



714748

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Senator Book moved the following:

Senate Amendment (with title amendment)

Delete lines 40 - 211

and insert:

Section 1. Paragraph (pp) is added to subsection (1) of section 456.072, Florida Statutes, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) Intentionally transferring into a recipient or



714748

12 inseminating a recipient with, or causing a recipient to have
13 transferred into her body or be inseminated with, the
14 reproductive material, as defined in s. 784.086, of a donor
15 without the recipient's consent.

16 Section 2. Subsection (1) of section 456.074, Florida
17 Statutes, is amended to read:

18 456.074 Certain health care practitioners; immediate
19 suspension of license.—

20 (1) The department shall issue an emergency order
21 suspending the license of any person licensed under chapter 458,
22 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
23 chapter 464, chapter 465, chapter 466, or chapter 484 who pleads
24 guilty to, is convicted or found guilty of, or who enters a plea
25 of nolo contendere to, regardless of adjudication, to:

26 (a) A felony under chapter 409, chapter 817, or chapter 893
27 or under 21 U.S.C. ss. 801-970 or under 42 U.S.C. ss. 1395-1396;
28 ~~or~~

29 (b) A misdemeanor or felony under 18 U.S.C. s. 669, ss.
30 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s.
31 1349, or s. 1518 or 42 U.S.C. ss. 1320a-7b, relating to the
32 Medicaid program; or

33 (c) A felony under s. 784.086, relating to a reproductive
34 battery.

35 Section 3. Section 456.51, Florida Statutes, is created to
36 read:

37 456.51 Health care practitioners; consent for pelvic
38 examinations.—

39 (1) As used in this section, the term "pelvic examination"
40 means the series of tasks that comprise an examination of the



714748

41 vagina, cervix, uterus, fallopian tubes, ovaries, rectum, or
42 external pelvic tissue or organs using any combination of
43 modalities, which may include, but need not be limited to, the
44 health care provider's gloved hand or instrumentation, in
45 accordance with the prevailing professional standard of care for
46 the health care practitioner as specified in s. 766.102.

47 (2) A health care practitioner, a medical student, or any
48 other student receiving training as a health care practitioner
49 may not perform a pelvic examination on a patient without the
50 written consent of the patient or the patient's legal
51 representative executed specific to, and expressly identifying,
52 the pelvic examination, unless:

53 (a) A court orders performance of the pelvic examination
54 for the collection of evidence; or

55 (b) The pelvic examination is immediately necessary to
56 avert a serious risk of imminent, substantial, and irreversible
57 physical impairment of a major bodily function of the patient.

58 Section 4. Paragraph (ww) is added to subsection (1) of
59 section 458.331, Florida Statutes, to read:

60 458.331 Grounds for disciplinary action; action by the
61 board and department.—

62 (1) The following acts constitute grounds for denial of a
63 license or disciplinary action, as specified in s. 456.072(2):

64 (ww) Intentionally transferring into a recipient or
65 inseminating a recipient with, or causing a recipient to have
66 transferred into her body or be inseminated with, the
67 reproductive material, as defined in s. 784.086, of a donor
68 without the recipient's consent.

69 Section 5. Paragraph (yy) is added to subsection (1) of



714748

70 section 459.015, Florida Statutes, to read:

71 459.015 Grounds for disciplinary action; action by the
72 board and department.—

73 (1) The following acts constitute grounds for denial of a
74 license or disciplinary action, as specified in s. 456.072(2):

75 (yy) Intentionally transferring into a recipient or
76 inseminating a recipient with, or causing a recipient to have
77 transferred into her body or be inseminated with, the
78 reproductive material, as defined in s. 784.086, of a donor
79 without the recipient's consent.

80 Section 6. Section 784.086, Florida Statutes, is created to
81 read:

82 784.086 Reproductive battery.—

83 (1) As used in this section, the term:

84 (a) "Donor" means a person who donates reproductive
85 material, regardless of whether for personal use or
86 compensation.

87 (b) "Health care practitioner" has the same meaning as in
88 s. 456.001.

89 (c) "Recipient" means a person who has a donor's
90 reproductive material transferred into her body.

91 (d) "Reproductive material" means any human "egg" or
92 "sperm" as those terms are defined in s. 742.13, or a human
93 zygote.

94 (e) "Zygote" means a fertilized ovum.

96 ===== T I T L E A M E N D M E N T =====

97 And the title is amended as follows:

98 Delete lines 2 - 25



714748

99 and insert:

100 An act relating to reproductive health; amending s.
101 456.072, F.S.; providing grounds for disciplinary
102 action; amending s. 456.074, F.S.; requiring the
103 department to immediately suspend the license of
104 certain health care practitioners under certain
105 circumstances; creating s. 456.51, F.S.; defining the
106 term "pelvic examination"; prohibiting health care
107 practitioners and certain students from performing a
108 pelvic examination on a