

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Driskell offered the following:

Amendment (with title amendment)

Remove lines 222-284 and insert:
rules adopted under paragraph (5) (b).

(2) If sex-reassignment prescriptions or procedures are prescribed for or administered or performed on patients 18 years of age or older, consent must be voluntary, informed, and in writing on forms approved by the department. Consent to sex-reassignment prescriptions or procedures is voluntary and informed only if the physician who is to prescribe or administer the pharmaceutical product or perform the procedure has, at a minimum, while physically present in the same room:

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14 (a) Informed the patient of the nature and risks of the
15 prescription or procedure in order for the patient to make a
16 prudent decision;

17 (b) Provided the informed consent form, as adopted in rule
18 by the Board of Medicine and the Board of Osteopathic Medicine,
19 to the patient; and

20 (c) Received the patient's written acknowledgment, before
21 the prescription or procedure is prescribed, administered, or
22 performed, that the information required to be provided under
23 this subsection has been provided.

24 (3) Consent required under subsection (2) does not apply
25 to renewals of prescriptions consistent with those referenced
26 under s. 456.001(9)(a)1. and 2. if a physician and his or her
27 patient have met the requirements for consent for the initial
28 prescription or renewal. However, separate consent is required
29 for any new prescription for a pharmaceutical product not
30 previously prescribed to the patient.

31 (4)(a) Violation of this section constitutes grounds for
32 disciplinary action under this chapter and chapter 458 or
33 chapter 459, as applicable.

34 (b) Any health care practitioner who willfully or actively
35 participates in a violation of subsection (1) commits a felony
36 of the third degree, punishable as provided in s. 775.082, s.
37 775.083, or s. 775.084.

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38 (c) Any health care practitioner who violates subsection
39 (2) or subsection (3) commits a misdemeanor of the first degree,
40 punishable as provided in s. 775.082 or s. 775.083.

41 (5)(a) The department shall adopt emergency rules to
42 implement this section.

43 (b) Any emergency rules adopted under this section are
44 exempt from s. 120.54(4)(c) and shall remain in effect until
45 replaced by rules adopted under the nonemergency rulemaking
46 procedures of the Administrative Procedure Act.

47 Section 7. Paragraphs (c) through (gg) of subsection (5)
48 of section 456.074, Florida Statutes, are redesignated as
49 paragraphs (d) through (hh), respectively, and a new paragraph
50 (c) is added to that subsection, to read:

51 456.074 Certain health care practitioners; immediate
52 suspension of license.—

53 (5) The department shall issue an emergency order
54 suspending the license of any health care practitioner who is
55 arrested for committing or attempting, soliciting, or conspiring
56 to commit any act that would constitute a violation of any of
57 the following criminal offenses in this state or similar
58 offenses in another jurisdiction:

59 (c) Section 456.52(4)(b), relating to prescribing,

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61 -----

62 **T I T L E A M E N D M E N T**

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63 | Remove lines 37-39 and insert:
64 | providing

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