



190574

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2021	.	
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	.	
	.	

The Committee on Judiciary (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 456.51, Florida Statutes, is amended to
read:

456.51 Consent for pelvic examinations.—

(1) As used in this section, the term "pelvic examination"
means a manual ~~the series of tasks that comprise an~~ examination
of the organs of the female reproductive system using ~~vagina,~~
~~cervix, uterus, fallopian tubes, ovaries, rectum, or external~~



190574

12 ~~pelvic tissue or organs using any combination of modalities,~~
13 ~~which may include, but need not be limited to,~~ the health care
14 provider's gloved hand or instrumentation. The term does not
15 include a visual assessment, imaging, or a nondiagnostic medical
16 or surgical procedure.

17 (2) A health care practitioner, a medical student, or any
18 other student receiving training as a health care practitioner
19 may not perform a pelvic examination on an anesthetized or
20 unconscious a patient without the written consent of the patient
21 or the patient's legal representative executed specific to, and
22 expressly identifying, the pelvic examination. If the patient is
23 conscious, informed verbal consent must be obtained for the
24 pelvic examination in addition to any written consent obtained.
25 Consent is not required if, unless:

26 (a) A court orders performance of the pelvic examination
27 for the collection of evidence; ~~or~~

28 (b) The pelvic examination is ~~immediately~~ necessary for the
29 provision of emergency services and care as defined in s.
30 395.002;

31 (c) The patient has an emergency medical condition as
32 defined in s. 395.002;

33 (d) The pelvic examination is administered pursuant to a
34 child protective investigation under chapter 39; or

35 (e) The pelvic examination is administered pursuant to a
36 criminal investigation of an alleged violation related to child
37 abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g),
38 chapter 794, chapter 796, chapter 800, chapter 827, or chapter
39 847 to avert a serious risk of imminent substantial and
40 irreversible physical impairment of a major bodily function of



190574

41 ~~the patient.~~

42 (3) A health care practitioner, a medical student, or any
43 other student receiving training as a health care practitioner
44 who is providing care to a pregnant woman having contractions in
45 a facility licensed under chapter 395 need only obtain written
46 consent from the patient to perform the initial pelvic
47 examination. The written consent form must inform the patient
48 that multiple pelvic examinations may be conducted during the
49 course of her care and treatment at the facility.

50 Section 2. This act shall take effect July 1, 2021.

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete everything before the enacting clause
55 and insert:

56 A bill to be entitled
57 An act relating to consent for pelvic examinations;
58 amending s. 456.51, F.S.; revising the definition of
59 the term "pelvic examination"; revising the
60 circumstances under which a pelvic examination may be
61 performed without consent; providing that certain
62 health care practitioners and students need only
63 obtain written consent for the initial pelvic
64 examination for certain patients under certain
65 circumstances; requiring such written consent form to
66 inform the patient that multiple pelvic examinations
67 may be conducted during the course of care and
68 treatment; providing an effective date.