36 read:

37 395.003 Licensure; denial, suspension, and revocation.—

311545

Approved For Filing: 4/14/2023 12:27:25 PM

Amendment No.

38        (6) By July 1, 2023, each licensed facility must provide a  
39 signed attestation to the agency stating that the facility does  
40 not offer or provide sex-reassignment procedures, as defined in  
41 s. 456.001, to patients younger than 18 years of age and does  
42 not refer such patients to other providers for such procedures.  
43 Beginning July 1, 2023, each licensed facility shall provide the  
44 signed attestation to the agency upon initial licensure and as a  
45 requirement for each licensure renewal. Under the due process  
46 requirements provided in chapter 120, the agency must revoke the  
47 license of any licensed facility that fails to provide the  
48 attestation required by this subsection.

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

59        (11)-(10) The agency may adopt rules implementing the  
60 licensure requirements set forth in subsection (9) ~~(8)~~. Within  
61 14 days after rendering its decision on a license application or  
62 revocation, the agency shall publish its proposed decision in

311545

Approved For Filing: 4/14/2023 12:27:25 PM

Amendment No.

63 the Florida Administrative Register. Within 21 days after  
64 publication of the agency's decision, any authorized person may  
65 file a request for an administrative hearing. In administrative  
66 proceedings challenging the approval, denial, or revocation of a  
67 license pursuant to subsection (9) ~~(8)~~, the hearing must be  
68 based on the facts and law existing at the time of the agency's  
69 proposed agency action. Existing hospitals may initiate or  
70 intervene in an administrative hearing to approve, deny, or  
71 revoke licensure under subsection (9) ~~(8)~~ based upon a showing  
72 that an established program will be substantially affected by  
73 the issuance or renewal of a license to a hospital within the  
74 same district or service area.

75 Section 5. Subsections (8) and (9) are added to section  
76 456.001, Florida Statutes, to read:

77 456.001 Definitions.—As used in this chapter, the term:  
78 (8) "Sex" means the classification of a person as either  
79 male or female based on the organization of the human body of  
80 such person for a specific reproductive role, as indicated by  
81 the person's sex chromosomes, naturally occurring sex hormones,  
82 and internal and external genitalia present at birth.

83 (9) (a) "Sex-reassignment procedures" means any medical  
84 procedure, including a surgical procedure, to affirm a person's  
85 perception of his or her sex if that perception is inconsistent  
86 with the person's sex as defined in subsection (8).

87 (b) The term does not include:

311545

Approved For Filing: 4/14/2023 12:27:25 PM

Amendment No.

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

93       2. The prescription or administration of hormones or  
94 hormone antagonists to affirm a person's perception of his or  
95 her sex if that perception is inconsistent with the person's sex  
96 as defined in subsection (8).

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

102       a. External biological sex characteristics that are  
103 unresolvably ambiguous.

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

109       4. Prescriptions or procedures to treat an infection, an  
110 injury, a disease, or a disorder that has been caused or  
111 exacerbated by the performance of any sex-reassignment

311545

Approved For Filing: 4/14/2023 12:27:25 PM

Amendment No.

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

114 5. Prescriptions or procedures provided to a patient for  
115 the treatment of a physical disorder, physical injury, or  
116 physical illness that would, as certified by a physician  
117 licensed under chapter 458 or chapter 459, place the individual  
118 in imminent danger of death or impairment of a major bodily  
119 function without the prescription or procedure.

120 Section 6. Section 456.52, Florida Statutes, is created to  
121 read:

122 456.52 Sex-reassignment procedures; prohibitions; informed  
123 consent.—

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

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

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

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

311545

Approved For Filing: 4/14/2023 12:27:25 PM

Amendment No.

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

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

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

148 (b) Any health care practitioner who willfully or actively  
149 participates in a violation of subsection (1) commits a felony  
150 of the third degree, punishable as provided in s. 775.082, s.  
151 775.083, or s. 775.084.

152 (c) Any health care practitioner who violates subsection  
153 (2) or subsection (3) commits a misdemeanor of the first degree,  
154 punishable as provided in s. 775.082 or s. 775.083.

155 (5) (a) The department shall adopt emergency rules to  
156 implement this section.

