

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Healthcare Regulation
2 Subcommittee

3 Representative Fine offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 61.5175, Florida Statutes, is created
8 to read:

9 61.5175 Protection of children from gender clinical
10 interventions.—Notwithstanding any other provision of this part,
11 a court of this state has jurisdiction to enter, modify, or stay
12 a child custody determination relating to a child who is present
13 in this state to the extent necessary to protect the child from
14 being subjected to gender clinical interventions, as defined in
15 s. 456.52(1), in another state.

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16 Section 2. Section 381.991, Florida Statutes, is created to
17 read:

18 381.991 Public expenditures for gender clinical
19 interventions; prohibition.—A state agency, political
20 subdivision, public postsecondary institution as defined in
21 1000.04, or person providing services to or on behalf of any
22 such agency, subdivision, or institution by contract or other
23 agreement or relationship, may not expend funds to provide or
24 reimburse for gender clinical interventions as defined in s.
25 456.52(1).

26 Section 3. Paragraph (f) of subsection (1) of section
27 382.016, Florida Statutes, is created to read:

28 382.016 Amendment of records.—The department, upon receipt
29 of the fee prescribed in s. 382.0255; documentary evidence, as
30 specified by rule, of any misstatement, error, or omission
31 occurring in any birth, death, or fetal death record; and an
32 affidavit setting forth the changes to be made, shall amend or
33 replace the original certificate as necessary.

34 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

35 (f) The sex recorded on a birth certificate must be the
36 person's biological sex at birth and may only be changed in the
37 case of a scrivener's error. Upon request, the department may
38 change the sex on a birth certificate of person born with
39 external biological sex characteristics that were unresolvably
40 ambiguous at the time of birth.

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41 Section 4. Section 456.52, Florida Statutes, is created to
42 read:

43 456.52 Prohibition on gender clinical interventions for
44 minors; physician requirements.-

45 (1) For the purposes of this section, "gender clinical
46 interventions" means procedures or therapies that alter internal
47 or external physical traits.

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

49 1. Sex reassignment surgeries or any other surgical
50 procedures that alter primary or secondary sexual
51 characteristics.

52 2. Puberty blocking, hormone, and hormone antagonistic
53 therapies.

54 (b) The term does not include:

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

59 a. External biological sex characteristics that are
60 unresolvably ambiguous.

61 b. A disorder of sexual development, in which the
62 physician has determined through genetic or biochemical testing
63 that the minor does not have normal sex chromosome structure,
64 sex steroid hormone production, or sex steroid hormone action
65 for a male or female.

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66 2. Treatment of any infection, injury, disease, or
67 disorder caused or exacerbated by the performance of gender
68 clinical interventions regardless of whether such interventions
69 were performed in accordance with state or federal law.

70 (2) (a) Gender clinical interventions may only be provided
71 by a physician licensed under chapter 458 or chapter 459 or a
72 physician practicing medicine or osteopathic medicine in the
73 employment of the Federal Government.

74 (b) A physician may not provide gender clinical
75 interventions to a minor except, that a minor who was prescribed
76 gender clinical interventions described in (1)(a)2. on or before
77 January 1, 2023, and continuously received such therapies
78 through July 1, 2023, may continue to receive such therapies
79 through December 31, 2023, solely for the purpose of gradual
80 discontinuation of such therapies.

81 (3) Notwithstanding ss. 458.320(5) and 459.0085(5), a
82 physician who provides gender clinical interventions for adults
83 must obtain and maintain professional liability coverage in the
84 amounts established in ss. 458.320(2)(b) and 459.0085(2)(b), as
85 applicable.

86 (4) (a) A physician must, while physically present in the
87 same room as the patient, obtain informed written consent from
88 the patient each time the physician provides gender clinical
89 interventions for an adult. The physician must sign the consent
90 and maintain the consent in the medical record. The patient must

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91 sign the informed consent acknowledging that the physician has
92 sufficiently explained its content. The physician must use an
93 informed consent form adopted in rule by the Board of Medicine
94 and the Board of Osteopathic Medicine, which must include, at a
95 minimum, information related to the current state of research
96 of:

97 1. The long-term and short-term effects of gender clinical
98 interventions.

99 2. The impact of gender clinical interventions on physical
100 and mental health.

101 (b) The Board of Medicine and the Board of Osteopathic
102 Medicine, as applicable, shall adopt emergency rules to
103 implement this section.

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

108 (5) Nothing in this section shall require any person to
109 participate in a gender clinical intervention nor shall any
110 person be liable for such refusal. No person who is a member of,
111 or associated with, the staff of a hospital, nor any employee of
112 a hospital or physician in which or by whom the gender clinical
113 intervention has been authorized or performed, who shall state
114 an objection to such procedure on moral or religious grounds
115 shall be required to participate in the procedure which will

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116 result in the gender clinical intervention. The refusal of any
117 such person or employee to participate shall not form the basis
118 for any disciplinary or other recriminatory action against such
119 person.

120 (6) An action for recovery of damages based on death or
121 personal injury in which it is alleged that such death or injury
122 resulted from the negligence of a physician related to gender
123 clinical interventions is not a claim for medical malpractice
124 and chapter 766 does not apply. Notwithstanding s. 95.11, any
125 such action must be commenced within 30 years after the incident
126 giving rise to the action.

