



Recent LGBTQ+ Laws as of May 18, 2023

Safety in Private Spaces Act (HB 1521) Concerning Transgender Bathroom Access

Goes into effect on July 1, 2023. The Act provides that an adult can be charged with a crime if they enter a restroom labeled for the opposite sex and don't leave when another occupant asks. The Act covers various facilities including restrooms and changing rooms and will likely apply to airports, restaurants, and theme parks. Covered entities that maintain water closets, such as places of public accommodation, will be required to install either two separate restrooms, one for females and one for males, or a unisex restroom. An adult who violates the Act may be convicted of a second-degree misdemeanor and face up to sixty (60) days in prison and a fine not to exceed \$500.

FAC Rules 64B8-9.019 & 64B15-14.014 Concerning Transgender Healthcare Access

In effect as of March 16, 2023 for M.D.s and March 28, 2023 for D.O.s. Both Rules prohibit doctors of medicine (M.D.) and doctors of osteopathic medicine (D.O.) from performing sex reassignment or other surgical operations on minors that alter a patient's primary or secondary sexual characteristics. There is no exception to this rule. Both are similarly prohibited from prescribing hormone, puberty blocking, and other hormone antagonist therapies, regardless of the form. Those minors already receiving such treatment prior to the rules going into effect are excluded. There is an additional exception for prescribing hormone treatment if done through an investigator-initiated clinical trial at a Florida medical school specified in the rules.

Protection of Children Act (SB 1438) Concerning Live Performances

In effect as of May 17, 2023, following Governor DeSantis' approval. The Act prohibits public lodging establishments, public food service establishments, and businesses holding a license under Florida beverage law from admitting minors to adult live performances. An adult live performance is characterized as a show that depicts or otherwise simulates nudity, sexual conduct, or lewd contact and that i) predominantly appeals to a prurient interest, ii) is patently offensive in the adult community with respect to what is suitable for the age of the minor present, and iii) lacks serious literary, artistic, political, or scientific value for the age of the minor present. An individual who violates the Act may be convicted of a first-degree misdemeanor and face up to one (1) year in prison and a fine not to exceed \$1,000. A business that violates the Act may face disciplinary action including revocation of its license to operate and a \$5,000 fine. Subsequent offenses may result in a \$10,000 fine.

Parental Rights in Education Act (HB 1069) Concerning Classroom Topics

Goes into effect on July 1, 2023. The Act prohibits public and charter schools from providing classroom instruction on sexual orientation or gender identity to those students in pre-K through 8th grade, unless required by statutory law. Instruction on such topics to students in grades 9 through 12 are allowed if the instruction is age or developmentally appropriate. The Act will place three (3) parameters on the required use of pronouns in all public K-12 school by employees, contractors, and students.

All Florida public K-12 schools or employees, as applicable, are prohibited from (i) requiring, as a condition of employment or enrollment, any employee, contractor, or student to refer to another person by their preferred pronoun if they do not correspond with their sex, (ii) providing their preferred pronouns to students if they do not correspond with their sex, and (iii) asking students for their preferred pronouns or punishing them if they refuse to provide their preferred pronouns.

Treatments for Sex Reassignment Bill (SB 254) Concerning Temporary Jurisdiction





In effect as of May 17, 2023, following Governor DeSantis' approval. The Bill provides Florida courts with temporary emergency jurisdiction over a child present within state lines if the child has been subjected to or is threatened with being subjected to sex-reassignment prescriptions or procedures, which the Bill classifies as serious physical harm. This temporary emergency jurisdiction allows the state to take physical custody of the child if a petitioner files a verified application demonstrating that the child is likely to imminently suffer from serious physical harm.

