

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 743](#)

TITLE: Prohibited Sex-reassignment Prescriptions and Procedures

SPONSOR(S): Melo

COMPANION BILL: [CS/SB 1010](#) (Yarborough)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

12 Y, 5 N, As CS



[Health Professions & Programs](#)



[Judiciary](#)

SUMMARY

Effect of the Bill:

The bill prohibits a health care practitioner from aiding or abetting another health care practitioner in providing prohibited sex-reassignment prescriptions or procedures, a violation of which is punishable as a third degree felony. The bill also authorizes the Attorney General to conduct an investigation and bring a civil action against a health care practitioner for damages, injunctive relief, and civil penalties of up to \$100,000 for each violation of the prohibition against providing unlawful sex-reassignment prescriptions and procedures or violating specified rights of a parent to make medical decisions for his or her child related to sex-reassignment prescriptions or procedures.

Fiscal or Economic Impact:

The bill may have an indeterminate positive prison bed impact by creating a new felony offense, which may result in increased prison admissions, and may have an indeterminate negative economic impact on health care practitioners who unlawfully provide sex-reassignment prescriptions and procedures by expanding the existing civil cause of action to also authorize the Attorney General to also bring such civil actions, and by creating a civil penalty of up to \$100,000 for each such violation.

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ANALYSIS

EFFECT OF THE BILL:

The bill revises the current prohibition on health care practitioners making it unlawful to willfully or actively participate in providing [sex-reassignment prescriptions and procedures](#) to a patient younger than 18 years of age to specify that a health care practitioner may not [aid or abet](#) another health care practitioner in providing such prescriptions and procedures, unless an exception applies. A violation for aiding and abetting is punishable as a third degree felony.¹ (Section [1](#))

The bill also expands the [civil cause of action](#) to recover damages for personal injury or death resulting from the provision of prohibited sex-reassignment prescriptions or procedures to a person younger than 18 years of age to also authorize the Attorney General to conduct an investigation and bring a civil action against a health care practitioner for damages, injunctive relief, and civil penalties of up to \$100,000 for each violation of the following related to providing sex-reassignment prescriptions and procedure to a minor:

- [Section 456.52, F.S.](#), which generally prohibits sex-reassignment prescriptions and procedures for patients younger than 18 years of age.
- [Section 1014.04\(e\) and \(f\), F.S.](#), for a violation of specified [parental rights](#), including the right of a person to make health care decisions for his or her minor child and the right to access and review the medical records of his or her minor child.

¹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

- [Section 1014.06, F.S.](#), for a violation of the requirement for a health care practitioner to obtain [parental consent for health care services](#). (Section [2](#))

The bill exempts health care practitioners from civil liability for providing lawful sex-reassignment prescriptions or procedures that were commenced on or before, and which were still active on, May 17, 2023, and any such prescriptions or procedures that were ceased or completed on or before May 17, 2023. (Section [2](#))

Under the bill, any damages collected must accrue to the benefit of the injured minor. (Section [2](#))

The effective date of the bill is July 1, 2026. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate positive prison bed impact by creating a new felony offense, punishable as a third degree felony, that prohibits a health care practitioner from aiding or abetting another to unlawfully provide sex-reassignment prescriptions or procedures to a person younger than 18 years of age, which may result in increased prison admissions.

PRIVATE SECTOR:

The bill may have an indeterminate negative economic impact on health care practitioners by expanding the existing cause of action against such practitioners who unlawfully provide sex-reassignment prescriptions and procedures to also authorize the Attorney General to bring such a civil action, and by imposing an additional civil penalty of \$100,000 for each violation committed.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Sex-Reassignment Prescriptions and Procedures](#)

Sex-reassignment prescriptions and procedures² are prohibited for patients younger than 18 years of age, unless a person who was younger than 18 years of age commenced treatment for sex reassignment before May 17, 2023,

² "Sex-reassignment prescriptions or procedures" means:

- The prescription or administration of puberty blockers for the purpose of attempting to stop or delay normal puberty in order to affirm a person's perception of his or her sex if that perception is inconsistent with the person's sex.
- The prescription or administration of hormones or hormone antagonists to affirm a person's perception of his or her sex if that perception is inconsistent with the person's sex.
- Any medical procedure, including a surgical procedure, to affirm a person's perception of his or her sex if that perception is inconsistent with the person's sex.

