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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/04/2020 10:50 AM

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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



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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



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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



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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



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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