

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Judiciary

[2020s00698.hms]

BILL: CS/CS SB 698, 1st Eng.
INTRODUCER: Rules, Criminal Justice, Senators Book and Stewart
SUBJECT: Reproductive Health
DATE: March 11, 2020

I. Amendments Contained in Message:

House Amendment 1 – 167817 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 revises the description of what constitutes grounds for disciplinary action against a health care practitioner who intentionally places reproductive material into a patient without the recipient’s consent. While the Senate and the House language both require that the act be done intentionally and without the recipient’s consent, the House language states that the disciplinary action involves “implanting a patient or causing a patient to be implanted with a human embryo without the recipient’s consent to the use of that human embryo.” The Senate language does not use the term “human embryo” and states that the action involves “transferring into a recipient or inseminating a recipient with . . . the reproductive material . . . of a donor.” This language is repeated in sections 1, 4, and 5 of each bill. Accordingly, the House prefers the term “human embryo,” and the Senate bill uses the term “reproductive material.”

The Senate bill prohibits a health care practitioner from using a donor’s reproductive material without the recipient’s consent to the use of that particular donor’s material. In two disciplinary/licensing provisions, the House amendment specifically prohibits the health care practitioner from using his or her own reproductive material. The Senate bill, however, states that it is not a second degree reproductive battery felony if the recipient provided written consent for the use of the health care practitioner’s reproductive material. Accordingly, the House bill completely bans health care practitioners from donating reproductive material to a patient, but the Senate bill effectively allows those donations with a patient’s written consent.

The House amendment differs from the Senate bill when addressing the requirement that written permission be obtained before performing a pelvic exam. The House amendment broadens the definition of “pelvic examination” by removing language that would limit the prohibition only to those exams performed in accordance with the prevailing professional standard of care.

The Senate bill does not require that a health care practitioner obtain written consent before performing a pelvic exam but requires written consent before the exam may be performed by a medical student, nursing student, or other student in training to become a health care practitioner. The House amendment differs and requires written consent before the exam may be performed

by anyone—a health care practitioner, medical student, or other student in training to become a health care practitioner.