



COMPREHENSIVE GUIDE ON FLORIDA'S ANTI-TGNC BILLS

TransSOCIAL's legislative guides for our local trans communities



COMPREHENSIVE GUIDE ON FLORIDA'S ANTI-TGNC BILLS



① SB 254: GENDER AFFIRMING CARE BAN

The bill criminalizes gender-affirming care access to minors, except adolescents that were receiving it before May 17th, 2023. The bill enforces that all gender-affirming care for adults be provided by a physician in-person. Legislation grants an advantage to the non-supportive parent in child custody disputes if the other parent is supportive of their child's gender-affirming care. Adults must also follow an informed consent process provided by a physician (MDs/DOs) in order to receive gender-affirming care, new prescriptions, and gender-dysphoria related surgeries.



② SB 1580: MEDICAL CONSCIENCE BILL

SB 1580 gives health care providers/payors the right to "opt out of participation in or payment for" any medical or health care treatment due to a "conscience-based objection" founded on their "sincerely held religious, moral, or ethical beliefs." The bill grants immunity to health care providers/payors from any consequences that occur as a result of their conscience-based objections as well. This right is limited and providers must specify the precise health care service they disagree with before refusing to give care or treatment to a patient.



③ HB 1521: BATHROOM BAN

HB 1521 mandates that people use restrooms and changing rooms that align with their sex assigned at birth within all public facilities (ex: schools, colleges, public buildings, detention facilities, etc.). The bill bans people from using a restroom or changing room that belongs to the "opposite sex" and refusing to leave after being asked by an employee. Penalties can be enforced only if an employee asks a person to leave and the person does not comply. The law applies to restrooms/changing rooms in public buildings, educational institutions, and correctional institutions.



④ HB 1090: "DON'T SAY GAY" EXPANSION

HB 1069 expands beyond the original "Don't Say Gay" bill that went into effect on July 1st, 2022. HB 1069 enforces that sexual education redefines sex as binary and based on the genitalia present at birth. The bill extends HB 1557's restrictions on "classroom instruction on sexual orientation or gender identity" to apply to pre-K through 8th grade and requires instruction in grades 9 through 12 to follow state standards as well.

GUIDE TO SB 254: FLORIDA'S GENDER- AFFIRMING CARE BAN



SUMMARY

The bill criminalizes gender-affirming care access to minors, enforces that all gender-affirming care for adults be provided by a physician in-person, grants an advantage to the non-supportive parent in child custody disputes and implements that adults must follow an informed consent process provided by a physician in order to receive gender-affirming care, new prescriptions, and gender-dysphoria related surgeries.

MINOR PROHIBITIONS

SB 245 BANS doctors from prescribing puberty-blocking medication or hormones for the treatment of gender dysphoria if the minor had not previously been prescribed such medication(s) before the law's effective date (5/17/23), BUT bill includes a "grandfathering in clause" that DOES ALLOW adolescents who were already receiving puberty-blocking medication or hormones for the treatment of gender dysphoria to continue care.

CUSTODY PROVISION

SB 254 does NOT authorize the state/DCF/child welfare, etc., to investigate or take transgender children from supportive parents or parents who allow them to get gender-affirming care.

SB 254's custody provision applies ONLY to existing out-of-state custody orders in which the non-affirming parent brings the child to Florida and requests that a court exercise temporary emergency jurisdiction to "protect" the child from receiving gender-affirming care.

OTHER PROHIBITIONS

SB 254 bans APRNs, PAs, NPs, and all non-physicians from providing any form of gender-affirming care to adolescents or adults. Healthcare professionals who violate this can be threatened with criminal and civil liability, but these measures do not apply to parents. SB 254 also enforces that all gender-affirming care must be done in person.

Adults in Florida are still allowed to receive care for gender dysphoria as long as the physician (MD or DO) follows the informed consent process.

GUIDE TO SB 1580: FLORIDA'S MEDICAL CONSCIENCE BILL



SUMMARY

SB 1580 gives health care providers and health care payors the right to "opt out of participation in or payment for" any medical or health care treatment due to a "conscience-based objection" founded on their "sincerely held religious, moral, or ethical beliefs." The bill also grants immunity to health care providers and payors from any consequences that occur as a result of their conscience-based objections.

