

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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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 affected minor; providing that certain limitations on punitive damages do not apply to such actions; specifying the timeframe within which such actions may be commenced; providing construction; reenacting s. 456.074(5)(c), F.S., relating to the immediate suspension of license of certain health care practitioners, to incorporate the amendment made to s. 456.52, F.S., in a reference thereto; providing an effective date.

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

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

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

(5)

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

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

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

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

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

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

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

(4)~~(3)~~ An action brought under this section:

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

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

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

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

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

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

1014.07 Civil liability.—

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

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

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

(4) An action brought under this section:

(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.