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

311545

Approved For Filing: 4/14/2023 12:27:25 PM

Amendment No.

161 Section 7. Paragraphs (c) through (gg) of subsection (5)  
162 of section 456.074, Florida Statutes, are renumbered as  
163 paragraphs (d) through (hh), respectively, and a new paragraph  
164 (c) is added to that subsection, to read:

165 456.074 Certain health care practitioners; immediate  
166 suspension of license.—

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

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

176 Section 8. Paragraph (c) of subsection (1) of section  
177 458.328, Florida Statutes, is amended to read:

178 458.328 Office surgeries.—

179 (1) REGISTRATION.—

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

182 1. An ~~each~~ office must establish financial responsibility  
183 by demonstrating that it has met and continues to maintain, at a  
184 minimum, the same requirements applicable to physicians in ss.  
185 458.320 and 459.0085.

311545

Approved For Filing: 4/14/2023 12:27:25 PM



Amendment No.

186           2. Each physician practicing at an office registered under  
187 this section or s. 459.0138 must meet the financial  
188 responsibility requirements under s. 458.320 or s. 459.0085, as  
189 applicable.

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

200           Section 9. Paragraph (c) of subsection (1) of section  
201 459.0138, Florida Statutes, is amended to read:

202           459.0138 Office surgeries.—

203           (1) REGISTRATION.—

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

206           1. ~~An each~~ office must establish financial responsibility  
207 by demonstrating that it has met and continues to maintain, at a  
208 minimum, the same requirements applicable to physicians in ss.  
209 458.320 and 459.0085.

311545

Approved For Filing: 4/14/2023 12:27:25 PM

Amendment No.

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

214        3. By July 1, 2023, each office registered under this  
215 section must provide a signed attestation to the department  
216 stating that the office does not offer or provide sex-  
217 reassignment procedures, as defined in s. 456.001, to patients  
218 younger than 18 years of age and does not refer such patients to  
219 other providers for such procedures. Beginning July 1,

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**T I T L E   A M E N D M E N T**

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Remove lines 16-62 and insert:

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of sex-reassignment procedures; amending s. 395.003,

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F.S.; requiring certain licensed facilities, by a

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specified date and as a condition of licensure

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thereafter, to provide a signed attestation of

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specified information to the Agency for Health Care

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Administration; requiring the agency to revoke a

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facility's license for failure to provide such

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attestation, subject to the due process procedures of

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ch. 120, F.S.; amending s. 456.001, F.S.; defining the

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terms "sex" and "sex-reassignment procedures";

311545

Approved For Filing: 4/14/2023 12:27:25 PM

Amendment No.

235 creating s. 456.52, F.S.; prohibiting sex-reassignment  
236 procedures for patients younger than 18 years of age;  
237 requiring that such procedures for patients older than  
238 18 years of age be performed only with the voluntary  
239 and informed consent of the patient; providing  
240 criteria for what constitutes voluntary and informed  
241 consent; providing that only a physician may perform  
242 such procedures; defining the term "physician";  
243 providing applicability; providing for disciplinary  
244 action; providing criminal penalties; requiring the  
245 Department of Health to adopt certain emergency rules;  
246 providing that such emergency rules remain in effect  
247 until they are replaced by nonemergency rules;  
248 amending s. 456.074, F.S.; requiring the department to  
249 immediately suspend the license of a health care  
250 practitioner who is arrested for committing or  
251 attempting, soliciting, or conspiring to commit  
252 specified violations related to sex-reassignment  
253 procedures for a patient younger than 18 years of age;  
254 amending ss. 458.328 and 459.0138, F.S.; requiring  
255 registered physicians' offices to provide a signed  
256 attestation of specified information to the department  
257 by a specified date; beginning on a specified date,  
258 requiring physicians' offices seeking such  
259 registration to provide the signed attestation as a

311545

Approved For Filing: 4/14/2023 12:27:25 PM

Amendment No.

260 condition of registration; providing grounds for  
261 disciplinary action; creating s. 766.318, F.S.;  
262 creating a cause of action to recover damages for  
263 personal injury or death resulting from the provision  
264 of sex-reassignment prescriptions or procedures to a  
265 minor; providing that

311545

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