

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

JANE DOE et al.,

Plaintiffs,

v.

JOSEPH A. LADAPO et al.,

Defendants.

Civil No. 4:23-cv-00114-RH-MAF

PLAINTIFFS' NOTICE OF FILING TRIAL EXHIBITS

Pursuant to the Court's October 31, 2023 Order Confirming the Deadline to File Exhibits and the Pretrial Stipulation (Dkt. 174), Plaintiffs hereby submit this Notice of Filing Trial Exhibits¹, with copies of each exhibit Plaintiffs expect to or may offer at trial listed on the Exhibit List below and appended hereto.² Plaintiffs reserve the right to use additional documents for purposes of impeachment, and to offer any exhibit identified by Defendants.

¹ Due to the extensive number of documents, Plaintiffs are filing multiple, identical copies of this Notice on the case docket, each attaching a separate set of the below listed exhibits.

² Sealed versions of Plaintiffs' medical records (Doe Pls' Trial Exs. 80-86) have been filed at Dkt. 147.

Plaintiffs' Exhibit List

Trial Ex. No.	Bates No.	Exhibit Description	Will Use	May Use	Stipulated/ Defendants' Objections
<i>Dekker Exhibits</i>		Any exhibit that was entered into evidence in the <i>Dekker</i> trial		X	
Doe Pls' Trial Ex. 1	PL000566 - 000579	Defendants' Response to Pls' First Set of Interrogatories		X	
Doe Pls' Trial Ex. 2	PL000580 - 000625	Expert Report of Dr. Aaron Janssen, M.D. (8.16.2023)		X	Hearsay
Doe Pls' Trial Ex. 3	PL000626-000683	Expert Report of Dr. Brittany Bruggeman, M.D. (8.16.2023)		X	Hearsay
Doe Pls' Trial Ex. 4	PL000684-000735	Expert Report of Dr. Dan H. Karasic, M.D. (8.16.2023)		X	Hearsay
Doe Pls' Trial Ex. 5	PL000736 - 000816	Expert Report of Dr. Daniel Shumer, M.D. (8.16.2023)		X	Hearsay
Doe Pls' Trial Ex. 6	PL000817 - 000886	Expert Report of Dr. Loren Schechter, M.D. (8.16.2023)		X	Hearsay
Doe Pls' Trial Ex. 7	PL000887 - 000910	Expert Report of Dr. Vernon Langford, DNP, APRN-CNP, FNP-C (8.16.2023)		X	Hearsay
Doe Pls' Trial Ex. 8	PL000911 - 000929	Expert Report of Dr. Kenneth W. Goodman, PhD, FACMI, FACE (8.16.2023)		X	Hearsay
Doe Pls' Trial Ex. 9	PL000930 - 000938	Expert Rebuttal Report of Dr. Aaron Janssen, M.D. (9.5.2023)		X	Hearsay

Doe Pls' Trial Ex. 10	PL000939 - 000946	Expert Rebuttal Report of Dr. Dan H. Karasic (9.5.2023)		X	Hearsay
Doe Pls' Trial Ex. 11	PL000947	Florida Admin. Code R. 64B8-9.019, <i>Standards of Practice for the Treatment of Gender Dysphoria in Minors</i> (effective 3.16.2023)	X		
Doe Pls' Trial Ex. 12	PL000948	Florida Admin. Code R. 64B15-14.014, <i>Standards of Practice for the Treatment of Gender Dysphoria in Minors</i> (effective 3.28.2023)	X		
Doe Pls' Trial Ex. 13	PL000949	Notice of Change, Fla Admin Code R. 64B15-14.014 (filed 2.10.2023)		X	
Doe Pls' Trial Ex. 14	PL000950	Florida Department of Health Guidance, <i>Treatment of Gender Dysphoria for Children and Adolescents</i> (4.20.22)	X		
Doe Pls' Trial Ex. 15	PL000951	Surgeon General Ladapo Letter to Florida Boards of Medicine (6.2.22)	X		
Doe Pls' Trial Ex. 16	PL000952 - 000959	Florida Department of Health Petition to Initiate Rulemaking Setting the Standard of Care for the Treatment of Gender Dysphoria (7.28.22)	X		
Doe Pls' Trial Ex. 17	PL000960 – 000969	Florida Senate Bill 254 (2023)	X		
Doe Pls' Trial Ex. 18	PL000970 - 000979	Florida House Bill 1421 (2023)	X		

Doe Pls' Trial Ex. 19	PL000980 - 000981	Section 456.001(1)(8) – (9), Florida Statutes (2023)		X	
Doe Pls' Trial Ex. 20	PL000982 - 000983	Section 456.52, Florida Statutes (2023)		X	
Doe Pls' Trial Ex. 21	PL000984 - 001462	Rulemaking Record (Produced by Defendants)	X		
Doe Pls' Trial Ex. 22	PL001463 - 008066	Public Book for 02.10.2023 Joint Hearing (Produced by Defendants)	X		
Doe Pls' Trial Ex. 23	Med Def_001485 - 001622; PL012003 – PL012012	Transcript of Florida Board of Medicine Meeting 08.05.2022	X		
Doe Pls' Trial Ex. 24	Med Def_001058 – 001349	Transcript of Florida Boards' Joint Rule Workshop 10.28.2022	X		
Doe Pls' Trial Ex. 25	Med Def_000876 - 001016	Transcript of Florida Boards' Joint Meeting 11.04.2022	X		
Doe Pls' Trial Ex. 26	Med Def_001017 – 001043; PL012013 - PL012137	Transcript of Florida Boards' Joint Public Hearing 02.10.2023 (*Incomplete at present)	X		
Doe Pls' Trial Ex. 27	Med Def_001350 – 001484	Transcript of Florida House HHS Committee Meeting 02.21.2023	X		
Doe Pls' Trial Ex. 28	Med Def_002232 - 002234	Excerpt from Speech of Governor Ron DeSantis – Joint Session 03.07.2023		X	

Doe Pls' Trial Ex. 29	Med Def_000087 - 000250	Transcript of Florida Senate Health Policy Committee Meeting 03.13.2023		X	
Doe Pls' Trial Ex. 30	Med Def_002235 - 002335	Transcript of Florida House Healthcare Regulation Subcommittee Meeting 03.22.2023		X	
Doe Pls' Trial Ex. 31	Med Def_001913 - 002001	Transcript of Florida Senate Fiscal Policy Committee Meeting 03.23.2023		X	
Doe Pls' Trial Ex. 32	Med Def_002336 - 002461	Transcript of Florida House HHS Committee Meeting 03.27.2023		X	
Doe Pls' Trial Ex. 33	Med Def_002462 - 002571	Transcript of Florida Senate General Session 04.03.2023		X	
Doe Pls' Trial Ex. 34	Med Def_002002 - 002028	Transcript of Florida Senate General Session 04.04.2023		X	
Doe Pls' Trial Ex. 35	Med Def_002029 - 002144	Transcript of Florida House General Session 04.18.2023		X	
Doe Pls' Trial Ex. 36	Med Def_002145	Transcript of Florida House General Session 04.19.2023		X	
Doe Pls' Trial Ex. 37	Med Def_002215 - 002231	Transcript of Florida Senate General Session 05.04.2023		X	
Doe Pls' Trial Ex. 38	Med Def_002193 - 002214	Transcript of Florida House General Session 05.04.2023		X	
Doe Pls' Trial Ex. 39	Med Def_001623 - 001912	Transcript of Florida Boards' Joint Meeting 06.23.2023		X	

