



FLORIDA

Federal judge rips into Florida's ban on gender-affirming care for kids

U.S. District Judge Robert Hinkle's 44-page ruling called the decision to pursue the ban on puberty blockers and hormonal treatment a political decision and not a "legitimate state interest."



Lucas prepares his weekly testosterone shot at his home in Casselberry, Fla., May 29, 2023. The Associated Press is not using Lucas' last name because they fear reprisal. | Laura Bargfeld/AP Photo

By **GARY FINEOUT**

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TALLAHASSEE, Fla. — A federal judge delivered a stinging rebuke to Florida Gov. Ron DeSantis and the Republican-controlled Legislature over rules and a new state law that banned minors from receiving “puberty blockers” and other types of gender-affirming care.

U.S. District Judge Robert Hinkle on Tuesday blocked the state from applying the ban to three minors whose parents are part of an ongoing lawsuit, saying they would “suffer irreparable harm” if they were not allowed to continue access to hormones and other types of treatment.

The preliminary injunction does not apply to other minors who may wish to obtain treatment, but the ruling suggests that a key part of the law itself could get knocked down as the legal challenge proceeds. Lawmakers approved the new law in early May at the urging of Republicans, who called the treatments “evil” and “child abuse.”

Hinkle’s [44-page ruling](#) called the decision to pursue the ban on puberty blockers and hormonal treatment a political decision and not a “legitimate state interest.” Several states — including Texas — have also recently enacted bans on gender affirming care.

“Nothing could have motivated this remarkable intrusion into parental prerogatives other than opposition to transgender status itself,” wrote Hinkle, who was appointed by former President Bill Clinton.

Hinkle also added that “the statute and the rules were an exercise in politics, not good medicine. This is a politically fraught area. There has long been, and still is, substantial bigotry directed at transgender individuals. Common experience confirms this, as does a Florida legislator’s remarkable reference to

transgender witnesses at a committee hearing as ‘mutants’ and ‘demons.’ And even when not based on bigotry, there are those who incorrectly but sincerely believe that gender identity is not real but instead just a choice.”

Hinkle’s “mutant” and “demons” comment is a reference to state Rep. Webster Barnaby (R-Deltona), [who in April disparaged](#) transgender people during a Florida hearing on a bill, eventually signed into law, that makes it a misdemeanor offense for someone to use a bathroom that doesn’t align with the sex they were assigned at birth.



FLORIDA

Florida Republican apologizes after calling transgender people ‘mutants’

BY ANDREW ATTERBURY

Hinkle also rejected the assertion, made by DeSantis and Republicans, that Florida was following the lead of European countries, saying that the state ban goes far beyond what is in place abroad.

Jeremy Redfern, a spokesman for DeSantis, noted the injunction “is extremely limited in scope” since it only applies to three children and that the law is still in effect. Redfern also pointed out DeSantis’ past criticism of the treatments as “irreversible” and “not based on science.”

“We obviously disagree with the judge’s ruling,” Redfern said in an email. “We will continue fighting against the rogue elements in the medical establishment that push ideology over evidence and protect against mutilating our kids.”

Lawyers representing the plaintiffs that challenged the ban praised Hinkle’s decision in a statement.

“I’m sure most any parent can imagine the sense of powerlessness that comes from being unable to do something as basic as get medical care for your child,” said Jane Doe, one of the unidentified plaintiffs who challenged the ban on behalf of herself and her daughter Susan. “Today my entire family is breathing a huge sigh of relief knowing we can now access the treatment that we know will keep Susan healthy and allow her to continue being the happy, confident child she has been.”

GOP state Rep. Randy Fine, who sponsored the legislation, blasted Hinkle’s ruling, saying in a text: “We will not stop fighting to defend children.”

Florida’s medical boards late last [year first adopted rules that blocked doctors](#) from offering treatment to minors. That change was [then placed into state law this spring by the Legislature](#), which also prohibits universities, local governments and other agencies that access the state’s Medicaid programs from using public dollars to cover such treatments for anyone in Florida. And the new law makes it easier for patients to sue doctors who performed gender-affirming treatments.

DeSantis last month signed the ban on gender-affirming care into law along with several other bills, including the bathroom bill and legislation that expanded the state’s parental rights law that blocks classroom instruction on gender identity and sexual orientation.

“What we’ve said in Florida is we are going to remain a refuge of sanity and a citadel of normalcy,” DeSantis said at the time. “Kids should have an upbringing that reflects that.”

The new law dealing with gender affirming care also included a ban on surgery, a practice that DeSantis has called “mutilation” but the ruling by Hinkle does not apply to the part of the law.

The American Academy of Pediatrics and the American Medical Association support gender-affirming care for adults and adolescents. But medical experts said gender-affirming care for children rarely, if ever, includes surgery. Instead, doctors are more likely to recommend counseling, social transitioning and hormone replacement therapy.

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