

By the Committee on Children, Families, and Elder Affairs; and Senator Yarborough

586-02029A-26

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A bill to be entitled

An act relating to enforcement of protections for minors; amending s. 456.52, F.S.; providing criminal penalties for health care practitioners who willfully or actively aid or abet another in a violation of specified provisions; amending s. 766.318, F.S.; clarifying that a private cause of action exists to recover damages for personal injury or death resulting from a violation of a specified provision; providing that an individual may recover all economic and noneconomic damages for injuries sustained before or after turning 18 years of age which result from such violation; authorizing the Attorney General to conduct investigations of alleged violations of a specified provision and commence a separate civil action for damages, injunctive relief, and civil penalties upon determining a violation has occurred; providing that damages recovered pursuant to such civil actions accrue to the benefit of the injured individual; creating s. 1014.07, F.S.; creating a private cause of action to recover damages against certain public employees and health care practitioners for violations of specified provisions; providing that an individual may recover all economic and noneconomic damages that result from such violations; providing that damages recovered pursuant to such civil actions accrue to the benefit of the affected minor; authorizing the Attorney General to conduct investigations of alleged violations of specified provisions and commence a

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30 civil action for damages, injunctive relief, and civil
31 penalties upon determining a violation has occurred;
32 providing that damages recovered pursuant to such
33 civil actions accrue to the benefit of the affected
34 minor; providing that certain limitations on punitive
35 damages do not apply to such actions; specifying the
36 timeframe within which such actions may be commenced;
37 providing construction; reenacting s. 456.074(5)(c),
38 F.S., relating to the immediate suspension of license
39 of certain health care practitioners, to incorporate
40 the amendment made to s. 456.52, F.S., in a reference
41 thereto; providing an effective date.

42

43 Be It Enacted by the Legislature of the State of Florida:

44

45 Section 1. Paragraph (b) of subsection (5) of section
46 456.52, Florida Statutes, is amended to read:

47 456.52 Sex-reassignment prescriptions and procedures;
48 prohibitions; informed consent.—

49 (5)

50 (b) Any health care practitioner who willfully or actively
51 participates, or aids or abets another, in a violation of
52 subsection (1) commits a felony of the third degree, punishable
53 as provided in s. 775.082, s. 775.083, or s. 775.084.

54 Section 2. Section 766.318, Florida Statutes, is amended to
55 read:

56 766.318 Civil liability for provision of sex-reassignment
57 prescriptions or procedures to minors.—

58 (1) A private cause of action exists to recover damages for

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59 personal injury or death resulting from the provision of sex-
60 reassignment prescriptions or procedures, as defined in s.
61 456.001, to a person younger than 18 years of age which are
62 prohibited by s. 456.52(1). An individual may recover all
63 economic and noneconomic damages for injuries he or she
64 sustained before or after turning 18 years of age which are the
65 result of sex-reassignment prescriptions or procedures provided
66 in violation of s. 456.52(1).

67 (2) The Attorney General may conduct investigations of
68 alleged violations of s. 456.52(1) and, if the Attorney General
69 determines that such a violation has occurred, may commence a
70 civil action under this subsection for damages, injunctive
71 relief, and civil penalties of up to \$100,000 for each
72 violation. Any damages recovered pursuant to a civil action
73 brought under this subsection accrue to the benefit of the
74 individual injured as the result of sex-reassignment
75 prescriptions or procedures provided in violation of s.
76 456.52(1).

77 (3)-(2) The limitations on punitive damages in s. 768.73(1)
78 do not apply to actions brought under this section.

79 (4)-(3) An action brought under this section:

80 (a) May be commenced within 20 years after the cessation or
81 completion of the sex-reassignment prescription or procedure.

82 (b) Is in addition to any other remedy authorized by law.

83 (5)-(4) The cause of action created by this section does not
84 apply to:

85 (a) Treatment with sex-reassignment prescriptions if such
86 treatment is consistent with s. 456.001(9)(a)1. or 2. and was
87 commenced on or before, and is still active on, May 17, 2023.

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88 (b) Sex-reassignment prescriptions or procedures that were
89 ceased or completed on or before May 17, 2023.

90 Section 3. Section 1014.07, Florida Statutes, is created to
91 read:

92 1014.07 Civil liability.

93 (1) A private cause of action exists against an employee of
94 the state, any of its political subdivisions, or any other
95 governmental entity who violates any of the parental rights
96 specified in s. 1014.04 or against a health care practitioner
97 who provides, solicits or arranges to provide, or aids or abets
98 another to provide health care services or prescription of
99 medicinal drugs to a minor child without parental consent in
100 violation of s. 1014.06. An individual may recover all economic
101 and noneconomic damages resulting from a violation of s. 1014.04
102 or s. 1014.06. All damages recovered pursuant to a civil action
103 brought under this subsection accrue to the benefit of the
104 affected minor.

105 (2) The Attorney General may conduct investigations of
106 alleged violations of s. 1014.04 or s. 1014.06 and, if the
107 Attorney General determines that such a violation has occurred,
108 may commence a civil action under this subsection for damages,
109 injunctive relief, and civil penalties of up to \$100,000 for
110 each violation. All damages recovered pursuant to a civil action
111 brought under this subsection accrue to the benefit of the
112 affected minor.

113 (3) The limitations on punitive damages in s. 768.73(1) do
114 not apply to actions brought under this section.

115 (4) An action brought under this section:

116 (a) May be commenced within 2 years after the violation

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117 occurs.118 (b) Is in addition to any other remedy authorized by law.119 Section 4. For the purpose of incorporating the amendment
120 made by this act to section 456.52, Florida Statutes, in a
121 reference thereto, paragraph (c) of subsection (5) of section
122 456.074, Florida Statutes, is reenacted to read:123 456.074 Certain health care practitioners; immediate
124 suspension of license.—125 (5) The department shall issue an emergency order
126 suspending the license of any health care practitioner who is
127 arrested for committing or attempting, soliciting, or conspiring
128 to commit any act that would constitute a violation of any of
129 the following criminal offenses in this state or similar
130 offenses in another jurisdiction:131 (c) Section 456.52(5)(b), relating to prescribing,
132 administering, or performing sex-reassignment prescriptions or
133 procedures for a patient younger than 18 years of age.

134 Section 5. This act shall take effect July 1, 2026.