Doe Pls' Trial Ex. 40	Med Def_000251 - 000454	Transcript of Florida Boards' Joint Public Meeting 06.30.2023		X	
Doe Pls' Trial Ex. 41	Med Def_000001 - 000086	Transcript of Florida Boards' Joint Meeting 08.03.2023		X	
Doe Pls' Trial Ex. 42	FDOH_000 0 44095- 000044100; 000044010- 000044014; 000042401- 000043407; 000044022- 000044026; 000044081- 000044086; 000042389- 000042398.	Composite Exhibit - Emails between Board of Osteopathic Medicine Executive Director Danielle Terrell and Vernadette Broyles (Oct. 25-28, 2022)	X		
Doe Pls' Trial Ex. 43	FDOH_000 065015- 000065016	Emails from Board of Osteopathic Medicine Executive Director Terrell (11.07.22)		X	
Doe Pls' Trial Ex. 44	FDOH_000 058615- 000058616	Gender Dysphoria Roundtable (7.8.22)		X	Foundation Hearsay
Doe Pls' Trial Ex. 45	FDOH_002 874150- 002874157	Governor Talking Points		X	Foundation Hearsay
Doe Pls' Trial Ex. 46	FDOH_000 065735- 000065778	Request for Hearing to Board of Medicine		X	Foundation Hearsay

Doe Pls' Trial Ex. 47	FDOH_000 038015- 000038019	Open Letter to the Florida Board of Medicine (9.23.22)	X		Foundation Hearsay
Doe Pls' Trial Ex. 48	EOG_0051 21-005156	FDOH Updates (4.8.22)		X	Hearsay, as to draft material
Doe Pls' Trial Ex. 49	FDOH_000 064667- 000064671	Emails between Board of Medicine Executive Director Paul Vazquez and Dr. Laidlaw (10.14.22-10.25.22)		X	Foundation Hearsay Objection as to highlights
Doe Pls' Trial Ex. 50	EOG_0008 49-000864	Governor Talking Points (5.13.22)		X	Foundation Hearsay Objection as to highlights
Doe Pls' Trial Ex. 51	FDOH_000 039058	Emails between Board of Medicine Paul Vazquez and Dr. Patrick Hunter (10.16.22)		X	
Doe Pls' Trial Ex. 52	FDOH_001 9000113	Emails between Dr. Van Mol Dr. Patrick Hunter (9.14.22)		X	Foundation Hearsay Objection as to highlights
Doe Pls' Trial Ex. 53	FDOH_000 030412	Email between Vazquez and Hunter (9.14.22)		X	
Doe Pls' Trial Ex. 54	FDOH_000 030376- 000030377	Emails between Vazquez and Hunter (9.13.22)		X	
Doe Pls' Trial Ex. 55	FDOH_000 030366- 30369	Email between Hunter and Vazquez (9.12.22)		X	
Doe Pls' Trial Ex. 56	EOG_0005 19-000520	Gender Affirming Guidance Event		X	
Doe Pls' Trial Ex. 57	EOG_0006 67-000682	Governor DeSantis Interview Transcript (4.28.22)		X	

Doe Pls' Trial Ex. 58	Def_000286 709	AHCA Invoice for Dr. Van Meter attendance at Board of Medicine Meeting (8.11.22)	X		
Doe Pls' Trial Ex. 59	EOG_0081 28-008235	Memo on Gender Dysphoria Legislation	X		Foundation Hearsay
Doe Pls' Trial Ex. 60	EOG_0081 25-008127	Email from Maureen Furino with attachments (1.06.23)		X	Hearsay
Doe Pls' Trial Ex. 61	EOG_0052 82-005284	Email from Savannah Kelly Jefferson with attachment (6.29.22)		X	Foundation Hearsay Objection as to drafts
Doe Pls' Trial Ex. 62	EOG_0051 57 - 005250	Alliance Defending Freedom Binder		X	Foundation Hearsay
Doe Pls' Trial Ex. 63	EOG_ 004414, 004636- 004640, 004487- 004492	Briefers – Safeguarding Kids from Gender Surgeries and Drugs		X	
Doe Pls' Trial Ex. 64	FDOH_000 035598	Email from Board of Osteopathic Medicine Executive Director Danielle Terrell to Bettye Strickland (10.19.22)		X	
Doe Pls' Trial Ex. 65	FDOH_000 040582 – 000040599	Email from Patrick Hunter to Paul Vazquez (10.23.22)		X	
Doe Pls' Trial Ex. 66	FDOH_000 045008 - 000045010	Appearance Request Form (11.02.22)		X	
Doe Pls' Trial Ex. 67	FDOH_000 034212 – 000034214,	Email from Vazquez to Strickland (9.27.22)		X	

	Att. FDOH_000 034022 - 000034111				
Doe Pls' Trial Ex. 68	FDOH_000 069398 – 000061417	Phillip Penna comment (9.19.22)		X	
Doe Pls' Trial Ex. 69	FDOH_000 017897- 000017908	Email from Jeremy Redford (7.10.22)		X	
Doe Pls' Trial Ex. 70	PL008067 - 010525	Public Book for 8.3.23 Joint Meeting (Produced by Defendants)	X		
Doe Pls' Trial Ex. 71	FDOH_000 040530 - 000040542	Email from Hunter to Vazquez (10.22.22)		X	
Doe Pls' Trial Ex. 72	FDOH_000 039931 – 000039932	Email from Vazquez to Strickland (10.18.22)		X	
Doe Pls' Trial Ex. 73	FDOH_000 037928	September 30, 2022 Rule Workshop Agenda (9.30.22)		X	
Doe Pls' Trial Ex. 74	FDOH_000 040020	Original October 28, 2022 Workshop Agenda (10.28.22)		X	
Doe Pls' Trial Ex. 75	FDOH_000 035446 – 000035448	Email from Vazquez to Diamond (10.14.22)		X	
Doe Pls' Trial Ex. 76	FDOH_000 028162 – 000028163; FDOH_000 064956; and FDOH_000 065030	Emails from Senate Committee on Health Policy (Composite)		X	

Doe Pls' Trial Ex. 77	FDOH_000 039513 - 000039516	Emails between Dr. Dayton and Paul Vazquez (10.18.22)		X	
Doe Pls' Trial Ex. 78	FDOH_000 035604- 000035604	Email from Board of Osteopathic Medicine Danielle Terrell (10.19.22)		X	Completeness
Doe Pls' Trial Ex. 79	FDOH_000 039521 - 000039522	Email from Paul Vazquez to Danielle Terrell (10.18.22)		X	
Doe Pls' Trial Ex. 80	PL000022- 000048	Plaintiff Susan Doe Medical Records (SEALED)	X		
Doe Pls' Trial Ex. 81	PL000001 - 000015	Plaintiff Gavin Goe Medical Records (SEALED)	X		
Doe Pls' Trial Ex. 82	PL000366- 408; 000509-565	Plaintiff Lucien Hamel Medical Records (SEALED)		X	
Doe Pls' Trial Ex. 83	PL000418 - 000483	Plaintiff Olivia Noel Medical Records (SEALED)		X	
Doe Pls' Trial Ex. 84	PL000016 - 000021	Plaintiff Lisa Loe Medical Records (SEALED)		X	
Doe Pls' Trial Ex. 85	PL000409- 417; 000484-508	Plaintiff Kai Pope Medical Records (SEALED)		X	
Doe Pls' Trial Ex. 86	PL000049 - 000365	Plaintiff Rebeca Cruz Evia Medical Records (SEALED)		X	
Doe Pls' Trial Ex. 87	FDOH_000 035423 - 000035428	Emails between Hunter, Diamond, and Vazquez (10.04.22)		X	

