

1 A bill to be entitled  
2 An act relating to gender and biological sex; amending  
3 s. 322.01, F.S.; defining the term "sex"; amending ss.  
4 322.051, 322.08, and 322.14, F.S.; requiring  
5 applications for driver licenses and identification  
6 cards, as well as printed driver licenses, to indicate  
7 a person's sex instead of his or her gender; creating  
8 s. 627.6411, F.S.; requiring health insurance policies  
9 that include coverage for sex-reassignment  
10 prescriptions or procedures to also provide coverage  
11 for certain detransition treatments; requiring health  
12 insurers providing such coverage to also offer  
13 insurance policies that do not provide such coverage;  
14 prohibiting health insurance policies from prohibiting  
15 coverage of certain mental health and therapeutic  
16 services; amending ss. 627.657, 627.6699, and 641.31,  
17 F.S.; requiring group health insurance policies,  
18 health benefit plans, and health maintenance contracts  
19 that include coverage for sex-reassignment  
20 prescriptions or procedures to also provide coverage  
21 for certain detransition treatments; requiring group  
22 health insurers, carriers, and health maintenance  
23 organizations providing such coverage to also offer  
24 insurance policies that do not provide such coverage;  
25 prohibiting group health insurance policies, health

26 benefit plans, and health maintenance contracts from  
 27 prohibiting coverage of certain mental health and  
 28 therapeutic services; providing an effective date.

30 Be It Enacted by the Legislature of the State of Florida:

31  
 32 Section 1. Subsection (49) is added to section 322.01,  
 33 Florida Statutes, to read:

34 322.01 Definitions.—As used in this chapter:

35 (49) "Sex" means the classification of a person as either  
 36 male or female based on the organization of the human body of  
 37 such person for a specific reproductive role as indicated by the  
 38 person's sex chromosomes, naturally occurring sex hormones, and  
 39 internal and external genitalia present at birth.

40 Section 2. Paragraph (a) of subsection (1) of section  
 41 322.051, Florida Statutes, is amended to read:

42 322.051 Identification cards.—

43 (1) Any person who is 5 years of age or older, or any  
 44 person who has a disability, regardless of age, who applies for  
 45 a disabled parking permit under s. 320.0848, may be issued an  
 46 identification card by the department upon completion of an  
 47 application and payment of an application fee.

48 (a) The application must include the following information  
 49 regarding the applicant:

50 1. Full name (first, middle or maiden, and last), sex

51 ~~gender~~, proof of social security card number satisfactory to the  
52 department, which may include a military identification card,  
53 county of residence, mailing address, proof of residential  
54 address satisfactory to the department, country of birth, and a  
55 brief description.

56 2. Proof of birth date satisfactory to the department.

57 3. Proof of identity satisfactory to the department. Such  
58 proof must include one of the following documents issued to the  
59 applicant:

60 a. A driver license record or identification card record  
61 from another jurisdiction that required the applicant to submit  
62 a document for identification which is substantially similar to  
63 a document required under sub-subparagraph b., sub-subparagraph  
64 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph  
65 f., sub-subparagraph g., or sub-subparagraph h.;

66 b. A certified copy of a United States birth certificate;

67 c. A valid, unexpired United States passport;

68 d. A naturalization certificate issued by the United  
69 States Department of Homeland Security;

70 e. A valid, unexpired alien registration receipt card  
71 (green card);

72 f. A Consular Report of Birth Abroad provided by the  
73 United States Department of State;

74 g. An unexpired employment authorization card issued by  
75 the United States Department of Homeland Security; or

76 h. Proof of nonimmigrant classification provided by the  
 77 United States Department of Homeland Security, for an original  
 78 identification card. In order to prove nonimmigrant  
 79 classification, an applicant must provide at least one of the  
 80 following documents. In addition, the department may require  
 81 applicants to produce United States Department of Homeland  
 82 Security documents for the sole purpose of establishing the  
 83 maintenance of, or efforts to maintain, continuous lawful  
 84 presence:

85 (I) A notice of hearing from an immigration court  
 86 scheduling a hearing on any proceeding.