This right is restricted to conscience-based objections to only certain health care services, which means that providers need to specify the precise health care service they disagree with before they simply refuse to give care or treatment to a patient

REQUIREMENTS

SB 1580 requires that health care providers who decide to invoke a conscience-based objection must submit a written notice of the objection to their supervisor or employer and note the decision in the patients' medical file. The bill mandates that the provider must inform the patient that they do not offer such health services **BEFORE** the patient sets an appointment with them.

The legislation mandates that emergency medical treatment be provided in accordance with state law or the Emergency Medical Treatment and Active Labor Act.

PROHIBITIONS

SB 1580 prohibits health care providers or payors from refusing to give medical services to a patient or potential patient on the grounds of that person's race, color, religion, sex, or national origin.

The bill also prohibits a health care payor from refusing to cover a medical treatment that it was obligated to cover during that specified the plan year.

WHISTLEBLOWING PROTECTIONS

SB 1580 protects health care professionals and payors from "discrimination" or "suffering any adverse action" as a result of their conscience-based objections. This protects them in releasing information to state agencies and in whistleblowing on others who could be violating this section.

Health care professionals can submit a written conscience-based objection to the certain treatments that transgender individuals may receive, but they cannot deny emergency medical assistance/treatment.

GUIDE TO HB 1521:

1) FLORIDA'S BATHROOM BAN



SUMMARY

HB 1521 mandates that people use restrooms and changing rooms that align with their sex assigned at birth within all public facilities. The bill bans people from using a restroom or changing room that belongs to the "opposite sex" and refusing to leave after being asked by an employee.

Penalties can only be enforced only if an employee asks a person to leave and the person does not comply. The law applies to restrooms and changing rooms in the following places: public buildings (buildings owned or leased by the state), educational institutions (K-12 schools, colleges, and universities), and correctional institutions (jails, including juvenile detention facilities).

EFFECT ON STUDENTS

Educational institutions such as K-12 schools, colleges, and universities will need to each establish disciplinary procedures for students who "willfully enter" restrooms or changing facilities designated to the "opposite sex" and "refuse to depart when asked to do so" by a faculty member, administrative personnel, security, safety officer, or other authorized personnel, such as law enforcement.

The requirement is simply that the school/college has a "disciplinary procedure" in place if staff does ask a student to leave a restroom that does not align with their sex assigned at birth and the student refuses to do so. Administration, faculty members, security, or law enforcement are NOT required to ask students to leave or stop students from using the bathroom aligned with their gender identity. Students that attend affirming schools with supportive staff may not even experience changes under the new law.

EXCEPTIONS

The bill does NOT apply to unisex restrooms or changing facilities, which the bill defines as a bathroom or changing room as "intended for a single occupant or a family"

Other exceptions include accompanying a child (12 and under) to the restroom, to assist a person with a disability or elderly person, maintenance reasons, law enforcement reasons, if all other facilities aligned are out of order, or to help in a medical emergency situation. HB 1521 enforces that all public facilities must have restroom/changing room exclusively assigned to females, a restroom/changing room assigned to males, and/or a unisex restroom/changing room.

EFFECT ON SCHOOL STAFF

K-12 teachers or administrative staff who "willfully enter" restrooms or changing facilities designated for "the opposite sex" while at an educational institution and refuse to leave when asked to do so by another teacher or administrative staff violate the Principles of Professional Conduct for the Education Profession and may face disciplinary action.

University or college staff who enter a bathroom or changing facility designated for "the opposite sex" while on campus and refuse to leave when asked by another staff member are subject to disciplinary actions outlined in State Board of Education rules or Board of Governors regulations.

Any non-student or non-staff who enters a bathroom or changing facility assigned to the "the opposite sex" and refuses to leave when asked to do so by staff, teachers, or administrative personnel can be charged with trespassing.

GUIDE TO HB 1521:

2) FLORIDA'S BATHROOM BAN



1) EFFECT ON PRISONS & OTHER DETENTION FACILITIES

The bill applies to any county detention facility, municipal detention facility, county detention facility, state correctional institution, private correctional institution, juvenile correctional institution, or prison. It also applies to any detention center or facility designated by the Department of Juvenile Justice to provide secure detention.

Prisoners who "willfully enter" a restroom or changing area that is designated for the opposite sex on the premises of the correctional institution/detention facility and refuses to leave when asked to do so by an employee of the facility can be subject to disciplinary measures established by the institution.

2) EFFECT ON PRISONS & OTHER DETENTION FACILITIES

Employee's who enters a restroom or changing room designated for the opposite sex on the premises and refuses to leave when asked to do so by another employee of the institution can face disciplinary action from the detention facility's managing entity or the Department of Corrections.