Doe Pls' Trial Ex. 88	FDOH_000062034 - 000062035	Emails between Hunter and Vazquez (9.23.22)		X	
Doe Pls' Trial Ex. 89	FDOH_000061277 - 000061279	Emails between Hunter, Vazquez and Biggs (9.19.22)		X	
Doe Pls' Trial Ex. 90	FDOH_000030412	Email from Hunter to Vazquez (9.14.22)		X	
Doe Pls' Trial Ex. 91	PL010526 - 010528	Governor Ron DeSantis Appoints Four to the Board of Medicine (6.17.22)		X	
Doe Pls' Trial Ex. 92	PL010529-010530	Dr. Hunter article "Political Issues Surrounding Gender-Affirming Care for Transgender Youth" (JAMA Pediatr., December 20, 2021, doi:10.1001/jamapediatrics.2021.5348)		X	Hearsay
Doe Pls' Trial Ex. 93	PL010531-011801	<i>Eknes-Tucker v. Ivey</i> , 2:22-cv-00184, ECF 69-6 (5.02.22)		X	Relevance Foundation Hearsay
Doe Pls' Trial Ex. 94	PL011802-011804	Catholic Medical Association Resolutions 8-7 through 8-14		X	Authentication Foundation Hearsay
Doe Pls' Trial Ex. 95	PL011805 - 001806	Catholic Medical Association 92 nd Annual Education Conference (9.18.23)		X	Authentication Foundation Hearsay
Doe Pls' Trial Ex. 96	EOG_008125 - 008127	Email from Furino with texts attached (1.06.23)		X	Foundation Hearsay
Doe Pls' Trial Ex. 97	PL011807 - 011811	AAP Resolution # 27		X	Authentication Foundation Hearsay

Doe Pls’ Trial Ex. 98	PL011812 - 011817	WSJ article “Youth Gender Transition Is Pushed Without Evidence” by Hunter, Roman, Kaltiala, Malone, etc. (7.13.23)		X	Hearsay
Doe Pls’ Trial Ex. 99	PL011818 - 011819	U.S. EO 12866 Meeting 0945-AA17 (4.25.22)		X	Foundation Hearsay
Doe Pls’ Trial Ex. 100	PL011820 – PL011825	SEGM “About Us” Page		X	Foundation Hearsay
Doe Pls’ Trial Ex. 101	PL011826 - 011827	“Challenges in Timing Puberty Suppression for Gender-Nonconforming Adolescents” (de Vries, 7.14.20)			Hearsay
Doe Pls’ Trial Ex. 102	PL011828 - 011830	Governor Ron DeSantis Appoints Three to the Board of Osteopathic Medicine (12.06.22)			
Doe Pls’ Trial Ex. 103	PL011831 - 011833	Governor Ron DeSantis Appoints Two to the Board of Medicine (12.28.22)			
Doe Pls’ Trial Ex. 104	PL011834 - 011857	NYT Article, Dr. Benson quoted (11.14.22)		X	Hearsay
Doe Pls’ Trial Ex. 105	PL011858 - 011866	Smalley, et al., <i>Improving Global Access to Transgender Health Care</i> , <i>Transgender Health</i> , Vol. 7, No. 2 (2022)		X	Hearsay
Doe Pls’ Trial Ex. 106	PL011867	Fla. Admin R. 64B8-30.008		X	

Doe Pls' Trial Ex. 107	PL011868	Fla. Admin. R. 64B8-30.012		X	
Doe Pls' Trial Ex. 108	PL011869 - 011871	Fla. Stat. 464.0123		X	
Doe Pls' Trial Ex. 109	PL011872 - 011874	Fla. Stat. 464.012		X	
Doe Pls' Trial Ex. 110	PL011875 - 011880	Fla. Stat. 458.347		X	
Doe Pls' Trial Ex. 111	PL011881	20 CFR 10.310		X	
Doe Pls' Trial Ex. 112	PL011882 - 011888	A Letter to Christian Physicians_CMDA Today		X	Hearsay
Doe Pls' Trial Ex. 113	PL011889 - 0011890	Composite Exhibit (Jonathan Clemens Tweets)		X	Hearsay
Doe Pls' Trial Ex. 114	PL011891 - 011938	FSU Student Handbook 2022-2023		X	Hearsay
Doe Pls' Trial Ex. 115	PL011939 - 011948	Detransitioners in Your Church Doorway		X	Hearsay
Doe Pls' Trial Ex. 116	PL011949 - 011973	Composite Exhibit – Tweets from Defendants and Lawmakers		X	Foundation Relevance Hearsay
Doe Pls' Trial Ex. 117	PL01974 - 011975	SB 254 Amendment (350064 - Failed)		X	

Doe Pls' Trial Ex. 118	PL011976 – 011977	SB 254 Amendment (299002 – Failed)		X	
Doe Pls' Trial Ex. 119	PL011978 - 011979	SB 254 Amendment (212692 - Failed)		X	
Doe Pls' Trial Ex. 120	PL011980 - 011981	SB 254 Amendment (374289 - Failed)		X	
Doe Pls' Trial Ex. 121	PL011982 - 011996	SB 254 Amendment (256341) (and Failed Amndts to Amndt)		X	
Doe Pls' Trial Ex. 122	PL011997	SB 254 Amendment (388571 - Failed)		X	
Doe Pls' Trial Ex. 123	PL011998 - 012000	Dr. Hunter Letter to the Editor, JACCP, DOI: 10.1002/jac5.1691 (6.06.22)		X	Hearsay
Doe Pls' Trial Ex. 124	Def_000177 905 - 000177906	Email from Jeremy Redfern re: Surgeon General Ladapo Meeting (7.10.22)		X	
Doe Pls' Trial Ex. 125	PL012001 - 012002	ALEC Legislative Membership List		X	Authentication Foundation Relevance Hearsay
Doe Pls' Trial Ex. 126	PL012138 – PL012143	Notice of Emergency Rules 64B8ER23-11 and 64B15ER23-12	X		

Dated: November 6, 2023

LOWENSTEIN SANDLER LLP

By: /s/ Thomas Redburn, Jr.

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* Admitted by *pro hac vice*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on November 6, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

By: /s/ Thomas Redburn, Jr.

64B8-9.019 Standards of Practice for the Treatment of Gender Dysphoria in Minors.

(1) The following therapies and procedures performed for the treatment of gender dysphoria in minors are prohibited.

(a) Sex reassignment surgeries, or any other surgical procedures, that alter primary or secondary sexual characteristics.

(b) Puberty blocking, hormone, and hormone antagonist therapies.

(2) Minors being treated with puberty blocking, hormone, or hormone antagonist therapies prior to the effective date of this rule may continue with such therapies.

Rulemaking Authority 458.331(1)(v) FS. Law Implemented 458.331(1)(v) FS. History--New 3-16-23.