The term does not include:

- Treatment provided by a physician who, in his or her good faith clinical judgment, performs procedures upon or provides therapies to a minor born with a medically verifiable genetic disorder of sexual development, including any of the following:
 - External biological sex characteristics that are unresolvably ambiguous.
 - A disorder of sexual development in which the physician has determined through genetic or biochemical testing that the patient does not have a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female, as applicable.
- Prescriptions or procedures to treat an infection, an injury, a disease, or a disorder that has been caused or exacerbated by the performance of any sex-reassignment prescription or procedure, regardless of whether such prescription or procedure was performed in accordance with state or federal law.
- Prescriptions or procedures provided to a patient for the treatment of a physical disorder, physical injury, or physical illness that would, as certified by a physician licensed under chapter 458 or chapter 459, place the individual in imminent danger of death or impairment of a major bodily function without the prescription or procedure. [S. 456.001\(9\), F.S.](#)

and such treatment was still active as of that date. Absent such an exception, a health care practitioner³ who willfully or actively participates in providing sex-reassignment prescriptions and procedures to a person younger than 18 years of age commits a third degree felony.⁴

Civil Cause of Action

Section 766.318, F.S., creates a civil cause of action that authorizes a person to recover damages for personal injury or death resulting from the provision of prohibited sex-reassignment prescriptions or procedures to a person younger than 18 years of age. Such an action may be commenced within 20 years after the cessation or completion of the sex-reassignment prescription or procedure, is not subject to the limitations on punitive damages in s. 768.73, F.S., and is in addition to any other remedy authorized by law.⁵ This cause of action does not apply to:

- Treatment with sex-reassignment prescriptions if such treatment was commenced before May 17, 2023, and such treatment was still active as of that date; or
- Sex-reassignment prescriptions or procedures that were ceased or completed on or before May 17, 2023.⁶

Parental Rights

Under s. 1014.04, F.S., all parental rights are reserved to the parent of a minor child in Florida without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other institution. Such parental rights include, but are not limited to, all of the following rights of a parent of a minor child:

- The right to direct the education and care of his or her minor child.
- The right to direct the upbringing and the moral or religious training of his or her minor child.
- The right, pursuant to s. 1002.20(2)(b) and (6), F.S., to apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.
- The right, pursuant to s. 1002.20(13), F.S., to access and review all school records relating to his or her minor child.
- The right to make health care decisions for his or her minor child, unless otherwise prohibited by law.
- The right to access and review all medical records of his or her minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.
- The right to consent in writing before a biometric scan of his or her minor child is made, shared, or stored.
- The right to consent in writing before any record of his or her minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.
- The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of his or her minor child unless such recording is made during or as part of a court proceeding or is made as part of a forensic interview in a criminal or Department of Children and Families investigation or is to be used solely for the following purposes:
 - A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;
 - A purpose related to a legitimate academic or extracurricular activity;
 - A purpose related to regular classroom instructions;
 - Security or surveillance of buildings or grounds; or

³ The term "health care practitioners" includes acupuncturists, physicians, physician assistants, chiropractors, podiatrists, naturopaths, dentists, dental hygienists, optometrists, nurses, nursing assistants, pharmacists, midwives, speech language pathologists, nursing home administrators, occupational therapists, respiratory therapists, dieticians, athletic trainers, orthotists, prosthetists, electrologists, massage therapists, clinical laboratory personnel, medical physicists, dispensers of optical devices or hearing aids, physical therapists, psychologists, social workers, counselors, and psychotherapists. S. 456.001(4), F.S.