Any person who is not a prisoner or an employee of the correctional institution or detention facility that enters a bathroom or changing area on the premises that is designated for the opposite sex and refuses to leave when instructed to by a staff member of the institution or facility will be considered trespassing.

EFFECT ON PUBLIC BUILDINGS

The applicable government entity for a state building (owned or leased by the state, a state agency, or a political subdivision) needs to establish disciplinary procedures for any employee of the government entity who "willfully enters" a restroom or changing facility designated for "the opposite sex" within a public building and refuses to leave when asked to do so by other employees. There are no penalties in place yet, but these regulations need to be developed and implemented before January 1, 2024, by each governmental entity per public structure.

Guests or Visitors of a public building who enter a restroom or changing facility designated for "the opposite sex" at a public building and refuses to leave when asked to do so by an employee within the government entity's jurisdiction commits a trespassing offense. Most public buildings don't have a government worker stationed outside of every restroom constantly monitoring who enters the facility.

GUIDE TO HB 1521:

1) FLORIDA'S "DON'T SAY GAY" EXPANSION BILL



SUMMARY

HB 1069 expands beyond the original "Don't Say Gay" bill that went into effect on July 1st, 2022. HB 1069 enforces that sexual education redefines sex as binary and based on the genitalia present at birth. The bill extends HB 1557's restrictions on "classroom instruction on sexual orientation or gender identity" to apply to pre-K through 8th grade and requires instruction in grades 9 through 12 to follow state standards as well.

2) EFFECT ON CURRICULUM

The legislation extends the previous HB 1557's ban on "classroom instruction on sexual orientation or gender identity" from kindergarten through third grade to pre-K through eighth grade. Instruction in grades 9 through 12 must adhere to state standards and be "age-appropriate or developmentally appropriate". This section now applies to charter schools as well.

Despite the fact that HB 1557 went into effect on July 1, 2022, the state has yet to define the vague terms used in both the original version and this addition, such as "classroom instruction," "sexual orientation," and "gender identity."

1) EFFECT ON CURRICULUM

Under HB 1069, the definition of "sex" in the Florida K-20 education code has changed to the "organization of such person's body for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth."

The bill enforces that all approved sexual/health education must "classify males and females" according to the new discriminatory definition of sex and requires teaching that "biological males impregnate biological females by fertilizing the female egg with male sperm" and then "the female gestates the offspring" and that "these reproductive roles are binary, stable, and unchangeable."

1) EFFECT ON STUDENTS & STAFF

HB 1069 bans public K-12 schools from requiring their staff, contractors, or students to address others using their chosen pronouns if those pronouns don't correspond to the sex the person was assigned at birth.

The legislation prohibits K-12 public school workers and contractors from disclosing to students their affirmed or preferred pronouns if such pronouns don't correspond with their assigned sex at birth. The law also bans employees from K-12 schools from asking students their preferred pronouns.

GUIDE TO HB 1521:

2) FLORIDA'S "DON'T SAY GAY" EXPANSION BILL



2) EFFECT ON STUDENTS & STAFF

The Florida Board of Education has established guidelines that threaten to suspend the licenses of teachers who break the law.

Schools cannot require teachers, staff, or students to use another person's affirmed or preferred pronouns, but that DOES NOT mean that teachers are prohibited from using students affirmed/preferred pronouns, nor are students prohibited from using teachers affirmed/preferred pronouns. For instance, students and staff in affirming/supportive schools may not experience changes under the new legislation.

1) OTHER EXPANSIONS

HB 1069 mandates that the department, not the district school board, must approve any educational materials used to teach about sexual health or any disease (HIV/AIDS, etc.).

The bill entails the right of any parent or resident to provide evidence to the district school board regarding any material that "depicts or describes sexual conduct." The law specifies that any content subject to complaint that portrays or discusses sexual activity must be taken down within five school days and made inaccessible to children until the matter is resolved.

2) OTHER EXPANSIONS

In addition to school libraries, "classroom libraries" are now included in the bill's language regarding monitoring and approval of all educational materials.

The bill allows any parents who disagree with a decision made by the school district regarding an objection to request the appointment of a special magistrate. The State Board of Education can then accept or reject the special magistrate's recommendation at the next meeting. The school district is required to cover all costs associated with the special magistrate proceedings.