PL000947

64B15-14.014 Standards of Practice for the Treatment of Gender Dysphoria in Minors.

(1) The following therapies and procedures performed for the treatment of gender dysphoria in minors are prohibited.

(a) Sex reassignment surgeries, or any other surgical procedures, that alter primary or secondary sexual characteristics.

(b) Puberty blocking, hormone, and hormone antagonist therapies.

(2) Minors being treated with puberty blocking, hormone, or hormone antagonist therapies prior to the effective date of this rule may continue with such therapies.

Rulemaking Authority 459.015(1)(z) FS. Law Implemented 459.015(1)(z) FS. History--New 3-28-23.

PL000948

Notice of Change/Withdrawal

DEPARTMENT OF HEALTH
Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-14.014 Standards of Practice for the Treatment of Gender Dysphoria in Minors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 48 No. 221, November 14, 2022 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the public and discussion and subsequent vote by the board at a public rule hearing held February 10, 2023. The changes are as follows:

64B15-14.014 Standards of Practice for the Treatment of Gender Dysphoria in Minors.

(1) No change.

~~(2) Nonsurgical treatments for the treatment of gender dysphoria in minors may continue to be performed under the auspices of Institutional Review Board (IRB) approved, investigator initiated clinical trials conducted at any of the Florida medical schools set forth in Section 458.3145(1)(i), Florida Statutes. Such clinical trials must include long term longitudinal assessments of the patients' physiologic and psychologic outcomes.~~

(3) renumbered (2) No change.

Rulemaking Authority 458.331(1)(v), F.S. Law Implemented 458.331(1)(v), F.S. History-New

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danielle Terrell, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256, or by email at Danielle.Terrell@flhealth.gov.

PL000949

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Vision: To be the Healthiest State in the Nation

Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Treatment of Gender Dysphoria for Children and Adolescents

April 20, 2022

The Florida Department of Health wants to clarify evidence recently cited on a [fact sheet](#) released by the US Department of Health and Human Services and provide guidance on treating gender dysphoria for children and adolescents.

Systematic reviews on hormonal treatment for young people show a trend of [low-quality evidence](#), small sample sizes, and medium to high risk of bias. A paper published in the [International Review of Psychiatry](#) states that 80% of those seeking clinical care will lose their desire to identify with the non-birth sex. [One review concludes](#) that "hormonal treatments for transgender adolescents can achieve their intended physical effects, but **evidence regarding their psychosocial and cognitive impact is generally lacking.**"

According to the [Merck Manual](#), "gender dysphoria is characterized by a strong, persistent cross-gender identification associated with anxiety, depression, irritability, and often a wish to live as a gender different from the one associated with the sex assigned at birth."

Due to the lack of conclusive evidence, and the potential for long-term, irreversible effects, the Department's guidelines are as follows:

- [Social gender transition](#) should not be a treatment option for children or adolescents.
- Anyone under 18 should not be [prescribed puberty blockers](#) or [hormone therapy](#).
- [Gender reassignment surgery](#) should [not be a treatment option](#) for children or adolescents.
 - Based on the [currently available evidence](#), "encouraging mastectomy, ovariectomy, uterine extirpation, penile disablement, tracheal shave, the prescription of hormones which are out of line with the genetic make-up of the child, or puberty blockers, are all clinical practices which run an **unacceptably high risk of doing harm.**"
- Children and adolescents should be provided social support by peers and family and seek counseling from a licensed provider.

These guidelines do not apply to procedures or treatments for children or adolescents born with a genetically or biochemically verifiable [disorder of sex development](#) (DSD). These disorders include, but are not limited to, 46, XX DSD; 46, XY DSD; sex chromosome DSDs; XX or XY sex reversal; and ovotesticular disorder.

The Department's guidelines are consistent with the federal Centers for Medicare and Medicaid Services [age requirement for surgical and non-surgical treatment](#). These guidelines are also in line with the guidance, reviews, and [recommendations](#) from [Sweden](#), [Finland](#), the [United Kingdom](#), and [France](#).

Parents are encouraged to reach out to their child's health care provider for more information.

Florida Department of Health
Office of the State Surgeon General
4052 Bald Cypress Way, Bin A-00 • Tallahassee, FL 32399-1701
PHONE: 850/245-4210 • FAX: 850/922-9453
FloridaHealth.gov

 **Accredited Health Department**
Public Health Accreditation Board

PL000950

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the Healthiest State in the Nation

June 2, 2022

Florida Board of Medicine
4052 Bald Cypress Way Bin C-03
Tallahassee, FL 32399-3253

Members of the Board,

On April 20, 2022, the Florida Department of Health (Department) [released guidance](#) on the treatment of gender dysphoria for children and adolescents. As State Surgeon General, I recommended against certain pharmaceutical, non-pharmaceutical, and surgical treatments for gender dysphoria. The [recommendations](#) are based on a lack of conclusive evidence and the high risk for long-term, irreversible harms from these treatments.

Since then, the Agency for Health Care Administration (Agency) has conducted a full review to determine if these treatments are “consistent with generally accepted professional medical standards (GAPMS) and not experimental or investigational.” The Agency’s review included an overview of systematic reviews on puberty blockers, cross-sex hormones, surgeries, or a combination of interventions.

While some professional organizations, such as the American Academy of Pediatrics and the Endocrine Society, recommend these treatments for “gender affirming” care, the scientific evidence supporting these complex medical interventions is extraordinarily weak. For instance, the overview conducted by Dr. Brignardello-Peterson and Dr. Wiercioch states that “there is great uncertainty about the effects of puberty blockers, cross-sex hormones, and surgeries in young people with gender dysphoria.”

The current standards set by numerous professional organizations appear to follow a preferred political ideology instead of the highest level of generally accepted medical science. Florida must do more to protect children from politics-based medicine. Otherwise, children and adolescents in our state will continue to face a substantial risk of long-term harm.

The Agency ultimately concluded that “Available medical literature provides insufficient evidence that sex reassignment through medical interventions is a safe and effective treatment for gender dysphoria.” I encourage the Board to review the Agency’s findings and the Department’s guidance to establish a standard of care for these complex and irreversible procedures.

Sincerely,

Joseph A. Ladapo, MD, PhD
State Surgeon General

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Office of the State Surgeon General
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PL000951

STATE OF FLORIDA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE

RECEIVED
DEPARTMENT OF HEALTH
2022 JUL 28 PM 3:47
OFFICE OF THE CLERK

In Re: Petition to Initiate Rulemaking Setting the Standard of Care for
Treatment of Gender Dysphoria

**FLORIDA DEPARTMENT OF HEALTH'S PETITION TO INITIATE
RULEMAKING**

Pursuant to Section 120.54(7), Florida Statutes, the Florida
Department of Health (Department) hereby files this Petition to Initiate
Rulemaking and in support thereof states as follows:

Standing and Authority

1. Pursuant to section 20.43, Florida Statutes, the purpose of the
Department is to protect and promote the health of all residents and visitors
in the state through organized state and community efforts.
2. Section 20.43(e), Florida Statutes, requires the Department to
ensure the provision of quality health care and related services to identified
populations in the state.
3. Section 20.43(g), Florida Statutes, requires the Department to
regulate health practitioners for the preservation of the health, safety, and
welfare of the public.
4. The Department has a substantial interest in the regulation of

physicians and the provision of effective, safe, and evidence-based medical care to the residents of the state.