87 (II) A notice from the Board of Immigration Appeals  
 88 acknowledging pendency of an appeal.

89 (III) A notice of the approval of an application for  
 90 adjustment of status issued by the United States Citizenship and  
 91 Immigration Services.

92 (IV) An official documentation confirming the filing of a  
 93 petition for asylum or refugee status or any other relief issued  
 94 by the United States Citizenship and Immigration Services.

95 (V) A notice of action transferring any pending matter  
 96 from another jurisdiction to Florida, issued by the United  
 97 States Citizenship and Immigration Services.

98 (VI) An order of an immigration judge or immigration  
 99 officer granting relief that authorizes the alien to live and  
 100 work in the United States, including, but not limited to,

101 | asylum.

102 |       (VII) Evidence that an application is pending for  
 103 | adjustment of status to that of an alien lawfully admitted for  
 104 | permanent residence in the United States or conditional  
 105 | permanent resident status in the United States, if a visa number  
 106 | is available having a current priority date for processing by  
 107 | the United States Citizenship and Immigration Services.

108 |       (VIII) On or after January 1, 2010, an unexpired foreign  
 109 | passport with an unexpired United States Visa affixed,  
 110 | accompanied by an approved I-94, documenting the most recent  
 111 | admittance into the United States.

112 |  
 113 | An identification card issued based on documents required in  
 114 | sub-subparagraph g. or sub-subparagraph h. is valid for a period  
 115 | not to exceed the expiration date of the document presented or 1  
 116 | year, whichever occurs first.

117 |       Section 3. Paragraph (a) of subsection (2) of section  
 118 | 322.08, Florida Statutes, is amended to read:

119 |       322.08 Application for license; requirements for license  
 120 | and identification card forms.—

121 |       (2) Each such application shall include the following  
 122 | information regarding the applicant:

123 |       (a) Full name (first, middle or maiden, and last), sex  
 124 | ~~gender~~, proof of social security card number satisfactory to the  
 125 | department, which may include a military identification card,

126 county of residence, mailing address, proof of residential  
 127 address satisfactory to the department, country of birth, and a  
 128 brief description.

129 Section 4. Paragraph (a) of subsection (1) of section  
 130 322.14, Florida Statutes, is amended to read:

131 322.14 Licenses issued to drivers.—

132 (1)(a) The department shall, upon successful completion of  
 133 all required examinations and payment of the required fee, issue  
 134 to every qualified applicant a printed driver license that must  
 135 bear a color photograph or digital image of the licensee; the  
 136 name of the state; a distinguishing number assigned to the  
 137 licensee, which, beginning November 1, 2023, must have a minimum  
 138 of four randomly generated digits on each original, renewal, or  
 139 replacement driver license; and the licensee's full name, date  
 140 of birth, and residence address; a brief description of the  
 141 licensee, including, but not limited to, the licensee's sex  
 142 ~~gender~~ and height; and the dates of issuance and expiration of  
 143 the license. A space shall be provided upon which the licensee  
 144 shall affix his or her usual signature. A license is invalid  
 145 until it has been signed by the licensee except that the  
 146 signature of the licensee is not required if it appears thereon  
 147 in facsimile or if the licensee is not present within the state  
 148 at the time of issuance.

149 Section 5. Section 627.6411, Florida Statutes, is created  
 150 to read:

151 627.6411 Coverage for sex-reassignment prescriptions or  
 152 procedures.-

153 (1) A health insurance policy that is delivered or issued  
 154 to a person in the state may offer, for an appropriate  
 155 additional premium, coverage for sex-reassignment prescriptions  
 156 or procedures, as defined in s. 456.001, only if the same health  
 157 insurance policy also provides coverage for treatment to  
 158 detransition from the sex-reassignment prescriptions or  
 159 procedures.

