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# **Victory! Court Voids Florida’s Policy Prohibiting Medicaid Coverage of Gender-Affirming Care**

(TALLAHASSEE, FL) Today, a U.S. District Court Judge struck down Florida’s anti-transgender health care [rule](#) that denied the state’s transgender Medicaid beneficiaries coverage for evidence-based, widely accepted gender-affirming medical care. The ruling came in [Dekker v. Weida](#), a federal lawsuit challenging the rule filed by Lambda Legal, Southern Legal Counsel, Florida Health Justice Project, the National Health Law Program, and Pillsbury Winthrop Shaw Pittman LLP.

Following a recent [two-week trial](#), Judge Robert L. Hinkle ruled that Florida’s prohibition on Medicaid coverage for treatment of gender dysphoria for transgender Floridians is unlawful and unconstitutional. The judge ordered the Florida Agency for Health Care Administration (AHCA) to end enforcement of its discriminatory ban on gender-affirming medical care for transgender Medicaid beneficiaries, promulgated last August. The ruling also nullified the section of the recently enacted transgender health care ban – SB 254 – that similarly banned state funding for Medicaid coverage of, gender-affirming health care.

“I am extremely relieved and pleased with this decision so I don’t have to worry about whether I will be able to get the medical care I need. Florida’s policy effectively denied me the treatment my doctors recommended, because as a low-income Floridian with disabilities, I rely on Medicaid to afford my health care. I am also happy for other transgender Floridians that get care through Medicaid, as now access to that lifesaving, critical care can continue,” said **plaintiff August Dekker**, a 29-year-old transgender man from Hernando County, Florida.

This ruling comes soon after the same judge relied in large part on the trial record developed in *Dekker* to halt temporarily enforcement of the Florida Board of Medicine’s ban on gender-affirming health care and related aspects of SB 254 in *Doe. v. Ladapo*, the lawsuit filed by Southern Legal Counsel, GLBTQ Legal Advocates & Defenders, the National Center for Lesbian Rights, and Human Rights Campaign.

The legal advocates issued the following statements:

“Gender-affirming medical care is evidence-based care. In court what matters are the facts and the law, not fearmongering and heated rhetoric. Over a two-week trial, the court heard from our clients, who have benefited from gender-affirming medical care, and from a contingent of medical and scientific experts from various disciplines. Through overwhelming evidence, we demonstrated that gender-affirming care is not experimental but rather essential,

safe, and effective medical care,” said **Omar Gonzalez-Pagan, Counsel and Health Care Strategist at Lambda Legal**. “We are gratified by today’s result which protects access to care for some of the most vulnerable Floridians, transgender Medicaid beneficiaries. It is unfortunate that Florida politicians like Ron DeSantis have sought to attack the most vulnerable to score political points. However, today’s ruling makes clear that discrimination is wrong and recognizes that every person in Florida, including transgender people, deserves equal access to evidence-based and lifesaving medical care.”

“The Court’s order is a much-needed win for Floridians, amidst a climate where the rights of transgender individuals are being relentlessly attacked by the state.” said **Simone Chriss, Director of the Transgender Rights Initiative at Southern Legal Counsel**. “Judge Hinkle said it best - *‘the statute and the rule were an exercise in politics, not good medicine’* – and today’s ruling sends a strong message that the state of Florida cannot continue to play politics with people’s lives. We are so grateful to the courageous plaintiffs who made this case possible, and so grateful to the Court for holding the state accountable for its unapologetic bigotry.”

“Today’s ruling is a victory for the mission of Medicaid: guaranteeing essential health care access for low-income individuals and families,” said **Abbi Coursole, Senior Attorney at the National Health Law Program**. “It’s not only a win for our plaintiffs, but also for every Floridian who depends on Medicaid to access essential health care. This decision ensures that transgender individuals throughout Florida will have the ability to receive the care they require.”

“We are proud to have fought alongside our state and national partners to combat the politically motivated decision of Florida’s Medicaid agency to ban coverage of gender affirming care,” said **Katy DeBriere, Legal Director for the Florida Health Justice Project**. “And, we are extremely grateful to our clients, Medicaid beneficiaries and their caring parents, who stood up to the state’s discriminatory acts and prevailed. At the end of the day, justice was done.”

## **Background**

The lawsuit, *Dekker, et al., v. Weida, et al.*, was [filed in 2022](#) in the U.S. District Court for the Northern District of Florida against the Florida Agency for Health Care Administration (AHCA) and AHCA’s Secretary Jason Weida, on behalf of four plaintiffs: August Dekker (he/him) and Brit Rothstein (he/him), as well as two minors identified under pseudonyms Susan Doe (represented by her parents Jane and John Doe) and K.F. (represented by his mother, Jade Ladue).

On August 21, 2022, AHCA, which oversees Florida’s Medicaid Program, adopted a discriminatory [rule](#) that denies Medicaid coverage for, and therefore access to, necessary and evidence-based medical care for thousands of transgender people in Florida, notwithstanding that this is medical care was long covered by Florida Medicaid, and has been proven over decades to be safe and effective. On May 17, 2023, during the pendency of the trial in this case, Governor DeSantis signed SB 254 into law, which, among other things, prohibits the expenditure of state funds for the provision or coverage of gender-affirming care. The next day the case was amended to include a challenge to Section 3 of SB 254, using the same evidence developed at trial.

**Read more about Dekker, et al. v. Weida, et al., [here](#).**

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Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and everyone living with HIV through impact litigation, education and policy work. [www.lambdalegal.org](http://www.lambdalegal.org)

Southern Legal Counsel, Inc. (SLC) is a Florida statewide not-for-profit public interest law firm that is committed to the ideal of equal justice for all and the attainment of basic human and civil rights. SLC's Transgender Rights Initiative protects the rights of Florida's LGBTQ+ community through federal impact litigation, policy advocacy, and individual representation. [www.southernlegal.org](http://www.southernlegal.org)

**Florida Health Justice Project** is a statewide Florida not-for-profit that recognizes that access to quality and affordable health care is a human right and engages in comprehensive advocacy to expand healthcare access and promote health equity for vulnerable Floridians. [www.floridahealthjustice.org](http://www.floridahealthjustice.org)

**The National Health Law Program**, founded in 1969, protects and advances health rights of low-income and underserved individuals and families. We advocate, educate and litigate at the federal and state levels to advance health and civil rights in the U.S. [www.healthlaw.org](http://www.healthlaw.org)

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