5. The Board of Medicine (Board) is the state agency responsible for the regulation of physicians pursuant to chapters 456 and 458, Florida Statutes.

6. Section 458.331(1)(v), Florida Statutes, grants the Board authority to establish standards of care for particular practice settings, including, but not limited to, the performance of complex or multiple procedures and informed consent.

Gender Dysphoria

7. Gender dysphoria is clinically significant distress or functional impairment associated with an incongruence between a person's experienced or expressed gender and the person's sex.¹

8. Only a minority of children who are diagnosed with gender dysphoria remain gender dysphoric as adults.² There is a lack of quality evidence and certainly no conclusive research to support the medical transition of children to the opposite gender as a treatment for gender

¹ George R. Brown, M.D., *Gender Dysphoria*, MERCK MANUAL (last modified May 2022), <https://www.merckmanuals.com/professional/psychiatric-disorders/gender-dysphoria/gender-dysphoria>.

² *See id.*

dysphoria.

Conflicting Guidance

9. The US Department of Health and Human Services has issued guidance encouraging early treatment for gender dysphoria with an array of services, including psychological, medical, and surgical interventions.³

10. The Endocrine Society⁴ and the American Academy of Pediatrics⁵ have issued similar guidance based on low quality evidence plagued with small sample sizes and high risks of bias.

11. These endorsements have permeated both the general public and health care community and created the false impression that chemical and surgical intervention is not only clinically proven, but the standard of care for treatment of gender dysphoria in Florida.

12. In an effort to resolve this confusion, on April 20, 2022, the Department issued an advisory and recommendation against the use of puberty blockers, hormone therapy, and sex reassignment surgery for the

³ *Gender Affirming Care and Young People*, U.S. DEP'T HEALTH & HUMAN SERVICES, <https://opa.hhs.gov/sites/default/files/2022-03/gender-affirming-care-young-people-march-2022.pdf>.

⁴ Wylie C. Hembree, et al., *Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline*, 102 JOURNAL OF CLINICAL ENDOCRINOLOGY & METABOLISM, 3869-3903 (2017), <https://www.endocrine.org/clinical-practice-guidelines/gender-dysphoria-gender-incongruence>.

⁵ Jason Rafferty, M.D., *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents*, 142 AMERICAN ACAD. PEDIATRICS 4 (Oct. 1, 2018), <https://publications.aap.org/pediatrics/article/142/4/e20182162/37381/Ensuring-Comprehensive-Care-and-Support-for>.

treatment of gender dysphoria in children, a copy of which is attached as Exhibit A.

Agency Report

13. Based on the Department's advisory, the Agency for Health Care Administration (Agency) conducted a study to determine whether such procedures are consistent with generally accepted professional medical standards. The Agency published its findings on June 2, 2022, a copy of which is attached as Exhibit B.

14. The Agency concluded that "[a]vailable medical literature provides insufficient evidence that sex reassignment through medical interventions is a safe and effective treatment for gender dysphoria."⁶

15. The Agency found that puberty blockers are not approved by the FDA for the treatment of gender dysphoria, are not medically efficacious for the treatment of gender dysphoria, and have permanent side effects.⁷

16. Similarly, the Agency found that hormonal treatments in adolescents can achieve their intended physical effects, but quality evidence regarding their psychological and cognitive impact are generally lacking.⁸

⁶ Exhibit B at 2.

⁷ See Exhibit B at 14-16.

⁸ See Exhibit B at 19.

These treatments can cause irreversible physical changes, including facial hair growth, voice deepening, and breast growth.⁹

17. Surgical interventions for gender dysphoria include multiple procedures to alter the appearance of the body to resemble the individual's desired gender. Sexual reassignment surgeries are not reversible.¹⁰ The Agency concluded that the long-term mental health effects of these procedures are largely unknown.¹¹

Danger to Public Health

18. The stark contrast between claims about the efficacy of so-called "gender-affirming" care for treating gender dysphoria and the lack of quality evidence supporting those claims has created confusion in the community.

19. This confusion has caused practitioners to forgo less invasive treatment options and rush patients into immediate chemical regimens and surgical procedures without full consideration of their efficacy, safety, and long-term repercussions.

20. Given the lack of quality evidence in support of gender transition treatments, the use of such treatments for gender dysphoria should be

⁹ See Exhibit B at 18.

¹⁰ See Exhibit B at 24.

¹¹ See Exhibit B at 24.

considered experimental and should require fully informed consent of the risks and limitations.

21. Children do not possess the cognitive or emotional maturity to comprehend the consequences of these invasive and irreversible procedures.

22. Even in adults, who possess the capacity to consent to experimental treatment, research supporting chemical and surgical interventions for treatment of gender dysphoria is insufficient to demonstrate long-term efficacy and safety, and there is a risk of irreversible physical changes, including infertility or sterility. Therefore, robust informed consent requirements are necessary.

Proposed Standard of Care

23. Due to the lack of quality evidence regarding the effectiveness of such treatments for gender dysphoria and in order to provide guidance to the medical community and protect the health, safety, and welfare of Floridians, the Department proposes the Board adopt a rule establishing that:

- a. Sex reassignment surgery or any other procedure that alters primary or secondary sexual characteristics for the treatment of gender dysphoria is prohibited for patients under 18 years

of age.

- b. Puberty blocking, hormone, and hormone antagonist therapies for the treatment of gender dysphoria are prohibited for patients under 18 years of age.
- c. When any of the experimental treatments referenced above are used to treat gender dysphoria in adults, informed consent shall be in writing through forms approved by the Board at least 24 hours before treatment is provided. Proposed forms are attached as Exhibits C and D.

24. The Department further proposes that the Board issue guidance allowing physicians to provide appropriate care for patients currently undergoing hormone therapy at the time of the adoption of this rule or upon entry into this state.

WHEREFORE, the Department respectfully requests that the Board initiate rulemaking pursuant to section 120.54, Florida Statutes, for the purpose of adopting the proposed rules discussed herein.

Respectfully Submitted,



John Wilson
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(850) 245-4005

ENROLLED
2023 Legislature

CS for SB 254, 2nd Engrossed

2023254er

1
2 An act relating to treatments for sex reassignment;
3 amending s. 61.517, F.S.; granting courts of this
4 state temporary emergency jurisdiction over a child
5 present in this state if the child has been subjected
6 to or is threatened with being subjected to sex-
7 reassignment prescriptions or procedures; amending s.
8 61.534, F.S.; providing that, for purposes of warrants
9 to take physical custody of a child in certain child
10 custody enforcement proceedings, serious physical harm
11 to the child includes, but is not limited to, being
12 subjected to sex-reassignment prescriptions or
13 procedures; creating s. 286.31, F.S.; defining the
14 term "governmental entity"; prohibiting certain public
15 entities from expending state funds for the provision
16 of sex-reassignment prescriptions or procedures;
17 amending s. 456.001, F.S.; defining the terms "sex"
18 and "sex-reassignment prescriptions or procedures";
19 creating s. 456.52, F.S.; prohibiting sex-reassignment
20 prescriptions and procedures for patients younger than
21 18 years of age; providing an exception; requiring the
22 Board of Medicine and the Board of Osteopathic
23 Medicine to adopt certain emergency rules within a
24 specified timeframe; requiring the boards to consider
25 specified factors in developing such rules; requiring
26 that such prescriptions and procedures for patients
27 older than 18 years of age be prescribed,
28 administered, or performed only with the voluntary and
29 informed consent of the patient; providing criteria