127 (7) A board, or the department if there is no board, must
128 revoke the license of a health care practitioner if the board,
129 or the department if there is no board, determines that the
130 health care practitioner violated this section.

131 (8) A health care practitioner who willfully or actively
132 participates in a violation of (2)(b) commits a felony of the
133 third degree, punishable as provided in s. 775.082, s. 775.083,
134 or s. 775.084.

135 Section 5. Present paragraphs (c) through (gg) of
136 subsection (5) of section 456.074, Florida Statutes, are
137 redesignated as paragraphs (d) through (hh), respectively, and a
138 new paragraph (c) is added to that subsection, to read:

139 456.074 Certain health care practitioners; immediate
140 suspension of license.-

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141 (5) The department shall issue an emergency order
142 suspending the license of any health care practitioner who is
143 arrested for committing or attempting, soliciting, or conspiring
144 to commit any act that would constitute a violation of any of
145 the following criminal offenses in this state or similar
146 offenses in another jurisdiction:

147 (c) Section 456.52 (8) (a), relating to providing gender
148 clinical interventions to a minor.

149 Section 6. Section 627.6410, Florida Statutes, is created
150 to read:

151 627.6411 Coverage of certain treatment.—A health insurance
152 policy may not provide coverage for gender clinical
153 interventions as defined in s. 456.52(1).

154 Section 7. Subsection (48) is added to section 641.31,
155 Florida Statutes, to read:

156 641.31 Health maintenance contracts.—

157 (48) A health maintenance contract may not include
158 coverage for gender clinical interventions as defined in s.
159 456.52(1).

160 Section 8. Section 766.318, Florida Statutes, is created
161 to read:

162 766.318 Gender clinical interventions; liability.—

163 (1) A physician who provides gender clinical
164 interventions, as defined in s. 456.52, to an individual is
165 liable to the individual for any physical, psychological,

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166 emotional, or physiological injury resulting from the gender
167 clinical intervention.

168 (2) An individual who receives a gender clinical
169 intervention from a physician may bring a civil action against
170 such practitioner in a court of competent jurisdiction for:

171 (a) Declaratory or injunctive relief.

172 (b) Economic damages.

173 (c) Noneconomic damages.

174 (d) Punitive damages.

175 (e) Attorney fees and costs.

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

180 (4) The estate of an individual who received a gender
181 clinical intervention from a physician, including a legal
182 guardian on behalf of such individual, when the death of that
183 individual was caused by such gender clinical intervention may
184 bring a civil action against such practitioner in a court of
185 competent jurisdiction for:

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

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

188 (c) Treble damages.

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190 (5) Notwithstanding s. 95.11 F.S., an action brought under
191 subsection (2) must be commenced within 30 years after the date
192 of the gender clinical interventions.

193 (6) An action brought under subsection (4) must be
194 commenced within 5 years after the date of the individual's
195 death or the discovery of the individual's death, whichever is
196 later.

197 Section 9. This act shall take effect July 1, 2023.

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

201 Remove everything before the enacting clause and insert:
202 An act relating to gender clinical interventions; creating s.
203 61.5175, F.S.; granting courts of this state jurisdiction to
204 enter, modify, or stay a child custody determination relating to
205 a child present in this state to the extent necessary to protect
206 the child from being subjected to gender clinical interventions
207 in another state creating s. 381.991, F.S.; prohibiting certain
208 persons and entities from expending funds for reimbursement for
209 specified clinical interventions; amending s. 382.016, F.S.;
210 prohibiting a person's biological sex from being changed on a
211 birth certificate; providing exceptions; creating s. 456.52,
212 F.S.; providing a definition for the term "gender clinical
213 interventions"; prohibiting gender clinical interventions for
214 minors; providing exceptions; authorizing certain persons to

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215 | refuse to participate in gender clinical interventions;
216 | providing liability and penalties; requiring the Board of
217 | Medicine and the Board of Osteopathic Medicine to adopt certain
218 | emergency rules; requiring the department to immediately suspend
219 | the license of a health care practitioner who is arrested for
220 | committing or attempting, soliciting, or conspiring to commit
221 | specified violations related to gender clinical interventions;
222 | amending ss. 458.328 and 459.0138, F.S.; requiring registered
223 | physicians' offices to provide a signed attestation of specified
224 | information to the department by a specified date; beginning on
225 | a specified date, requiring physicians' offices seeking such
226 | registration to provide the signed attestation as a condition of
227 | registration; providing grounds for disciplinary action;
228 | creating s. 647.6411, F.S.; prohibiting a health insurance
229 | policy from providing coverage for gender clinical
230 | interventions; amending s. 641.31, F.S.; prohibiting a health
231 | maintenance contract from including coverage for gender clinical
232 | interventions; creating s. 766.318, F.S.; creating a cause of
233 | action for injuries and wrongful death caused by gender clinical
234 | interventions; providing damages; providing a statute of
235 | limitations; authorizing an award of attorney fees and costs;
236 | providing an effective date.