By Senator Ingoglia

11-00444D-23   2023952__

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 the

17   subsequent treatment contingent on 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.

23

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 Woke

27   Act."

28   Section 2. Section 448.085, Florida Statutes, is created to

29   read:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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 governmental entities as

38 defined in s. 768.38.

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

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59 state, and an employer may not make coverage of subsequent
60 treatment contingent on 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.