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30 for what constitutes voluntary and informed consent;
31 providing that only a physician may prescribe,
32 administer, or perform such prescriptions and
33 procedures; defining the term "physician"; providing
34 applicability; providing for disciplinary action;
35 providing criminal penalties; requiring the Board of
36 Medicine and the Board of Osteopathic Medicine to
37 adopt certain emergency rules; providing that such
38 emergency rules remain in effect until they are
39 replaced by nonemergency rules; amending s. 456.074,
40 F.S.; requiring the department to immediately suspend
41 the license of a health care practitioner who is
42 arrested for committing or attempting, soliciting, or
43 conspiring to commit specified violations related to
44 sex-reassignment prescriptions or procedures for a
45 patient younger than 18 years of age; creating s.
46 766.318, F.S.; creating a cause of action to recover
47 damages for personal injury or death resulting from
48 the provision of sex-reassignment prescriptions or
49 procedures to a minor; providing that certain
50 limitations on punitive damages do not apply to such
51 actions; specifying the timeframe within which such
52 actions may be commenced; providing construction and
53 applicability; providing severability; providing a
54 directive to the Division of Law Revision; providing
55 an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
58

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59 Section 1. Subsection (1) of section 61.517, Florida
60 Statutes, is amended to read:

61 61.517 Temporary emergency jurisdiction.—

62 (1) A court of this state has temporary emergency
63 jurisdiction if the child is present in this state and:

64 (a) The child has been abandoned; ~~or~~

65 (b) It is necessary in an emergency to protect the child
66 because the child, or a sibling or parent of the child, is
67 subjected to or threatened with mistreatment or abuse; or

68 (c) It is necessary in an emergency to protect the child
69 because the child has been subjected to or is threatened with
70 being subjected to sex-reassignment prescriptions or procedures,
71 as defined in s. 456.001.

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

74 61.534 Warrant to take physical custody of child.—

75 (1) Upon the filing of a petition seeking enforcement of a
76 child custody determination, the petitioner may file a verified
77 application for the issuance of a warrant to take physical
78 custody of the child if the child is likely to imminently suffer
79 serious physical harm or removal from this state. Serious
80 physical harm includes, but is not limited to, being subjected
81 to sex-reassignment prescriptions or procedures as defined in s.
82 456.001.

83 Section 3. Section 286.31, Florida Statutes, is created to
84 read:

85 286.31 Prohibited use of state funds.—

86 (1) As used in this section, the term "governmental entity"
87 means the state or any political subdivision thereof, including

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88 the executive, legislative, and judicial branches of government;
89 the independent establishments of the state, counties,
90 municipalities, districts, authorities, boards, or commissions;
91 and any agencies that are subject to chapter 286.

92 (2) A governmental entity, a public postsecondary
93 educational institution as described in s. 1000.04, the state
94 group health insurance program, a managing entity as defined in
95 s. 394.9082, or a managed care plan providing services under
96 part IV of chapter 409 may not expend state funds as described
97 in s. 215.31 for sex-reassignment prescriptions or procedures as
98 defined in s. 456.001.

99 Section 4. Subsections (8) and (9) are added to section
100 456.001, Florida Statutes, to read:

101 456.001 Definitions.—As used in this chapter, the term:

102 (8) "Sex" means the classification of a person as either
103 male or female based on the organization of the human body of
104 such person for a specific reproductive role, as indicated by
105 the person's sex chromosomes, naturally occurring sex hormones,
106 and internal and external genitalia present at birth.

107 (9) (a) "Sex-reassignment prescriptions or procedures"
108 means:

109 1. The prescription or administration of puberty blockers
110 for the purpose of attempting to stop or delay normal puberty in
111 order to affirm a person's perception of his or her sex if that
112 perception is inconsistent with the person's sex as defined in
113 subsection (8).

114 2. The prescription or administration of hormones or
115 hormone antagonists to affirm a person's perception of his or
116 her sex if that perception is inconsistent with the person's sex

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117 as defined in subsection (8).

118 3. Any medical procedure, including a surgical procedure,
119 to affirm a person's perception of his or her sex if that
120 perception is inconsistent with the person's sex as defined in
121 subsection (8).

122 (b) The term does not include:

123 1. Treatment provided by a physician who, in his or her
124 good faith clinical judgment, performs procedures upon or
125 provides therapies to a minor born with a medically verifiable
126 genetic disorder of sexual development, including any of the
127 following:

128 a. External biological sex characteristics that are
129 unresolvably ambiguous.

130 b. A disorder of sexual development in which the physician
131 has determined through genetic or biochemical testing that the
132 patient does not have a normal sex chromosome structure, sex
133 steroid hormone production, or sex steroid hormone action for a
134 male or female, as applicable.

135 2. Prescriptions or procedures to treat an infection, an
136 injury, a disease, or a disorder that has been caused or
137 exacerbated by the performance of any sex-reassignment
138 prescription or procedure, regardless of whether such
139 prescription or procedure was performed in accordance with state
140 or federal law.

141 3. Prescriptions or procedures provided to a patient for
142 the treatment of a physical disorder, physical injury, or
143 physical illness that would, as certified by a physician
144 licensed under chapter 458 or chapter 459, place the individual
145 in imminent danger of death or impairment of a major bodily

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146 function without the prescription or procedure.

147 Section 5. Section 456.52, Florida Statutes, is created to
148 read:

149 456.52 Sex-reassignment prescriptions and procedures;
150 prohibitions; informed consent.—

151 (1) Sex-reassignment prescriptions and procedures are
152 prohibited for patients younger than 18 years of age, except
153 that:

154 (a) The Board of Medicine and the Board of Osteopathic
155 Medicine shall, within 60 days after the effective date of this
156 act, adopt emergency rules pertaining to standards of practice
157 under which a patient younger than 18 years of age may continue
158 to be treated with a prescription consistent with those
159 referenced under s. 456.001(9) (a)1. or 2. if such treatment for
160 sex reassignment was commenced before, and is still active on,
161 the effective date of this act. In developing rules under this
162 paragraph, the boards shall consider requirements for physicians
163 to obtain informed consent from such patient's parent or legal
164 guardian, consistent with the parameters of informed consent
165 under subsections (2) and (4), for such prescription treatment,
166 and shall consider the provision of professional counseling
167 services for such patient by a board-certified psychiatrist
168 licensed under chapter 458 or chapter 459 or a psychologist
169 licensed under chapter 490 in conjunction with such prescription
170 treatment.

171 (b) A patient meeting the criteria of paragraph (a) may
172 continue to be treated by a physician with such prescriptions
173 according to rules adopted under paragraph (a) or nonemergency
174 rules adopted under paragraph (6) (b).

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175 (2) If sex-reassignment prescriptions or procedures are
176 prescribed for or administered or performed on patients 18 years
177 of age or older, consent must be voluntary, informed, and in
178 writing on forms adopted in rule by the Board of Medicine and
179 the Board of Osteopathic Medicine. Consent to sex-reassignment
180 prescriptions or procedures is voluntary and informed only if
181 the physician who is to prescribe or administer the
182 pharmaceutical product or perform the procedure has, at a
183 minimum, while physically present in the same room:

184 (a) Informed the patient of the nature and risks of the
185 prescription or procedure in order for the patient to make a
186 prudent decision;

187 (b) Provided the informed consent form, as adopted in rule
188 by the Board of Medicine and the Board of Osteopathic Medicine,
189 to the patient; and

190 (c) Received the patient's written acknowledgment, before
191 the prescription or procedure is prescribed, administered, or
192 performed, that the information required to be provided under
193 this subsection has been provided.

