

**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’ MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs move for a preliminary injunction preventing enforcement of the restrictions on medical care for adult transgender Floridians in Senate Bill 254, an “act relating to treatments for sex reassignment” (“SB 254”).¹

SB 254 mandates new informed consent criteria for adult transgender patients. Under these criteria, for a patient over 18 years old to receive transition treatments,² the patient’s physician must obtain informed consent (i) by being physically present with the patient while (ii) the patient signs a form adopted by the Florida Boards of Medicine and Osteopathic Medicine (the “Boards”). The Boards have issued three

¹ SB 254, Section 5, creates Fla. Stat. § 456.52, titled “Sex-reassignment prescriptions and procedures; prohibitions; informed consent.”

² Defined in SB 254, Section 4(9)(a)(1)-(3) (Fla. Stat. § 456.001(9)(a)(1)-(3)).

consent forms: two for hormone therapy (one for masculinizing and one for feminizing treatment) (together, the “Hormone Therapy Consent Forms”) and one for surgery (collectively, the “Informed Consent Forms”). SB 254 mandates that only licensed physicians can provide transition care and patients must sign the same form any time they receive a new prescription. Physicians who violate these requirements may face disciplinary action or criminal prosecution. Fla. Stat. § 456.52(5)(c).

Each of the Adult Plaintiffs has been diagnosed with gender dysphoria and requires ongoing transition-related care, but SB 254 bars them from receiving treatment in a timely way, or in some cases, at all.

The Adult Plaintiffs are likely to succeed on the merits of their equal protection claim. SB 254 singles out transgender individuals and creates arbitrary, harmful, and medically unjustified restrictions that deter them from obtaining needed medical care. Defendants cannot meet their burden to justify this disparate treatment. SB 254’s targeting of transgender adults is not substantially related to any important governmental interest. SB 254’s restrictions on transgender adults’ ability to obtain care, and those in the Informed Consent Forms, are not even rational. Rather than fostering any interests in health or safety, they undermine them.

Without the requested relief, SB 254 will cause irreparable harm to the Adult Plaintiffs, who will suffer numerous mental and physical injuries. The Adult Plaintiffs have no adequate remedy at law.

The balance of equities and public interest tip sharply in favor of the Adult Plaintiffs. A preliminary injunction would enable transgender individuals to obtain medically needed care on the same terms as other patients, without facing arbitrary barriers. Defendants face no burden from a preliminary injunction that would maintain the status quo prior to the passage of SB 254.

Plaintiffs respectfully request that the Court exercise its discretion to waive the Federal Rule of Civil Procedure 65(c) security requirement. *BellSouth Telecomm., Inc. v. MCIMetro Access Transmission Servs., LLC*, 425 F.3d 964, 971 (11th Cir. 2005). Public interest litigation is a recognized exception to the bond requirement.

WHEREFORE, the Adult Plaintiffs respectfully request an order preliminarily enjoining Defendants from enforcing SB 254, Section 5(2)–(5) (Fla. Stat. § 456.52(2)–(5)).

SOUTHERN LEGAL COUNSEL

By: /s/ Simone Chriss

Simone Chriss

Florida Bar No. 124062

Chelsea Dunn

Florida Bar No. 1013541

1229 NW 12th Avenue

Gainesville, FL 32601

(352) 271-8890

Simone.Chriss@southernlegal.org

Chelsea.Dunn@southernlegal.org

**HUMAN RIGHTS CAMPAIGN
FOUNDATION**

Cynthia Cheng-Wun Weaver*

NY No. 5091848

Jason Starr* NY No. 5005194

Ami Patel* CA No. 325647

1640 Rhode Island Avenue NW

Washington, D.C. 20036

(202) 993-4180

Cynthia.Weaver@hrc.org

Jason.Starr@hrc.org

Ami.Patel@hrc.org

LOWENSTEIN SANDLER LLP

Thomas E. Redburn, Jr.*

New York Bar No. 5822036

Maya Ginsburg*

New York Bar No. 5128152

1251 Avenue of the Americas

New York, NY 10020

(212) 262-6700

tredburn@lowenstein.com

mginsburg@lowenstein.com

**NATIONAL CENTER FOR
LESBIAN RIGHTS**

Christopher F. Stoll*

CA Bar No. 179046

Kelly Jo Popkin*

NY Bar No. 5698220

National Center for Lesbian Rights

870 Market Street, Suite 370

San Francisco, CA 94102

Tel. 415-365-1320

cstoll@nclrights.org

kpopkin@nclrights.org

**GLBTQ LEGAL ADVOCATES &
DEFENDERS**

Jennifer Levi* Chris Erchull*

18 Tremont, Suite 950

Boston, MA 02108

(617) 426-1350

jlevi@glad.org cerchull@glad.org

* Admitted by *pro hac vice*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on July 24, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that I served by process server the foregoing on the following non-CM/ECF participants:

William Gladson
Office of the State Attorney
Citrus County Courthouse
110 North Apopka Ave.
3rd Floor RM 2-372
Inverness, FL 34450-4293

/s/ Simone Chriss _____

Simone Chriss
Counsel for Plaintiffs