⁴ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

⁵ S. 766.318(2) and (3), F.S.

⁶ S. 766.318(4), F.S.

- A photo identification card.
- The right to be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to law enforcement or the Department of Children and Families and notifying the parent would impede the investigation.⁷

This reservation of rights does not:

- Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law;
- Condone, authorize, approve, or apply to a parental action or decision that would end life;
- Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or
- Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.⁸

An employee of the state, any of its political subdivisions, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent may be subject to disciplinary action.⁹

Parental Consent for Health Care Services

Except as otherwise provided by law, a health care practitioner or an individual employed by a health care practitioner may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent.¹⁰ Further, except as otherwise provided by law or a court order, a provider¹¹ may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written parental consent.¹² These prohibitions do not apply to an abortion or to services provided by a clinical laboratory,¹³ unless such services are delivered through a direct encounter with a minor at a clinical laboratory facility.¹⁴ A violation is punishable as a first degree misdemeanor,¹⁵ and any health care practitioner or other person who commits such a violation is subject to disciplinary action by the Agency for Health Care Administration.¹⁶

Aiding and Abetting

In Florida, a person who aids or abets another person in committing a criminal offense is considered a principal in the first degree.¹⁷ To convict a person of being a principal in the first degree, the state must prove beyond a reasonable doubt that:

⁷ [S. 1014.04\(1\) and \(4\), F.S.](#)

⁸ [S. 1014.04\(2\), F.S.](#)

⁹ [S. 1014.04\(3\), F.S.](#)

¹⁰ [S. 1014.06\(1\), F.S.](#)

¹¹ "Provider" means any activity, service, agency, or facility regulated by the Agency for Health Care Administration and listed in [s. 408.802, F.S.](#), which includes facilities such as hospitals, ambulatory surgical centers, nursing homes, assisted living facilities, hospices, and specified treatment facilities. [S. 408.802, F.S.](#)

¹² [S. 1014.06\(2\), F.S.](#)

¹³ "Clinical laboratory" means the physical location in which one or more of the following services are performed to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or the identification or assessment of a medical or physical condition:

- Clinical laboratory services, which entail the examination of fluids or other materials taken from the human body.
- Anatomic laboratory services, which entail the examination of tissue taken from the human body.
- Cytology laboratory services, which entail the examination of cells from individual tissues or fluid taken from the human body. [S. 483.803\(2\), F.S.](#)

¹⁴ [S. 1014.06\(4\), F.S.](#)

¹⁵ A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082 or 775.083, F.S.](#)

¹⁶ [S. 1014.06\(5\), F.S.](#)

¹⁷ [S. 777.011, F.S.](#) *Staten v. State*, 519 So. 2d 622, 624 (Fla. 1988).

- The defendant did some act or said something that was intended to and did incite, cause, encourage, assist, or advise another person or persons to commit a crime; and
- The defendant intended for the crime to occur.¹⁸

A person who is convicted for being a principal in the first degree is subject to the same punishment as the person who committed the underlying criminal offense.¹⁹

BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|--|-----------|------------------------------------|-------------------------|
| Criminal Justice Subcommittee | 12 Y, 5 N, As CS | 1/20/2026 | Hall | Padgett |
| THE CHANGES ADOPTED BY THE COMMITTEE: | <ul style="list-style-type: none"> • Clarified that the Attorney General may investigate and bring a civil action only when an alleged violation relates to the provision of prohibited sex-reassignment prescriptions and procedures and provided an exception to liability for the provision of lawful sex-reassignment prescriptions and procedures. • Made technical changes to improve the clarity of the bill. | | | |
| | Health Professions & Programs Subcommittee | | McElroy | McElroy |
| | Judiciary Committee | | | |

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹⁸ *Id.* See also Fla. Standard Criminal Jury Instructions 3.5(a).

¹⁹ *Id.* *Staten* at 624.