194 (3) Sex-reassignment prescriptions or procedures may not be
195 prescribed, administered, or performed except by a physician.
196 For the purposes of this section, the term "physician" is
197 defined as a physician licensed under chapter 458 or chapter 459
198 or a physician practicing medicine or osteopathic medicine in
199 the employment of the Federal Government.

200 (4) Consent required under subsection (2) does not apply to
201 renewals of prescriptions consistent with those referenced under
202 s. 456.001(9)(a)1. and 2. if a physician and his or her patient
203 have met the requirements for consent for the initial

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204 prescription or renewal. However, separate consent is required
205 for any new prescription for a pharmaceutical product not
206 previously prescribed to the patient.

207 (5) (a) Violation of this section constitutes grounds for
208 disciplinary action under this chapter and chapter 458 or
209 chapter 459, as applicable.

210 (b) Any health care practitioner who willfully or actively
211 participates in a violation of subsection (1) commits a felony
212 of the third degree, punishable as provided in s. 775.082, s.
213 775.083, or s. 775.084.

214 (c) Any health care practitioner who violates subsection
215 (2), subsection (3), or subsection (4) commits a misdemeanor of
216 the first degree, punishable as provided in s. 775.082 or s.
217 775.083.

218 (6) (a) The Board of Medicine and the Board of Osteopathic
219 Medicine shall adopt emergency rules to implement this section.

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

224 Section 6. Present paragraphs (c) through (gg) of
225 subsection (5) of section 456.074, Florida Statutes, are
226 redesignated as paragraphs (d) through (hh), respectively, and a
227 new paragraph (c) is added to that subsection, to read:

228 456.074 Certain health care practitioners; immediate
229 suspension of license.—

230 (5) The department shall issue an emergency order
231 suspending the license of any health care practitioner who is
232 arrested for committing or attempting, soliciting, or conspiring

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233 to commit any act that would constitute a violation of any of
234 the following criminal offenses in this state or similar
235 offenses in another jurisdiction:

236 (c) Section 456.52(5)(b), relating to prescribing,
237 administering, or performing sex-reassignment prescriptions or
238 procedures for a patient younger than 18 years of age.

239 Section 7. Section 766.318, Florida Statutes, is created to
240 read:

241 766.318 Civil liability for provision of sex-reassignment
242 prescriptions or procedures to minors.-

243 (1) A cause of action exists to recover damages for
244 personal injury or death resulting from the provision of sex-
245 reassignment prescriptions or procedures, as defined in s.
246 456.001, to a person younger than 18 years of age which are
247 prohibited by s. 456.52(1).

248 (2) The limitations on punitive damages in s. 768.73(1) do
249 not apply to actions brought under this section.

250 (3) An action brought under this section:

251 (a) May be commenced within 20 years after the cessation or
252 completion of the sex-reassignment prescription or procedure.

253 (b) Is in addition to any other remedy authorized by law.

254 (4) The cause of action created by this section does not
255 apply to:

256 (a) Treatment with sex-reassignment prescriptions if such
257 treatment is consistent with s. 456.001(9)(a)1. or 2. and was
258 commenced on or before, and is still active on, the effective
259 date of this act.

260 (b) Sex-reassignment prescriptions or procedures that were
261 ceased or completed on or before the effective date of this act.

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262 Section 8. If any provision of this act or its application
263 to any person or circumstance is held invalid, the invalidity
264 does not affect other provisions or applications of this act
265 which can be given effect without the invalid provision or
266 application, and to this end the provisions of this act are
267 severable.

268 Section 9. The Division of Law Revision is directed to
269 replace the phrase "the effective date of this act" wherever it
270 occurs in this act with the date this act becomes a law.

271 Section 10. This act shall take effect upon becoming a law.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/CS/HB 1421

2023

1 A bill to be entitled
2 An act relating to gender clinical interventions;
3 creating s. 61.5175, F.S.; authorizing a court of this
4 state to enter, modify, or stay a child custody
5 determination under specified circumstances; creating
6 s. 381.991, F.S.; prohibiting certain persons and
7 entities from expending funds for reimbursement for
8 specified clinical interventions; amending s. 382.016,
9 F.S.; prohibiting a person's biological sex from being
10 changed on a birth certificate; providing an
11 exception; providing for disciplinary actions;
12 amending s. 456.074, F.S.; requiring the department to
13 immediately suspend the license of a health care
14 practitioner who is arrested for committing or
15 attempting, soliciting, or conspiring to commit
16 specified violations related to gender clinical
17 interventions for a minor; creating s. 456.52, F.S.;
18 providing a definition for the term "gender clinical
19 interventions"; prohibiting gender clinical
20 interventions for minors; providing exceptions;
21 requiring a physician to maintain specified
22 professional liability coverage; requiring a physician
23 to obtain informed written consent from a patient
24 under certain circumstances; providing requirements
25 for the informed consent form; authorizing certain

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hb1421-02-c2

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2023

26 persons to refuse to participate in gender clinical
 27 interventions; providing liability and penalties;
 28 creating s. 627.6411, F.S.; prohibiting a health
 29 insurance policy from providing coverage for gender
 30 clinical interventions; amending s. 641.31, F.S.;
 31 prohibiting a health maintenance contract from
 32 including coverage for gender clinical interventions;
 33 creating s. 766.318, F.S.; providing for physician
 34 liability; providing penalties for injuries and
 35 wrongful death caused by gender clinical
 36 interventions; authorizing the award of specified
 37 damages and attorney fees and costs; providing statute
 38 of limitations periods; providing an effective date.

39
 40 Be It Enacted by the Legislature of the State of Florida:

41
 42 Section 1. Section 61.5175, Florida Statutes, is created
 43 to read:

44 61.5175 Protection of children from gender clinical
 45 interventions.—Notwithstanding any other provision of this part,
 46 a court of this state has jurisdiction to enter, modify, or stay
 47 a child custody determination relating to a child who is present
 48 in this state to the extent necessary to protect the child from
 49 being subjected to gender clinical interventions, as defined in
 50 s. 456.52(1), in another state.

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51 Section 2. Section 381.991, Florida Statutes, is created
52 to read:

53 381.991 Public expenditures for gender clinical
54 interventions; prohibition.—A state agency, political
55 subdivision, public postsecondary institution as defined in
56 1000.04, or person providing services to or on behalf of any
57 such agency, subdivision, or institution by contract or other
58 agreement or relationship, may not expend funds to provide or
59 reimburse for gender clinical interventions as defined in s.
60 456.52(1).

61 Section 3. Paragraph (f) of subsection (1) of section
62 382.016, Florida Statutes, is created to read:

63 382.016 Amendment of records.—The department, upon receipt
64 of the fee prescribed in s. 382.0255; documentary evidence, as
65 specified by rule, of any misstatement, error, or omission
66 occurring in any birth, death, or fetal death record; and an
67 affidavit setting forth the changes to be made, shall amend or
68 replace the original certificate as necessary.