160 (2) A health insurer that delivers or issues a health  
 161 insurance policy that provides coverage described under  
 162 subsection (1) must also offer a health insurance policy that  
 163 does not provide such coverage.

164 (3) A health insurance policy that is delivered or issued  
 165 to a person in the state may not prohibit the coverage of mental  
 166 health or therapeutic services to treat a person's perception  
 167 that his or her sex, as defined in s. 456.001, is inconsistent  
 168 with such person's sex at birth by affirming the insured's sex.

169 Section 6. Subsections (4) and (5) are added to section  
 170 627.657, Florida Statutes, to read:

171 627.657 Provisions of group health insurance policies.-

172 (4)(a) A group health insurance policy that is delivered  
 173 or issued to any group in the state may offer, for an  
 174 appropriate additional premium, coverage for sex-reassignment  
 175 prescriptions or procedures, as defined in s. 456.001, only if

176 the same group health insurance policy also provides coverage  
 177 for treatment to detransition from the sex-reassignment  
 178 prescriptions or procedures.

179 (b) A group health insurer that delivers or issues a group  
 180 health insurance policy that provides coverage described under  
 181 paragraph (a) must also offer a group health insurance policy  
 182 that does not provide such coverage.

183 (5) A group health insurance policy that is delivered or  
 184 issued to any group in the state may not prohibit the coverage  
 185 of mental health or therapeutic services to treat a person's  
 186 perception that his or her sex, as defined in s. 456.001, is  
 187 inconsistent with such person's sex at birth by affirming the  
 188 insured's sex.

189 Section 7. Paragraphs (h) and (i) are added to subsection  
 190 (5) of section 627.6699, Florida Statutes, to read:

191 627.6699 Employee Health Care Access Act.—

192 (5) AVAILABILITY OF COVERAGE.—

193 (h)1. A health benefit plan that is delivered or issued to  
 194 an individual or a group in the state may offer, for an  
 195 appropriate additional premium, coverage for sex-reassignment  
 196 prescriptions or procedures, as defined in s. 456.001, only if  
 197 the same health benefit plan also provides coverage for  
 198 treatment to detransition from the sex-reassignment  
 199 prescriptions or procedures.

200 2. A carrier that delivers or issues a health benefit plan



201 that provides coverage described under subparagraph 1. must also  
 202 offer a health benefit plan that does not provide such coverage.

203 (i) A health benefit plan that is delivered or issued to  
 204 an individual or a group in the state may not prohibit the  
 205 coverage of mental health or therapeutic services to treat a  
 206 person's perception that his or her sex, as defined in s.  
 207 456.001, is inconsistent with such person's sex at birth by  
 208 affirming the insured's sex.

209 Section 8. Subsections (48) and (49) are added to section  
 210 641.31, Florida Statutes, to read:

211 641.31 Health maintenance contracts.-

212 (48) (a) A health maintenance contract that is delivered or  
 213 issued to a subscriber or group in the state may offer, for an  
 214 appropriate additional premium, coverage for sex-reassignment  
 215 prescriptions or procedures, as defined in s. 456.001, only if  
 216 the same health maintenance contract also provides coverage for  
 217 treatment to detransition from the sex-reassignment  
 218 prescriptions or procedures.

219 (b) A health maintenance organization that delivers or  
 220 issues a health maintenance contract that provides coverage  
 221 described under paragraph (a) must also offer a health  
 222 maintenance contract that does not provide such coverage.

223 (49) A health maintenance contract that is delivered or  
 224 issued to a subscriber or group in the state may not prohibit  
 225 the coverage of mental health or therapeutic services to treat a

CS/HB 1639

2024

226 | person's perception that his or her sex, as defined in s.  
227 | 456.001, is inconsistent with such person's sex at birth by  
228 | affirming the insured's sex.

229 |       Section 9. This act shall take effect July 1, 2024.