69 (1) CERTIFICATE OF LIVE BIRTH AMENDMENT.—

70 (f) The sex recorded on a birth certificate must be the
71 person's biological sex at birth. The sex recorded on the birth
72 certificate may only be changed in the case of a scrivener's
73 error or in the case of a person born with external biological
74 sex characteristics that were unresolvably ambiguous at the time
75 of birth. The sex recorded on a birth certificate may not be

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76 changed for the purpose of affirming a person's perception of
77 his or her sex if that perception is inconsistent with the
78 person's sex at birth. The department may change the sex
79 recorded on a birth certificate under this paragraph upon the
80 written request of a health care practitioner, as defined in s.
81 456.001, stating and providing evidence establishing the basis
82 for the correction. Misrepresenting or providing fraudulent
83 evidence in such a request is grounds for disciplinary action
84 under s. 456.072 and any applicable practice act.

85 Section 4. Paragraphs (c) through (gg) of subsection (5)
86 of section 456.074, Florida Statutes, are redesignated as
87 paragraphs (d) through (hh), respectively, and a new paragraph
88 (c) is added to that subsection, to read:

89 456.074 Certain health care practitioners; immediate
90 suspension of license.—

91 (5) The department shall issue an emergency order
92 suspending the license of any health care practitioner who is
93 arrested for committing or attempting, soliciting, or conspiring
94 to commit any act that would constitute a violation of any of
95 the following criminal offenses in this state or similar
96 offenses in another jurisdiction:

97 (c) Section 456.52(7), relating to providing gender
98 clinical interventions to a minor.

99 Section 5. Section 456.52, Florida Statutes, is created to
100 read:

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2023

101 456.52 Prohibition on gender clinical interventions for
102 minors; physician requirements.-

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

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

109 1. Sex reassignment surgeries or any other surgical
110 procedures that alter primary or secondary sexual
111 characteristics.

112 2. Puberty blocking, hormone, and hormone antagonistic
113 therapies.

114 (b) The term does not include:

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

119 a. External biological sex characteristics that are
120 unresolvably ambiguous.

121 b. A disorder of sexual development, in which the
122 physician has determined through genetic or biochemical testing
123 that the minor does not have normal sex chromosome structure,
124 sex steroid hormone production, or sex steroid hormone action
125 for a male or female.

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2023

126 2. Treatment of any infection, injury, disease, or
127 disorder caused or exacerbated by the performance of gender
128 clinical interventions regardless of whether such interventions
129 were performed in accordance with state or federal law.

130 (2)(a) Gender clinical interventions may only be provided
131 by a physician licensed under chapter 458 or chapter 459 or a
132 physician practicing medicine or osteopathic medicine in the
133 employment of the Federal Government.

134 (b) A physician may not provide gender clinical
135 interventions to a minor, except that a minor who was prescribed
136 gender clinical interventions described in (1)(a)2. on or before
137 January 1, 2023, and continuously received such therapies
138 through July 1, 2023, may continue to receive such therapies
139 through December 31, 2023, solely for the purpose of gradual
140 discontinuation of such therapies.

141 (3) Notwithstanding ss. 458.320(5) and 459.0085(5), a
142 physician who provides gender clinical interventions for adults
143 must obtain and maintain professional liability coverage in the
144 amounts established in ss. 458.320(2)(b) and 459.0085(2)(b), as
145 applicable.

146 (4)(a) A physician must, while physically present in the
147 same room as an adult patient, obtain informed written consent
148 from the patient each time the physician provides gender
149 clinical interventions. The physician must sign the consent and
150 maintain the consent in the medical record. The patient must

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151 sign the informed consent acknowledging that the physician has
152 sufficiently explained its content. The physician must use an
153 informed consent form adopted in rule by the Board of Medicine
154 and the Board of Osteopathic Medicine, which must include, at a
155 minimum, information related to the current state of research
156 of:

157 1. The long-term and short-term effects of gender clinical
158 interventions.

159 2. The impact of gender clinical interventions on physical
160 and mental health.

161 (b) The Board of Medicine and the Board of Osteopathic
162 Medicine, as applicable, shall adopt emergency rules to
163 implement this section.

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

168 (5) This section does not require a person to participate
169 in a gender clinical intervention. A person is not liable for
170 the refusal to participate in a gender clinical intervention. A
171 person who is a member of or associated with the staff of a
172 hospital, or an employee of a hospital or physician in which or
173 by whom gender clinical interventions are authorized, performed,
174 or provided, and states an objection to such intervention on
175 clinical, moral, or religious grounds is not required to

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176 participate in such intervention. The refusal of any such person
177 may not form the basis for any disciplinary or other
178 recriminatory action against such person.

179 (6) A board, or the department if there is no board, must
180 revoke the license of a health care practitioner if the board,
181 or the department if there is no board, determines that the
182 health care practitioner violated this section.

183 (7) A health care practitioner who willfully or actively
184 participates in a violation of (2)(b) commits a felony of the
185 third degree, punishable as provided in s. 775.082, s. 775.083,
186 or s. 775.084.

187 Section 6. Section 627.6411, Florida Statutes, is created
188 to read:

189 627.6411 Coverage of certain treatment.—A health insurance
190 policy may not provide coverage for gender clinical
191 interventions as defined in s. 456.52(1).

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

194 641.31 Health maintenance contracts.—

195 (48) A health maintenance contract may not include
196 coverage for gender clinical interventions as defined in s.
197 456.52(1).

198 Section 8. Section 766.318, Florida Statutes, is created
199 to read:

200 766.318 Gender clinical interventions; liability.—

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201 (1) A physician who provides gender clinical
202 interventions, as defined in s. 456.52, to a person is liable to
203 the person for any physical, psychological, emotional, or
204 physiological injury resulting from the gender clinical
205 intervention.

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

209 (a) Declaratory or injunctive relief.

210 (b) Economic damages.

211 (c) Noneconomic damages.

212 (d) Punitive damages.

213 (e) Attorney fees and costs.

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

218 (4) The estate of, or a legal guardian on behalf of, a
219 person who received a gender clinical intervention from a
220 physician, when the death of that person was caused by such
221 gender clinical intervention, may bring a civil action against
222 such practitioner in a court of competent jurisdiction for all
223 of the following:

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

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

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226 (c) Treble damages.

227 (5) Notwithstanding s. 95.11, an action brought under
228 subsection (2) must be commenced within 30 years after the date
229 of the gender clinical interventions.

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

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

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

2. Prescriptions or procedures to treat an infection, an injury, a disease, or a disorder that has been caused or exacerbated by the performance of any sex-reassignment prescription or procedure, regardless of whether such prescription or procedure was performed in accordance with state or federal law.

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

History.—s. 33, ch. 97-261; s. 72, ch. 99-397; s. 36, ch. 2000-160; s. 2, ch. 2002-199; s. 116, ch. 2014-17; s. 90, ch. 2018-24; s. 57, ch. 2020-156; s. 2, ch. 2021-133; s. 4, ch. 2023-90.

Note.—Former s. 455.501.

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

(c) Any health care practitioner who violates subsection (2), subsection (3), or subsection (4) commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(6)(a) The Board of Medicine and the Board of Osteopathic Medicine shall adopt emergency rules to implement this section.

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

History.—ss. 5, 9, ch. 2023-90.